



Determination

Case reference: VAR2103

Admission authority: London Borough of Lambeth for Richard Atkins 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 Richard Atkins 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 Richard Atkins 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 45 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 45, as it had been for admission in 2018 and 2019. The PAN was reduced to 30 for admission in September 2020. According to the local authority, this reduction was intended to be a temporary measure. However, the local authority has requested that the PAN be reduced to 30 for admission in September 2021, 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. I refer to this notification below. The chair of governors has confirmed that the school's governing board 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. Births in the Brixton Hill ward, where the school is located, were 19 per cent lower between 2016 and 2020 than the average of the previous five years, a larger fall than in other areas of the borough. 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, "Richard Atkins 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 Richard Atkins 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."

The headteacher comments that the governing board felt that the reduction in PAN "was a way of securing financial sustainability in the light of our falling roll."

13. In respect of the determined PAN of 45, the local authority says that the school "have not been able to recruit up to number." For admission in September 2020 (when the PAN

was 30), parents of 21 children made the school their first preference, 20 of whom were Lambeth residents. On the national offer day in April 2020, 27 places were allocated. In October 2020 there were 29 pupils in the reception year (YR). For admission in September 2021, again 20 Lambeth residents made the school their first preference; at the time the variation request was made, figures for preferences expressed by those living outside the local authority area were not known.

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 45 to 30 is likely to mean that it would be close to being fully subscribed. It 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 45 and the number of children allocated places in YR exceeded 30 by a small margin, 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. However, in my view, this request for a variation has not been made at an opportune time; it was submitted at the national closing date for applications for admission in September 2021. This raises two matters of concern. First, when making applications, parents could not be certain what the PAN would be. Second, the demand for places at the school cannot be definitively established until the process of co-ordination of admission applications, including the exchange of information between local authorities, has been completed. I consider these issues in turn.

16. The local authority provided me with a copy of a "notice" that was posted on its website and the school's website, and was circulated to other appropriate bodies. The notice explained that the local authority intended to seek approval for a reduction in the PAN from 45 to 30. The views of "everyone who feels they might be affected by this proposed reduction to the Published Admission Number" were sought, but no responses were received during what was described as the "consultation period" (20 November 2020 to 5 January 2021).

17. I also note that the local authority's admissions booklet for parents, "Starting primary school in Lambeth 2021/22", states that the PAN of the school is 30. This is an error; the figure determined for admission in September 2021 was 45.

18. It is not, in fact, a requirement for admission authorities to undertake a consultation prior to making a request to vary determined admission arrangements. The Code lists bodies that must be notified of a proposed variation. These do not include parents, so the local authority went further than was required in making known its intention to seek a reduction to the school's PAN. I consider it likely that a significant proportion of parents, for whom a knowledge of the school's PAN was important when deciding on their preferences for admission in September 2021, would either have been aware of the proposed reduction

or have assumed, on the basis of the erroneous statement in the admissions booklet, that the PAN was 30.

19. Turning to the likely demand for places at the school in September 2021, the pattern of preferences expressed by Lambeth residents matches very closely that of September 2020. As mentioned above, the number of first preferences is the same (20). The total number of preferences expressed is very similar: 78 in 2020, 76 in 2021. In 2020, a PAN of 30 was sufficient to accommodate all applicants with a 'live' preference, that is, a first preference or a lower preference where the higher preference(s) cannot be made. This suggests that there is a strong likelihood that the reduced PAN will meet the demand for places this year as well.

20. If, however, it does not prove possible for all those with a live preference for Richard Atkins Primary School to be allocated a place there, the local authority has indicated that there will be places available at a nearby school, Glenbrook Primary, which is located some 650 metres away.

Summary

21. I am satisfied that the change in the circumstances of the school, that is, the fall in applications for places, justifies the proposed variation. The potential financial benefit to the school of a reduction in its PAN is clear. Although the request for a variation was made once parents had made admission applications, information about the proposed PAN of 30 was available (erroneously in the case of the information booklet). It is unlikely that demand for places at the school in September 2021 will exceed 30. I approve the variation request.

Determination

22. 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 Richard Atkins Primary School for September 2021.

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

Dated: 1 March 2021

Signed:

Schools Adjudicator: Peter Goringe