



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** VAR915

**Admission authority:** London Borough of Havering for Rainham Village Primary School

**Date of decision:** 27 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 Havering for Rainham Village Primary School for September 2020 and September 2021.

I determine that for admissions in September 2020 and September 2021 the published admission number will be 60.

## The referral

1. The London Borough of Havering (the local authority) has referred a proposal for a variation to the admission arrangements for September 2020 and September 2021 for Rainham Village Primary School (the school), to the Office of the Schools Adjudicator (OSA). The school is a community school for children aged 3 to 11 in Rainham, in the London Borough of Havering.
2. The proposed variation is that the published admission number (PAN) is reduced from 90 to 60 for admissions in 2020 and 2021.

## 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 7 February 2020, supporting documents and further information sent at my request;
- b. the determined arrangements for 2020 and 2021 and the proposed variations 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. a copy of the minutes of the governors' meeting on 21 January 2020 confirming the governors' discussion about the application to vary the PAN and the headteacher's email of 24 February 2020 confirming the discussion;
- e. a map showing the location of the school and other relevant schools; and
- f. a copy of the email sent on 17 February 2020 notifying the appropriate bodies about the proposed variation.

## The proposed variation

7. The local authority has applied for a variation to reduce the PAN at the school for the third year in a row and told me "*The PAN reduction is necessary as delays to housing delivery for the Rainham and Beam Park Housing Zone means some housing will be delivered later than expected. Therefore, school places for children requiring one will be made available later to meet the demand arising from the new housing development.*"

8. Paragraph 3.6 of the Code requires that admission arrangements, once determined, may only be changed, that is varied, if there is a major change of circumstance or certain other limited and specified circumstances. I will consider below whether the variation requested is justified by the change in circumstances.

9. Paragraph 3.6 of the Code also requires that relevant parties be notified of a proposed variation. Although the process to apply for a variation requires the admission authority to notify relevant bodies in the area about the proposal, the local authority did not

notify the relevant bodies until 17 February 2020 and at my request. The local authority asked for comments by 28 February 2020 but no responses were received.

10. The headteacher of the school wrote on 24 February 2020 *“I am able to confirm that Governors discussed this matter at their Committee meeting in January. There have been further delays to the building works in the area and the need to expand the school for this September will not be required as the[re] remains adequate school places for the area’s intake for September 2020.”*

11. I am satisfied that all relevant bodies have been notified and that views expressed have been taken into consideration. I find that the appropriate procedures were followed.

12. In the notification to relevant bodies, the local authority wrote *“The reduction of the reception number for Rainham Village Primary School will not lead to a shortage of school places in the planning area, as changes to the housing trajectory for Rainham and Beam Park Housing Zone means some housing will be delivered later than expected, meaning the children from the new housing requiring a school place will arrive later than expected. There are places available at other schools within the planning area that can accommodate any in-year demand for a school place.”*

## Consideration of proposed variation

13. This is the third year that the local authority has applied for a variation to admission arrangements for the school, namely that the PAN is reduced from 90 to 60. Similar applications were made based on the same issue of delayed housing provision and both were approved: determinations VAR760 on 25 July 2018 and VAR834 on 4 April 2019. I am concerned about such repeat applications for variations and I shall set out my reasons for my concern later in this determination. I also am concerned about the timing of this application to reduce the PAN at the school for admission in September 2020 as parents had to complete the application form and set out their preferences by 15 January 2020. The application was submitted to the OSA on 7 February 2020 and parents may not have been aware of the proposal to reduce the number of places available and may indeed have changed their preferences if they had been aware.

14. The local authority originally expanded provision at the school from two forms of entry (FE) to three FE from September 2018 in anticipation of new housing in the Rainham and Beam Park Housing Zone. The Housing Zone would deliver 3,500 new homes and the expectation of additional children seeking places in the area. The local authority told me that delays in the delivery of housing resulted in less demand than anticipated.

15. The local authority has seven planning areas and the school is one of six schools in the Rainham and South Hornchurch Planning Area. The local authority has also applied for a reduction in the PAN of Newtons Primary School which is in the same planning area. That application is the subject of VAR914. I asked to see the numbers in Reception (YR) for all

schools in the planning area in the October census for the last three years to ensure there were sufficient places for children.

Table 1: The number of children in YR at the October census in schools in the Rainham and South Hornchurch planning area for the last three years.

