



Office of
the Schools
Adjudicator

Determination

Case reference: VAR919

Admission authority: London Borough of Lambeth for Stockwell Primary School, London

Date of decision: 11 March 2020

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by the London Borough of Lambeth for Stockwell Primary School for September 2020.

I determine that the published admission number will be 60.

The referral

1. The London Borough of Lambeth (the local authority) has referred a proposal for a variation to the admission arrangements for September 2020 for Stockwell Primary School (the school), to the Office of the Schools Adjudicator. The school is a community school for children aged 2 to 11 in the area of the London Borough of Lambeth.
2. The proposed variation is that the published admission number (PAN) be reduced from 90 to 60.

Jurisdiction

3. The referral was made to me in accordance with section 88E of the School Standards and Framework Act 1998 (the Act) which states that: “*where an admission authority (a) have in accordance with section 88C determined the admission arrangements which are to apply for a particular school year, but (b) at any time before the end of that year consider that the arrangements should be varied in view of a major change in circumstances occurring since they were so determined, the authority must [except in a case where the authority’s proposed variations fall within any description of variations prescribed for the purposes of this section] (a) refer their proposed variations to the adjudicator, and (b) notify the appropriate bodies of the proposed variations*”.

4. I am satisfied that the proposed variation is within my jurisdiction.

Procedure

5. In considering this matter I have had regard to all relevant legislation, and the School Admissions Code (the Code).
6. The documents I have considered in reaching my decision include:
- a. the referral from the local authority dated 3 March 2020 and supporting documents;
 - b. the determined arrangements for 2020 and the proposed variation to those arrangements;
 - c. a copy of the local authority's booklet for parents seeking admission to schools in the area in September 2020;
 - d. evidence that the governing board for the school has been consulted;
 - e. a map showing the location of the school and other relevant schools;
 - f. a copy of the letter notifying the appropriate bodies about the proposed variation and information on the comments received on the proposed variation from the appropriate bodies; and
 - g. a determination I made on a previous request for a variation for this school (case reference VAR911), which was published on 17 February 2020. I shall refer to this as my previous determination.

The proposed variation

7. The chair of the governing board for the school wrote to the local authority on 22 November 2019 asking that the PAN for the school should be reduced from 90 to 60 for admissions in 2020. Following the local authority notifying the relevant bodies as required by paragraph 3.6 of the Code, the local authority made a request for a variation that the PAN for the school should be reduced from 90 to 60.
8. I did not agree the request for this school at that time for the reasons set out in VAR911. The local authority has made a fresh request for a variation to the admission arrangements for the school and provided additional evidence in support of its request.

Consideration of proposed variation

9. I do not repeat all aspects of my previous determination here. In that determination I scrutinised the data to ascertain if there would be sufficient school places in the local area if

the PAN were reduced from 90 to 60; and considered the demand for places at the school and the effects on parental preference of such a change; the reasons given for the change; and whether the change would be justified in these circumstances.

10. Having considered all the evidence provided to me I concluded that there would be sufficient places for all those in the planning area if the PAN were reduced to 60. The evidence regarding this has not changed and so I will not repeat it here. I concluded, however, that *“it is likely that significantly more than 60 children would be admitted to the school if the PAN remained at 90 as determined and parents have already made their applications for 2020. I have not been provided with strong and specific evidence of the need to reduce the PAN. In these circumstances I have decided that the variation is not justified by the circumstances. A significant factor in my decision was that “there is little doubt that there are parents who would prefer this school who would have to be disappointed if the PAN were reduced.”*

11. Since the local authority made its first request, the closing date for applications for primary school places for September 2020 has passed. The local authority has accordingly been able to provide additional evidence in this new request for a variation including the numbers of preferences made for the school for places in 2020. Table 1 shows the number of preferences made for the school compared to the number of children admitted to YR in previous years. The number of first preferences was the same as the proposed PAN of 60 in 2019 and below it in 2020.

Table 1

	Number of first preferences made for the school	Number of preferences in total made for the school	Number of children in YR	The number of children in YR as a percentage of the total number of preferences
2017	51	183	63	34%
2018	62	175	82	47%
2019	60	166	77	46%
2020	47	122	Not known	Not known

12. Table 1 shows the number of children in YR as a percentage of the total number of preferences in 2017, 2018 and 2019. This has varied between 34 and 47 per cent since 2017. The number of all preferences has reduced each year since 2017. Forty-seven per cent, which is the highest proportion of all applicants being admitted to YR in the last three years, of 122 (all applicants in 2020) would make 57. This figure is therefore a reasonable

estimate of the number of children who could be admitted to YR in 2020. This is below the proposed PAN of 60.

13. This information leads me to believe that it is unlikely that any child would have to go to a school that their parents would have preferred less than they preferred Stockwell Primary School if the PAN is reduced to 60. This is significant as, unless there is a very good reason for reducing the PAN after applications have been made, then it would be hard to justify doing so if the effect would be that families refused their highest preference possible.

14. I do note that the local authority's own forecasts are that more than 60 children would be allocated a place if the PAN were not reduced. As these forecasts were made at least several weeks ago and did not include consideration of the number of preferences made, I place more emphasis on the number of preferences stated because that is more recent data based on actual applications and therefore likely to be more accurate.

15. The school supports this request for a variation. Infant class size regulations mean that for infant aged children, there must not be more than 30 children to a single qualified teacher (except in limited circumstances). If 90, or close to 90, are admitted then a school can organise YR provision in classes each containing 30 or nearly 30 children. Given that schools are funded primarily on the basis of pupil numbers, this is financially efficient.

16. If the PAN is 90 and far fewer children, but more than 60, are admitted to the school then this can lead to financial problems because the school has to provide classes with reduced income to pay for them. If I do not agree to the reduction in PAN then it is possible, having admitted fewer than 60 children and established two classes, over the academic year, that more children will seek admission to the school and if the PAN remained at 90 then they would have to be admitted. The school would have to make sure that there are not more than 30 children to a qualified teacher, perhaps increase from two classes to three, and this could lead to difficult changes to the class organisation and this could affect educational provision as well as finances. As the data provided to me suggests that no parent who has stated a preference for the school at the normal point of entry will be disadvantaged if the PAN is reduced, then the potential difficulties for the school of the PAN remaining at 90 justify the variation.

17. I have taken account of all the information provided to me. If the PAN for the school were to be reduced there are sufficient school places for all children in the area requiring a place. In addition, the number of parents stating a preference for the school compared with previous years means that it is likely that no parent for whom the school would be the highest preference that they could achieve would be disadvantaged if the PAN were reduced to 60. In these circumstances I have decided that the variation is justified by the circumstances.

Determination

18. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by the London Borough of Lambeth for Stockwell Primary School for September 2020.

19. I determine that the published admission number will be 60.

Dated: 11 March 2020

Signed:

Schools Adjudicator: Deborah Pritchard