



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2011

Admission authority: The London Borough of Waltham Forest for
Edinburgh Primary School

Date of decision: 8 December 2020

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I do not approve the proposed variation to the admission arrangements determined by Waltham Forest Council for Edinburgh Primary School for September 2021.

The referral

1. Waltham Forest Council (the local authority) has referred a proposal for a variation to the admission arrangements for September 2021 for Edinburgh Primary School (the school) to the adjudicator. The school is a community school for children aged four to eleven in Walthamstow.
2. The proposed variation is that the published admission number (PAN) is 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 19 October 2020, supporting documents and further information provided at my request;
- b. the co-ordinated admission scheme for 2021 which contained the determined arrangements for 2021 and the proposed variation to those arrangements;
- c. evidence that the governing board for the school has been consulted;
- d. a map showing the location of the school and other relevant schools;
- e. information available on the websites of the local authority and the Department for Education;
- f. confirmation that the appropriate bodies have been notified of the proposed variation; and
- g. previous variations made by the adjudicator for community and voluntary controlled schools maintained by the local authority. References: VAR767, VAR827 and VAR930 (regarding Edinburgh Primary School).

The proposed variation

7. The school is in an urban area with 17 state-funded primary schools admitting children to reception year (YR) within one mile. This is the fourth variation proposed by the local authority for the school since 2018. All previous proposals have also been that the PAN is reduced from 90 to 60. 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. It has been made clear in previous determinations that it was a matter of concern that the same major change in circumstances, that there have been reductions in the number of children seeking places at the school for some years, is cited each year. In making this point, I emphasise that adjudicator determinations do not set precedents and each case is considered on its merits. However, I also want to put on record that the local authority has been made aware of adjudicator concerns about its use of variations and I say more about this below. I will consider below whether the variation requested is justified by the change in circumstances.

8. Paragraph 3.6 of the Code also requires that relevant parties be notified of a proposed variation. The local authority has provided me with confirmation that it has notified the appropriate bodies. I have seen confirmation from the school's governing board that it supports the request for the variation. 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

9. There is no formal consultation required for a variation and so parents and others do not have the opportunity to express their views. Once the PAN has been set for a particular year then no body, except the governing board of a community or voluntary controlled school, can object if that PAN remains the same (or is increased) in subsequent years. In this instance the local authority has stated that it intends to consult on the PAN for admissions in 2022 and set it at 60. I have seen on the announcement of the consultation on the local authority's website; the consultation began on 28 October 2020 and will close on 10 December 2020. Clearly it is desirable that PAN reductions are made via the process of determination following consultation rather than by variation after determination as the consultation process allows those with an interest to express their views. It also allows for objections to the adjudicator. None of this is afforded by the variation process so the local authority's decision for 2022 is greatly to be welcomed.

10. I have scrutinised the data to try to ascertain if there will be sufficient school places in the local area if the PAN is reduced from 90 to 60 for September 2021; considered the demand for places at the school; the reasons given for the change; the potential effect on parental preference; and concluded whether the change is justified in these circumstances.

11. The local authority has a duty to make sure that there are sufficient places for the children in its area. To fulfil this duty the local authority assesses the likely future number of places to be needed and plans to meet that need. The local authority uses planning areas, which are geographical groups of schools, for this purpose. The school is one of nine schools admitting children to reception year in what is known as Walthamstow West Planning Area (the planning area). Table 1 shows the total number of places available across the nine schools in the planning area, how many children have been admitted in recent years, the number forecast for admission in 2021 and 2022 and the number and percentage of vacant places in each year.

Table 1: number of places and admissions in the planning area both known and forecast

	2018	2019	2020	2021	2022
Sum of PANs	570 ¹	570 ¹	600	600	600 ²
Number of children admitted	513	489	516	529 forecast	529 forecast
Number of vacant places	57	81	84	71	71
Number of vacant places as percentage of total PAN	10%	14%	14%	12%	12%

12. The information provided in table 1 shows that the local authority anticipates an increase of 13 children in the planning area from 2020 to 2021 with 71 vacant places forecast for 2021. If I agree the proposed variation in the PAN, so a reduction of 30 for 2021, then the forecast is that there would be 41 vacant places in the planning area in 2021 and, assuming the local authority determines the PAN at 60, the same number for 2022. For both years this would be a surplus of seven per cent which appears a reasonable proportion of vacant places.

13. I will now consider the demand for places at the school. Table 2 shows the detail of recent years and the forecasts for 2021 and 2022 provided by the local authority.

Table 2: number of children admitted to the school in previous years and future forecasts

	2018	2019	2020	2021	2022
PAN	60	60	90	90	60 ³
Number of children admitted or allocated	47	49	51	59 forecast	59 forecast
Number of vacant places	13	11	39	31	1

14. Table 2 shows that no more than 60 children have been admitted since 2018. There were still vacant places in 2018 and 2019 even with a PAN of 60. The forecasts for 2021 and 2020 show an expectation that fewer than 60 children would seek admission. These figures support the view that if the PAN were reduced to 60 for 2021 then parental preference is unlikely to be unduly frustrated. I am aware, however, that parents are currently making their applications for 2021 and they will be doing so on the understanding that the PAN for the school is 90. Parents were able to begin expressing their preferences on 1 September 2020 and the national deadline is 15 January 2021. Some parents will already have made their choices and there is little time to publicise any changes now to inform those yet to finalise their applications.

¹ PAN reduced by 30 at the school following a variation being agreed

² assumes no changes to the PAN of any school

³ as per planned consultation

15. The reasons the local authority gave for the proposed variation were to, “help reduce the surplus in the local area to a reasonable level (around 5%) whilst retaining a level of parental preference and enable cost savings for the schools by not being over-staffed.” It is not clear to me, nor has it been explained to me, what the advantages of reducing the surplus in the local area are and why doing so would justify a variation to the determined arrangements. In addition, as described in the previous determination VAR930, “Reducing the PAN does not reduce the overall capacity in either the school or the local authority unless accommodation is being removed from the school. It is not being suggested that accommodation is being removed and so the physical capacity of the school remains the same. Reducing the PAN will not change that.” This remains the situation.

16. The second justification for the proposed reduction is to, “enable cost savings for the schools by not being over-staffed.” I understand that schools face many challenges and I asked the school for its comments on the proposed variation. The school responded, “The governing board is aware and happy for the change to be implemented as it will help with future budget and staff planning.” This does not give the impression of an urgent need to reduce the PAN to prevent significant problems.

17. The evidence shows that if the PAN for the school were reduced to 60 that there would still be sufficient places in the planning area and previous patterns have been that fewer than 60 children are admitted to YR. However, this year is an unusual year and there is evidence of parental preference changing as a result of government guidance not to use public transport. It cannot be known at this point what that effect will be and parents are making their applications now. In addition, I have been provided with no pressing evidence of the need to reduce the PAN to 60 for 2021. In this situation I do not approve the variation. It remains open to the local authority to propose a variation again if it wishes to do so when there is evidence, such as the preferences for 2021, of the need to do so.

Determination

18. In accordance with section 88E of the School Standards and Framework Act 1998, I do not approve the proposed variation to the admission arrangements determined by Waltham Forest Council for Edinburgh Primary School for September 2021.

Dated: 8 December 2020

Signed:

Schools Adjudicator: Deborah Pritchard