



Office of
the Schools
Adjudicator

Determination

Case reference: VAR917

Admission authority: London Borough of Lambeth for Kingswood 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 Kingswood Primary School for September 2020.

I determine that the published admission number will be 90.

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 Kingswood Primary School (the school), to the Office of the Schools Adjudicator. The school is a community school for children aged 3 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 120 to 90.

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 VAR908), which was published on 20 February 2020. I shall refer to this as my previous determination.

The proposed variation

7. In January 2020 the local authority requested variations to the arrangements of six community primary schools including this school and I considered those requests. I did not agree the request for this school at that time for the reasons set out in VAR908. 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.

8. The school is part of the Gypsy Hill Federation. The co-chairs of the governing board wrote to the local authority on 26 September 2019 asking that the PAN for the school should be reduced from 120 to 90 for admissions in 2020. The local authority carried out appropriate notifications of a proposed variation as required by the Code and received no responses.

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 120 to 90; 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 90. The evidence regarding this has not changed and so I will not repeat it here. I concluded, however, that *“it is likely that more than 90 children would be admitted to the school if the PAN remained at 120 as determined and parents have already made their applications for 2020. In these circumstances I have decided that the variation is not justified by the circumstances.”* A significant factor in my decision was that *“A reduction in PAN is likely to mean that some children will have to go to a school that their parents would have preferred less than they preferred Kingswood Primary School.”*

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 table also illustrates that the number of first preferences made for the school in 2020 has halved since 2017 reducing from 109 to 54. The number of first preferences has been below the proposed PAN of 90 since 2018.

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	109	390	115	29%
2018	79	373	104	28%
2019	68	328	98	30%
2020	54	199	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 been remarkably consistent at between 28 and 30 per cent. If this pattern were to continue for admissions in 2020 the number of

children admitted to YR would be around 29 per cent of 199 (the total number of all preferences). Twenty-nine per cent of 199 is about 58 children, considerably below the proposed PAN of 90.

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 Kingswood Primary School if the PAN is reduced to 90. 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 likelihood is that families would be refused their highest preference possible.

14. I do note that the local authority's own forecasts are that more than 90 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 and explained that it is finding it hard to manage the finances of the school as the number of pupils reduce. The school said that it is concerned that without the reduction in the PAN that there is likely to be a negative effect on academic standards because of the risk of providing classes with sizes that are not economical. 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 120, or close to 120, children are admitted then a school can organise YR provision in four 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 120 and far fewer children, but more than 90, are being admitted to the school then this can lead to financial problems because the school has to provide four classes but with a lower income to pay for them than if 120 or close to that number were admitted. If I do not agree to the reduction in PAN then it is possible, over the academic year, that a total of more than 90 children will seek admission to the school and if the PAN remained at 120 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 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 is evidence 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 120 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 reduction in the numbers of children seeking places in the area and the reduction in the number of parents stating a preference for the school 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 90. 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 Kingswood Primary School for September 2020.

19. I determine that the published admission number will be 90.

Dated: 11 March 2020

Signed:

Schools Adjudicator: Deborah Pritchard