



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2114

Admission authority: the London Borough of Haringey for Seven Sisters Primary School in Tottenham

Date of decision: 04 May 2021

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed reduction in the published admission number for 2021 determined by the London Borough of Haringey for Seven Sisters Primary School. By virtue of the same provision I do not approve the proposed reduction in the published admission number determined by the London Borough of Haringey for Seven Sisters Primary School for September 2022.

I determine that for September 2021 the published admission number will be reduced from 60 to 30.

I determine that for September 2022 the published admission number will remain at 60.

I have also considered the arrangements under section 88I(5) of the Act and find that they do not comply with requirements relating to admission arrangements in the ways set out in this determination.

By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of the date of the determination.

The referral

1. The London Borough of Haringey (the local authority) has referred a proposal for a variation to the admission arrangements for September 2021 and September 2022 for Seven Sisters Primary School (the school) to the adjudicator. The school is a community school for children aged three to eleven in Tottenham.

2. The proposed variation is that the published admission number (PAN) be reduced from 60 to 30 for both years.

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.

5. I am also satisfied that it is within my jurisdiction to consider the determined arrangements in accordance with my power under section 88I of the Act as they have come to my attention and determine whether or not they conform with the requirements relating to admissions and if not in what ways they do not so conform.

Procedure

6. In considering this matter I have had regard to all relevant legislation, and the School Admissions Code (the Code).

7. The documents I have considered in reaching my decision include:

- a. the referral from the local authority dated 26 March 2021, supporting documents and further information provided at my request;
- b. the determined arrangements for 2021 and 2022 and the proposed variations 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; and
- e. a copy of the letter notifying the appropriate bodies about the proposed variations.

The proposed variation

8. The proposed variation is one of a number the local authority is seeking approval for to the admission arrangements of its community schools for 2021 and 2022. In all cases,

the proposed variations are to reduce PANs for the schools. 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. The local authority said in its request that, "Since March 2020 Covid-19 has led to a pronounced out-migration from Haringey and lowered demand for Reception places further." I will consider below whether the variations requested are justified by the change in circumstances.

9. Paragraph 3.6 of the Code also requires that appropriate bodies in the relevant area be notified of a proposed variation. The local authority has confirmed that it has notified the appropriate bodies of the proposed variations for 2021 and 2022. I have seen confirmation from the school's governing board that it supports the request for the variations for 2021 and 2022. I am satisfied that all appropriate 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. 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 in subsequent years. Clearly it is desirable that PAN reductions are made via the process of determination following consultation 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 and so the variation needs to be justified.

11. I have scrutinised the data to try to ascertain if there will be sufficient school places in the local area if the PAN for this school is reduced from 60 to 30 for September 2021 and September 2022; the demand for places at the school; the reasons given for the proposed changes; the potential effect on parental preference; and whether the changes are justified in these circumstances.

12. I will consider the proposed variation for 2021 and then the proposed variation for 2022 although clearly some of the information is relevant to both proposals. 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 located in a densely populated urban area and there are 23 other schools within one mile of the school which admit children to reception year (YR). The school is one of eleven schools admitting children to YR in its planning area. Table 1 below summarises the number of children allocated places at these schools in recent years including the allocations for 2021.

Table 1: total PAN and pupil numbers in the planning area

	2018	2019	2020	2021
Total PAN for schools in the planning area	510	510	510	480
Number of children allocated places	440	416	459	369
Number of vacant places	70	94	51	111
Number of vacant places as a percentage of the whole	14%	18%	10%	23%

13. Table 1 shows that the demand for places has varied from year to year but that there have consistently been more places available than needed including when the likely demand from anyone moving into the area and requiring a school place is taken into account. The number of places available for 2021 reduced by 30 through a school closure but this reduction has been outweighed by a greater and significant reduction in demand for places in YR. The local authority said, “Whilst we expect some post-pandemic pick-up in these numbers the data below clearly shows demand is lower than forecast and that any increase in demand in subsequent years can easily be accommodated.” The number of vacant places is more than sufficient to meet any reasonably anticipated further demand for 2021.

