



Office of
the Schools
Adjudicator

Determination

Case reference: VAR1087

Admission authority: The Governing Board for All Saints C of E Primary School, Croydon

Date of decision: 8 September 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 governing board for All Saints C of E Primary School for September 2020.

I determine that for admissions in 2020/21, the published admission number for admission to the Reception Year shall be 30.

The referral

1. The board of governors of All Saints C of E Primary School (the school) has referred a proposal for a variation to the admission arrangements for September 2020 to the Office of the Schools Adjudicator. The school is a voluntary aided school for children aged 3 to 11 in Upper Norwood, Croydon. The school's religious authority is the Southwark Diocesan Board of Education and the local authority for the area is the London Borough of Croydon.
2. The proposed variation is that the published admission number (PAN) is reduced from 60 to 30 for admissions in 2020.

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 board of governors dated 22 July 2020, supporting documents and further correspondence;
- 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. comments from the local authority on the proposed variation;
- e. comments from the Southwark Diocesan Board of Education (the diocese) on the variation;
- f. a map showing the location of the school and other relevant schools; and
- g. a copy of the letter notifying the appropriate bodies about the proposed variation.

The proposed variation

7. The school is situated in the north of Croydon and there are 12 other state-funded primary schools within a one mile radius of it. The governing board has requested a reduction in the PAN from 60 to 30 to address financial difficulties that have arisen from the school not being fully subscribed. I will consider below whether the proposed reduction in the PAN from 60 to 30 will address the change in circumstances identified by the governing board. I should add that the governing board of the school applied for a similar reduction, from a PAN of 60 to 30 for admissions in 2019 (VAR879 published on 15 August 2019). I shall say more about that application later in this determination.

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. The school has provided me with a copy of its notification on the proposed variation and the list of schools and other bodies to which it was sent. 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.

Consideration of proposed variation

10. The arrangements were determined by the governing board on 24 April 2019, a little later than the requirement in the School Admissions Code (the Code) that requires them to be determined by 28 February in the determination year. The request to make this reduction was made at a meeting of the governing board on 29 January 2020. The chair of the governors wrote on 5 May 2020:

“The reasons for this are based on efficiency and a good use of staffing resources. Presently the school has had to agree to set a deficit budget for 2020/21. At the close of the school budget at March 2020 we had an in year surplus of £60,293.09 for the last year but as we are inheriting an accumulated deficit of £212,406.97 so our projected deficit by March 2021 will be £152,113.88. The main reason for this is a drop in pupil requests for the Reception Class. For September 2020 we have only 24 applicants for 69 places. This is a pattern that is now regularly recurring. By limiting the Reception Class to one class of 30 pupils we can reduce the teaching staff and support staff budgets by employing one less teacher and one less support staff member without compromising the staffing structure for the rest of the school.”

11. The school sent me more details about the first choice applications and admissions to the school in the last few years.

September	Published Admission Number	1 st choice applications	Actual admissions
2020	60	24	
2019	60 (varied to 30 in VAR879)	24	29
2018	60	30	27
2017	60	22	33

12. The chair of governors told me that as of 21 August 2020, it had been confirmed that 27 children would be starting school in September and that “the school would seek to contact any parent whose child who didn’t attend and has a place to clarify the situation. The school will honour any child who has been offered a place with a place.” The school

estimates that 25 places will be needed in 2021 and in 2022 although the governing board has determined a PAN of 60 for 2021. My determination does not change that as it relates only to the arrangements for 2020 and those for 2021 have already been set. Nor does it imply that any variation sought in future to those arrangements would be approved. I make the point that if a PAN of 30 would be more appropriate for the school for the foreseeable future then the right way to achieve this is by consulting in accordance with the Code and determining a PAN of 30. This could be done later this term in time for the arrangements for 2022 to be determined by the end of February 2021.

13. The local authority wrote on 31 July 2020 “According to our record for All Saints CE Primary School, there are currently 2 children are on the waiting list to be offered, there are 27 acceptances, and 10 have not responded. We are happy to support the application, subject to no children that have applied for and offered a place at All Saints school being displaced by the proposed reduction in the school’s published admission number. ”The local authority updated these numbers on 8 September 2020 following a conversation with the school’s business manager who confirmed that “they [the school] have now reached 30 pupils – 28 accepted, 1 child turned up who didn’t accept the place and 1 child from the waiting list.” The local authority commented “An alternative offer can be made to any child that has applied for a place at All Saints.”

14. The Southwark Diocesan Board of Education (SDBE) also supports the request for the variation to reduce the PAN for its 2020/21 intake, “in order to respond to the serious financial implications of a drop in pupil numbers.” “We also recognise the importance of the governing body’s intention to consider longer term measures in advance of the statutory consultation window opening later this year in respect of the school’s 2022-23 admission arrangements. The SDBE will give diocesan guidance as part of this process.”

15. The numbers applying to the school and the numbers admitted for the last few years do not support a PAN of 60 and the chair of governors has proposed a future discussion about the staffing structure “making it more consistent with a one form school as by September 2020 4 of the 8 years will be made up of one form only”. I approve the variation.

16. By way of clarification, when the application to reduce the PAN was submitted, I identified a number of matters in the admission arrangements that did not appear to conform with the requirements of the Code. I noted that some of those matters had been set out in the determination VAR879 on 19 August 2019 following the school’s application to vary the PAN from 60 to 30 for admissions in 2019/20. The Code required a number of changes to be made to the admission arrangements within two months of the date of determination. It was clear that not all the changes had been made and I wrote to the school about exercising my power under section 88I(5) of the School Standards and Framework Act 1998. The school told me that the changes had been approved by the governing board on 29 January 2020 for the 2021/22 arrangements. However, the changes were not apparent in the 2020 arrangements submitted with the application. I note that subsequently the changes have now been made to the 2020 arrangements and

consequently I have not had to exercise my power under 88I(5) to consider the arrangements.

Summary

17. It is clear that the reduction in the number of places is necessary given the number of applications for the school. The governing board has again determined a PAN of 60 for admission in 2021/22 but has indicated a proposal to discuss a longer term approach to school numbers.

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 governing board for All Saints C of E Primary School for September 2020.

19. I determine that for admissions in 2020/21, the published admission number for admission to the Reception Year shall be 30.

Dated: 8 September 2020

Signed:

Schools Adjudicator: Lorraine Chapman