



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2102

Admission authority: London Borough of Lambeth for Loughborough Primary School

Date of decision: 1 March 2021

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 Loughborough Primary School for September 2021.

I determine that the published admission number for admissions in September 2021 shall be 30.

The referral

1. The London Borough of Lambeth (the local authority) has referred a proposal for a variation to the admission arrangements for September 2021 for Loughborough Primary School (the school), to the Office of the Schools Adjudicator. The school is a community school for children aged 3 to 11 in Brixton.
2. The proposed variation is that the published admission number (PAN) be reduced from 60 to 30.

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 15 January 2021, supporting documents and further information provided in response to my enquiries;
- b. 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. an email from the headteacher of the school;
- e. the local authority’s booklet for parents seeking admission to schools in the area in September 2021;
- f. maps showing the location of the school and other relevant schools, and the home locations of children admitted to the school in September 2020;
- g. details of the numbers on roll at the school and other local schools and the forecast demand for places; and
- h. details of the notification of the appropriate bodies about the proposed variation.

The proposed variation

7. In the determined arrangements for admission to the school in September 2021, the PAN was set at 60, as it had been for several years. The local authority has requested that the PAN be reduced to 30, due to “continuing falling numbers of applications and reception rolls at the school (and boroughwide).”

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 and that the local authority as admission authority consult the governing

board. The local authority has provided me with a copy of its notification of the proposed variation and the list of schools and other bodies to which it was sent. The headteacher has confirmed that the school's chair of governors supports the request for the variation. I am satisfied that all relevant bodies have been notified or consulted as the case may be and that the appropriate procedures were followed.

Consideration of proposed variation

10. According to the local authority, in the past five years the number of births in Lambeth has not followed the expected pattern. Overall, Lambeth has seen a drop of almost 25 per cent in the number of births since 2014. Birth rates in the Brixton Planning Area, in which the school is located, have fallen more than the other areas. Schools in Lambeth were presented with the outcome of a review into primary school place planning in the borough, which the local authority says, "gave evidence of the need for a reduction of places." In response, "Loughborough School volunteered to reduce their PAN." The local authority comments,

"This supports the need to ensure all children have access to a local school, by allowing a redistribution of places across the borough. By reducing the number of places in more "popular" schools, schools with previously lower intakes are more likely to see growth."

11. Before proceeding further, I should comment that I consider a request for a variation to be an inappropriate way of achieving a "redistribution of places across the borough." The local authority appears to envisage a strategic re-organisation of the provision of primary school places in its area. Variations, however, are intended to allow admission authorities to respond to a "major change in circumstances" at an individual school. I will therefore restrict my consideration to whether the circumstances of Loughborough Primary School justify the variation that has been requested.

12. In its request for a variation, the local authority refers to the "financial pressure" the school faces. It says,

"In the long-term it is financially unviable for a school if it doesn't fill up so long term value for money will be achieved by ensuring that the school is the right size to reflect local demand."

13. In respect of the determined PAN of 60, the local authority says that the school "have not been able to recruit up to number." In both September 2019 and 2020, the school admitted 37 pupils into the reception year (YR); in 2018 the figure had been 51. Parents of 35 of those admitted in 2020 made the school their first preference, all but one of whom was a Lambeth resident. The local authority says that the school is "staffed for 2 classes" and this has "further added to the financial and organisational burden."

14. Taking these figures into account, I recognise the concerns that the local authority has expressed and the benefits of restricting admissions to 30. Pupil numbers in YR and key stage 1 cannot exceed 30 in each class taught by a single qualified teacher due to the regulations relating to the size of infant classes. A reduction in the school's PAN from 60 to 30 would enable it to plan to operate with one class for children in YR in September 2021, with one teacher. If the PAN were to remain at 60 and the number of children allocated places in YR exceeded 30 by a small margin, as was the case in both 2019 and 2020, two qualified teachers would be required for pupils in YR. As schools are funded principally on the basis of the number of pupils on roll, such a requirement could pose a severe financial challenge.

15. The local authority has provided me with some preliminary information about applications for admission in September 2021. The position cannot be definitively established until the process of co-ordination of admission applications, including the exchange of information between local authorities, has been completed, but by the national closing date for primary admissions, the local authority received only 14 applications from Lambeth residents that made the school the parents' first preference. Even when taking into account applications from other boroughs as well as the possible need to allocate places at the school to children whose parents made it a lower preference, and were unable to be allocated their higher preference(s), I consider it highly unlikely that the demand for places for admission in September 2021 will reach 30.

16. Nevertheless, if the remote possibility that the demand for places at the school exceeds 30 were to occur, the local authority has identified other schools, located within 800 metres of Loughborough Primary School, that are very likely to have spaces available. Indeed, the local authority's forecasts anticipate a demand of 541 for places in YR at schools in the Brixton Planning Area, compared with their combined PANs (taking into account this and other variation requests) of 705.

Summary

17. I am satisfied that the change in the circumstances of the school, that is, a very significant fall in applications for places, justifies the proposed variation. The potential financial benefit to the school of a reduction in its PAN is clear. It is very unlikely that demand for places at the school in September 2021 will exceed 30. I approve the variation request.

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 Loughborough Primary School for September 2021.

19. I determine that the published admission number for admissions in September 2021 shall be 30.

Dated: 1 March 2021

Signed:

Schools Adjudicator: Peter Goringe