14. I will now consider admissions to the school and the effect of reducing the PAN on parental preference. Table 2 shows the number of children admitted to the school and is evidence of significant reduction in demand for the school over the past few years.

Table 2: pupil numbers at the school

	2018	2019	2020	2021
PAN	60	60	60	60
Number of first preferences	56	43	38	25
Number offered a place	56	46	46	28
Number of vacant places	4	14	14	32

15. Schools are largely funded by the number of children attending and admitting just over 30 to YR can provide significant challenges for schools. Infant classes are those where the majority of children will reach the age of 5, 6 or 7 during the school year. Infant class size regulations meant that such classes must not contain more than 30 pupils with a single qualified school teacher except in specific circumstances. It is advantageous, where schools seek to teach in classes all from the one year group, for the number of children in each year group to be either a multiple of 30 or close to that number. For example, in 2018 there were 56 children admitted to the school and they would have been taught in two classes of around 28 children each which is an economically efficient model.

16. In 2019 46 children were admitted and the school has two classes of 23 children which is a less financially sustainable model. For admissions in 2021 there are 28 children allocated a place at the school. While the PAN remains at 60, the local authority must admit up to that number if there are more requests for admission. The risk is that just over 30 children are admitted, say 32. If this occurred then the school would either have to have two classes with 16 children in each, which would be a very expensive model, or it would have to mix the year groups so that every infant class held fewer than 30 children. Many schools operate with mixed age classes but this is not always practical and is not always welcomed by parents and teaching staff.

17. The local authority has provided me with the class structure for the school and I can see that the school already has some classes with different year groups combined. I can also see that combining YR with another year group, if the number of children admitted to YR was to increase above 30, would be difficult. This is because it is unlikely to be popular to combine a few YR children with Year 1 and would create curriculum challenges. Similar challenges are created with other combinations and, of course, more children could join YR and this could require further class restructuring which may not be in the interests of the education of the children or the financial management of the school.

18. For admissions in 2021 there were 25 first preferences for the school and 28 children were offered a place after all preferences had been taken into account. It is therefore clear that if the PAN were reduced to 30 then there would be sufficient places in the local area to meet demand and that parental preference would not be frustrated. I therefore approve the variation requested for 2021.

19. I will now consider the request for 2022. The PAN for 2022 had already been determined before the application for a variation for 2021 was made, and so my decision on the 2021 arrangements would not have any effect on those for 2022 or subsequent years.

20. In support of its assumptions for reduced demand for 2022 the local authority referred to the shared experiences of all its neighbouring local authorities which have also seen reductions in the demand for places which were not in line with their previous forecasts. The local authority said that, "Given the unique situation of the Covid-19 pandemic we are having to work on the best anecdotal and demand led data to ascertain likely shifts in demand for primary school places." The local authority told me that its sources of information which provided information on and possible explanations for the unanticipated fall in demand included:

20.1. GP register data which shows falls in both the number of children aged 0-3 and women aged 20-44 across the local authority area;

20.2. Anecdotal data indicating potential migration out of London:

20.2.1 a report by PWC outlining projected falls in London's population;

20.2.2 a report on London's labour force during the pandemic showing significant falls in population;

20.2.3 an article from the Financial Times on falling rents in central London;

20.2.4 data from a property search website which indicate fewer searches for properties in London;

20.2.5 large reductions in new migrant registrations (compared to recent years) shown in the Department for Work and Pensions dataset on National Insurance registration from overseas nationals numbers; and

20.2.6 a reduction in the number of places sought at nursery schools in the local authority area.

21. The governing board supported this request and explained, "an admission authority can increase the PAN based on any future increase in demand and we will be working with the Local Authority to continue to monitor the situation." This is true and of course in this situation the local authority is the admission authority for the school so such an increase would be easily achieved if there were to be sufficient demand.