School	PAN	October 2019	October 2018	October 2017
Brady Primary School	30	29	29	30
La Salette Catholic Primary School	30	30	26	30
Newtons Primary School	60	38	39	42
Parsonage Farm Primary School	90	77	88	90
Rainham Village Primary School	60*	59	60	59
Whybridge Infant School	90	73	78	81
<b>TOTALS</b>	<b>360</b>	<b>306</b>	<b>320</b>	<b>332</b>

\*PAN reduced to 60 in 2018 and 2019

16. I also wanted to know about the number of first preferences made to the school in recent years. There have been 53 in 2020; 58 in 2019; 59 in 2018; and 54 in 2017. The number of first preferences is thus lower than the proposed PAN for 2020. It is the case that some parents who made the school a second or lower preference may have a higher priority for places than some of those for whom school is first preference. If the former group cannot have their higher preferences met, they would be offered a place at Rainham Village making it possible that some first preference parents may have to be disappointed. However, the figures I have been provided with reassure me that this is an unlikely possibility for 2020. With 53 first preferences it is likely that if the PAN is reduced there would be sufficient places in 2020 for those parents who made the school their first preference along with any for whom the school is a lower preference but who cannot have their higher preferences met.

17. The local authority told me *“It will be financially unviable for the school to arrange the reception cohort over three classes for the academic year, as it is very unlikely that the school will fill to 90.”* If the PAN is not reduced and the school admits over 60 but well under 90 pupils, it would need to determine how to meet the requirements of the School Admissions (Infant Class Sizes) (England) Regulations 2012. The regulations mean that for infant aged children, there must not be more than 30 children to a single school teacher (except in limited circumstances). In addition, in a normal year of entry a school must admit all those who apply up to the PAN. As schools are funded primarily on the basis of pupil numbers, it would clearly be more financially efficient if the PAN was reduced to 60.

18. Although the closing date for parents to submit on time applications setting out their preferences for primary school places for admission in September 2020 is 15 January 2020, the local authority advised parents on 17 February 2020 in the primary admissions booklet “2020/21 VARIED Admission Arrangements & Criteria for Havering Community, Infant, Junior and Primary Schools” that the PAN for the school will be reduced for 2020 subject to the agreement of the Schools Adjudicator. This will helpfully inform parents who may consider making a late or in-year application for the school.

19. The local authority has made provision to meet the increased demand for places arising from a new housing development but the delay in the delivery of housing means that the additional places are not needed at this time. The local authority has sensibly applied for the PAN to be reduced in 2020 and 2021 so that it does not need to apply again should the delay continue. In other circumstances I would be concerned about the lack of a wider consultation with parents and other groups but I understand these are specific reasons in this case. I am satisfied that there are sufficient places in the area and that parents who made the school their first preference will not be disadvantaged by the reduction in the PAN. Taking account of all the information provided to me, I am satisfied that the proposed variation is an appropriate response to the circumstances of the school and I approve the variation.

20. I wish to make a final point, however. I noted earlier that this is the third consecutive year in which a variation has been sought to reduce the PAN at this school. Where an admission authority wishes to reduce a PAN in the normal way, it is required to consult. Paragraphs 1.42 to 1.45 of the School Admissions Code (the Code) set out the requirements in more detail. Consultation must be for a minimum of six weeks and must take place between 1 October and 31 January in the determination year. The Code sets out the groups that must be consulted including parents, other people in the relevant area who have an interest in the proposed admissions, other admission authorities in the relevant area and other adjoining neighbouring local authorities where the admission authority is the local authority.

21. Parents and others with an interest have not had the opportunity to express any view on the proposed variation. Once the PAN has been set for a community school, the only body that can object if the PAN remains at the same level in subsequent years is its governing board. There is provision for an objection to be made to arrangements once they have been determined but paragraph 15c) of the Code sets out that the objection must be referred to the Schools Adjudicator by 15 May in the determination year. Applying for a variation for a reduction in PAN in February 2020 for admissions in September 2020 does not allow for any other views to be heard.

22. The local authority could have determined a PAN of 60 for admission in 2021 following consultation in 2019 and, if the housing was completed before that date, the local authority could raise the PAN to admit the additional children who needed places. However, the local authority has determined a PAN of 90 for 2021 and requested a reduction to 60 in this variation.

## Determination

23. 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 Havering for Rainham Village Primary School for September 2020 and September 2021.

24. I determine that for admissions in September 2020 and September 2021 the published admission number will be 60.

Dated: 27 March 2020

Signed:

Schools Adjudicator: Lorraine Chapman