



Office of
the Schools
Adjudicator

Determination

Case references: VAR2122 and VAR2123

Admission authority: the London Borough of Haringey for Lordship Lane Primary School

Date of decision: 21 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 Lordship Lane 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 Lordship Lane Primary School for September 2022.

I determine that for September 2021 the published admission number will be reduced from 90 to 60.

I determine that for September 2022 the published admission number will remain at 90.

The referral

1. The London Borough of Haringey (the local authority) has referred a proposal for variations to the admission arrangements for September 2021 and 2022 for Lordship Lane Primary School (the school) to the adjudicator. The school is a community school for children aged three to eleven in Wood Green.
2. The proposed variations are that the published admission number (PAN) for the school is reduced from 90 to 60 for 2021 and 2022.

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 variations are 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 information I have considered in reaching my decision includes:

- a. the referral from the local authority dated 28 April 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. confirmation that the governing board for the school has been consulted;
- d. a map showing the location of the school and other relevant schools;
- e. confirmation that the appropriate bodies have been notified of the proposed variations; and
- f. information available on the websites of the local authority and the Department for Education.

Consideration of the arrangements

7. I have considered the arrangements previously in determination VAR2114 and determined that there were ways in which the arrangements did not conform with the Code. I will not duplicate those matters here.

The proposed variation

8. The proposed variations are two of a number of requests for which the local authority is seeking approval in relation to the admission arrangements of several of its community schools for 2021 and 2022. In all cases, the proposed variations are to reduce the PANs for the schools concerned. 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. 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 is important context in considering if reductions to PANs are justified by the change of circumstances set out by the admission authority.

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 90 to 60 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 school is located in a densely populated urban area and there are 15 other schools within one mile of the school which also admit children to reception year (YR). 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 11 schools admitting children to YR in its planning area. Table 1 below summarises the number of children admitted to the schools in the planning area 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	656	686	656	656
Number of children admitted or allocated places	593	626	591	532
Number of vacant places	63	60	65	124
Number of vacant places as a percentage of the whole	10%	9%	10%	19%

15. Table 1 shows a decrease in demand for 2021 in the planning area so that the number and proportion of vacant places roughly doubled compared to previous years. Table 1 also shows that if the PAN were reduced to 60 at the school for 2021 then it is likely that there will be sufficient places in the planning area for those seeking a place following allocations. Table 2 shows the number of children admitted to or allocated a place at the school and the number of first preferences, which are how parents indicate the school they would most like their child to attend.

Table 2

	2018	2019	2020	2021
PAN	90	90	90	90
Number of first preferences	65	67	60	55
Number admitted or offered a place	78	81	64	60
Number of vacant places	12	9	26	30

13. Table 2 illustrates that, as 60 places have been allocated for 2021, after all preferences have been taken into account, reducing the PAN will not affect parental preference. I am aware that if more than 60 places were allocated for 2021 then this could lead to difficulties for the school. Schools are largely funded by the number of children attending and admitting just over 60 children 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 mean 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.

14. If 60 children were admitted to YR in September 2021 then the school could provide two classes of 30 which is financially efficient. If another child were to be admitted, so that there were 61 children then either the school would have to provide three classes of YR children with around 20 in each class or mix one or more YR children with Year 1 (Y1) or

another combination. I note that the current YR, admitted in 2020, has 66 children across three classes. The school has three classes of around 22 children for the current YR which is unlikely to be financially sustainable if it were to occur in several year groups. It is also the case that assuming the school has organised its current YR into three classes of 22, then it could admit more than 60 children in YR in September 2021 (when the current YR will be Year 1) and place some of them in mixed year group classes with what will then be Year 1. However, such mixed year group classes are not usually popular with parents or, indeed, with schools if they can be avoided.

15. If the PAN is varied to 60 then the school has certainty in planning for two classes for all YR children and can plan accordingly. While the PAN remains at 90, the local authority must admit up to that number if there are more requests for admission and this creates uncertainties and difficulties for the school which could affect its financial management and/or cause changes to class structures throughout the academic year.

16. If the PAN were reduced to 60 for 2021 then there are ample places in the area for a child seeking a place after allocations have been made. As 60 places have been allocated after consideration of all preferences then parental preferences will not be frustrated if the PAN is reduced to 60. I therefore approve the request to reduce the PAN to 60 for 2021.

17. 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. However, the PAN for 2023 has not yet been determined and is not due to be determined until February 2022. The PAN in place for 2022 will in due course form, in effect, the baseline for the PAN for 2023. If I agree the proposed variation so that the PAN for 2022 is set at 60 then the PAN could continue at 60 for 2023 and future years without any consultation with parents or other bodies. As I have already set out there is very limited scope to object to a PAN which is the same or higher than that which applied (whether by way of initial determination or variation) in the previous year. The only body which could object would be the governing board of the school, so there is no scope for parents or others to object.

18. In addition, the situation for 2022 is less clear as the forecasts no longer appear to be robust. 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:

- 18.1. 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;

18.2. Anecdotal data indicating potential migration out of London:

- a report by PWC outlining projected falls in London's population;
- a report on London's labour force during the pandemic showing significant falls in population;
- an article from the Financial Times on falling rents in central London;
- data from a property search website which indicate fewer searches for properties in London;
- 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
- a reduction in the number of places sought at nursery schools in the local authority area.

19. I asked the local authority if it would be able to provide a more up to date forecast for 2022. The local authority told me that this will be available in due course but it was not able to provide one at this juncture. I am reluctant to agree to a PAN of 60 for 2022, which could continue for following years without consultation, when there is no sound forecasting basis. I therefore do not uphold the request for a variation to reduce the PAN to 60 for 2022. It remains open to the local authority to make another request for a variation when it has had the opportunity to provide more robust evidence. It also remains open to the local authority to consult on reducing the PAN for 2023 to 60 if it deems that appropriate.

Summary

20. It is clear that reducing the PAN to 60 for 2021 will not frustrate parental preference and will help the school to operate efficiently so I uphold the request to do so. The evidence for demand for 2022 is not sufficient to justify a variation and I do not uphold the request to reduce the PAN for 2022 to 60.

Determination

21. 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 Lordship Lane 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 Lordship Lane Primary School for September 2022.

22. I determine that for September 2021 the published admission number will be reduced from 90 to 60.

23. I determine that for September 2022 the published admission number will remain at 90.

Dated: 21 May 2021

Signed:

Schools Adjudicator: Deborah Pritchard