22. The local authority forecast for the planning area for 2021 was that 456 places would be required in YR. As shown in table 1 above, 369 places have been allocated which is 87 fewer than the forecast. Forecasts for previous years were more accurate than the forecast for 2021 proved and the local authority tells me that that is why it is considering other forms of intelligence as listed above as it believes that there have been major changes in circumstances since the forecasts were made.

23. The forecast for the number of places needed in the planning area for YR in 2022 is 457, compared to the forecast of 456 for 2021. There is no robust evidence regarding the likely demand for places in 2022. I note that for the school and the local authority that there could be advantages to varying the PAN for 2022 to 30 as this assists their forward planning. However, parents have not been consulted and once set through a variation, parents will have no opportunity to express a view on the PAN for the school for future years such as 2023. I also note in this context that in every year since 2018 other than 2021 there has been a demand for more than 30 places in YR at the school.

24. On balance, given the uncertainties regarding the potential demand for places in 2022 combined with the historic levels of demand for places at the school, I have decided that there is insufficient evidence to justify reducing the PAN to 30 for 2022 at this point. It remains open to the local authority to make a further request for a variation if it believes that the evidence justifies such a request.

Consideration of the arrangements

25. Having considered the arrangements as a whole it appeared to me that the following matters may not conform with requirements of the Code and so I brought them to the attention of the local authority. These matters were (with the relevant paragraph of the Code in brackets):

- 25.1. The arrangements afford priority on the basis of the distance between home and school and provide a definition of how distance will be measured, as required by paragraph 1.13 of the Code. Paragraph 1.13 also requires that the definition of home address “should include provision for cases where parents have shared responsibility for a child following the breakdown of their relationship and the child lives for part of the week with each parent.” The arrangements do not include such provision and so are not clear and do not meet the requirements of the Code (14 and 1.13).
- 25.2. The arrangements explain that parents can defer the admission of their child until the child is of compulsory school age as required by paragraph 2.16b. However the arrangements also say: “Parents can also request that their child attends part-time until he/she reaches compulsory school age [my emphasis by underlining].” Paragraph 2.16c of the Code by contrast provides that, “where the parents wish, children may attend part-time until later in the school year but not beyond the point at which they reach compulsory school age.” It is a parent’s right for their child to attend part-time before compulsory school age but the wording in the arrangements suggests that there is only a right to make a request rather than a right to choose this. This makes the arrangements unclear. Paragraph 2.16 requires that these matters **must** be clear in the arrangements. The arrangements do not meet the requirements of the Code in this regard (14 and 2.16).
- 25.3. Paragraph 2.14 of the Code says, “Each admission authority **must** maintain a clear, fair and objective waiting list until at least 31 December of each school year of admission, stating in their arrangements that each added child will require the list to be ranked again in line with the published oversubscription criteria.” There is no information on waiting lists in the arrangements which does not comply with the Code and makes the arrangements unclear (14 and 2.14)

26. The local authority has said that it will address these matters as permitted by paragraph 3.6 of the Code so I will not discuss them further other than to make clear that the Code requires that the arrangements be amended to address the points set out here.

Determination

27. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed reduction in the published admission number for 2021 determined by the London Borough of Haringey for Seven Sisters Primary School. By virtue of the same provision I do not approve the proposed reduction in the published admission number determined by the London Borough of Haringey for Seven Sisters Primary School for September 2022.

28. I determine that for September 2021 the published admission number will be reduced from 60 to 30.

29. I determine that for September 2022 the published admission number will remain at 60.

30. I have also considered the arrangements under section 88I(5) of the Act and find that they do not comply with requirements relating to admission arrangements in the ways set out in this determination.

31. By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of the date of the determination.

Dated: 04 May 2021

Signed:

Schools Adjudicator: Deborah Pritchard