



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2211

Admission authority: Redbridge Council for William Torbitt Primary School,
Newbury Park, Essex

Date of decision: 17 December 2021

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I do not approve the proposed reduction in the published admission number for 2022 determined by Redbridge Council for William Torbitt Primary School, Newbury Park, Essex.

The referral

1. Redbridge Council (the local authority) has referred a proposal for a variation to the admission arrangements for September 2022 for William Torbitt Primary School, Newbury Park, Ilford, Essex (the school), to the adjudicator. The school is a community school for children aged 3 to 11.
2. The proposed variation is to reduce the published admission number (PAN) from 120 to 60.

Jurisdiction and procedure

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. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).
5. The information I have considered in reaching my decision includes:
 - a. the referral from the local authority dated 25 November 2021;
 - b. information provided by the school in support of the request for a variation;
 - c. the determined arrangements for 2022 and the proposed variation to those arrangements;
 - d. a copy of the local authority's booklet for parents seeking admission to schools in the area in September 2022; and
 - e. a map showing the location of the school and other relevant schools.
6. Paragraph 3.6 of the Code requires that the appropriate bodies in the relevant area be notified of a proposed variation. The local authority has provided me with confirmation that the appropriate bodies have been notified. I have seen confirmation from the school's governing board that it has been consulted on the proposed variation. I find that the appropriate procedures were followed, and I am also satisfied that the proposed variation is within my jurisdiction.

The proposed variation

7. The proposed variation is to reduce the PAN of the school from 120 to 60 for September 2022.
8. Paragraph 3.6 of the Code requires that admission arrangements, once determined, may only be revised, 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.

Consideration of proposed variation

9. The local authority explains that pupil numbers have been reducing in recent years and the school does not admit up to its PAN. The major change in circumstances is that the governing board wishes to take action to limit pupil numbers so that the need to create a third small class in Reception (YR) in September 2022 can be avoided.
10. This is a primary school so the requirement in the School Admissions (Infant Class Sizes) (England) Regulations 2012 not to have more than 30 children in a class with a single qualified teacher applies for the infant classes in the school. It is requesting a variation for 2022 to limit the PAN to 60 in anticipation of applications close to 60 but a little above as experienced in 2021. The local authority has consulted on a proposal to reduce

the school's PAN from 120 to 90 for 2023 when it determines these arrangements in February 2022. This is different to the proposal that I have received to reduce the PAN to 60 for 2022.

11. The school reports that in September 2021 it created a new YR class for three children admitted when the total admissions reached 63 and this is a strain on its budget. It is requesting a variation for 2022 to limit the PAN to 60 so that this situation is not repeated. The case made by the school is supported by the local authority. The request for a variation in 2022 causes me some difficulty because the admissions window for 2022 has already opened and closes on 15 January 2022. It is possible that some parents have already submitted their preferences for a place for their child in 2022. They will have done so on the basis that the number of places available was 120 and they might have made different choices in terms of their preferences had they known that only 60 places would be provided. The Code requires admission authorities to consult when making changes to admission arrangements and I have already noted that the local authority is in the process of doing this for 2023 although I also observe that the consultation is to reduce the PAN for 2023 from 120 to 90 which is different to this request to reduce the PAN to 60 for 2022.

12. There has been no consultation with respect to 2022 admissions and hence no scope for any objections to be made to the adjudicator and this informs my view about the variation. The figures submitted by the local authority show that there were 71 children admitted in 2018; 49 children admitted in 2019 and 72 in 2020 and the 63 already reported for 2021. No projection has been provided for 2022. In each case these are the YR figures. However, it is clear that the school has not admitted up to its PAN of 120 for at least the last four years. While the school wishes to take action to address this, I do not consider that it warrants such urgent action that it risks parents not being able to achieve their first preference for a school for their child and without consultation about the proposed change. I observe that the local authority has not provided me with evidence to support the need for a PAN reduction that is less than the reduction that it is consulting on for 2023. For these reasons I am not willing to approve this variation request at this time.

13. If the numbers allocated places for September 2022 exceed 60 then it will be for the school to consider how best to organise the school. The school reports that it has created a small class in September 2021 and the financial consequences of doing this have been challenging. If numbers require it then the school could choose to create another small class in 2022 or it could consider mixed age classes to manage the pupil numbers. If, on the other hand, numbers allocated places do not exceed 60, then the school will be able to organise YR in September 2022 into two classes. If this is the case, it would be open to the school/local authority to consider making another application for a PAN reduction on the basis of known numbers of allocated places if it wished to limit in year admissions for the remainder of the year. If agreed, this could help to keep the number of children in the year group at or below 60 and in this way avoid the disruption of a class re-organisation mid-year in response to an admission. Such a variation request would need to reflect the actual

numbers offered places and show that if a further parent sought a place in-year there would be a suitable available place at a nearby school.

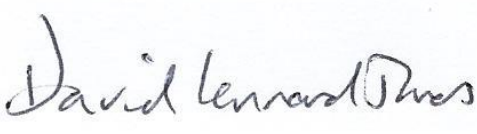
14. There is one further important point I should make. The PAN does not apply beyond the year of normal admission, which in this case is YR. Decisions about whether or not there are places available in the cohort in subsequent years, for example in Years 1 and 2, are made by the admission authority and it is assumed that places will be offered if there is space available. The decision about whether or not a child is to be admitted in a year which is not a normal point of entry is made on the basis of whether admission will cause prejudice to the efficient delivery of education or use of resources in the school and taking account of the School Admissions (Infant Class Sizes) (England) Regulations 2012 referred to above. If an applicant wishes to appeal against a refused application for in-year admission they have the right to do so to the admission authority's independent appeal panel. The appeal panel would hear the arguments from the school about inefficient delivery of education and use of resources and weigh these against the arguments of the parent before deciding whether or not a place should be offered.

15. I do not approve this request for a reduction in PAN from 120 to 60 for September 2022, it remains as determined at 120.

Determination

16. In accordance with section 88E of the School Standards and Framework Act 1998, I do not approve the proposed reduction in the published admission number for 2022 determined by Redbridge Council for William Torbitt Primary School, Newbury Park, Essex.

Dated: 17 December 2021

Signed: 

Schools adjudicator: David Lennard Jones