



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2216

Admission authority: Merton Council for Bond Primary School, Mitcham

Date of decision: 15 February 2022

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 Merton Council for Bond Primary School for September 2020.

I determine that the published admission number for 2022 will be 30 in Reception.

The referral

1. Merton Council (the local authority (LA) for the London Borough of Merton (the borough)) has referred a proposal for a variation to the admission arrangements for September 2022 (the arrangements) for Bond Primary School (the school) to the Office of the Schools Adjudicator (the adjudicator). The school is a community school for children aged 3 to 11 in Mitcham and the LA is its admission authority.
2. The proposed variation is for the published admission number (PAN) to be reduced from 60 to 30 for Reception (YR) for entry in September 2022.

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 deals with variations to determined arrangements. Paragraphs 3.6 and 3.7 of the School Admissions Code (the Code) say (insofar as relevant here):

“3.6 Once admission arrangements have been determined for a particular school year, they cannot be revised by the admission authority unless such revision is necessary to give effect to a mandatory requirement of this Code, admissions law, a determination of the Adjudicator or any misprint in the admission arrangements.

Admission authorities may propose other variations where they consider such changes to be necessary in view of a major change in circumstances. Such proposals **must** be referred to the Schools Adjudicator for approval, and the appropriate bodies notified. Where the local authority is the admission authority for a community or voluntary controlled school, it must consult the governing body of the school before making any reference.

3.7 Admission authorities **must** notify the appropriate bodies of all variations ...”.

4. Paragraph 3.7 of the Code requires that the appropriate bodies in the relevant area are notified of a proposed variation. The LA has provided me with a copy of its notification on the proposed variation and the list of schools and other bodies to which it was sent. In respect of paragraph 3.6, I have seen confirmation from the school’s governing board that it has been consulted and that it supports the request being made and the variation requested. I am satisfied that all relevant bodies have been notified. The LA confirmed that no views were expressed in relation to the proposed variation from those notified. I find that the appropriate procedures were followed and that this matter is within my jurisdiction.

5. In considering this matter, and those matters under Section 88I, I have had regard to all relevant legislation, and the Code.

6. The information I have considered in reaching my decision includes:

- a. the referral from the LA dated 23 December 2021, along with supporting documents, which included a map of all of the schools in the borough;
- b. the determined arrangements for 2022 and the proposed variation to those arrangements;
- c. comments on the proposed variation by the school;
- d. information available on the websites of the LA, the school and the Department for Education (DfE); and
- e. information gathered through my meeting on 18 January 2022 with two representatives of the LA (the Service Manager (Contacts and School Organisation) and the School Admissions Team Manager).

7. This variation request has been considered in the context of the LA’s wider strategy to reduce the number of forms of entry in the borough due to falling demand. As part of that wider strategy, I have also considered the variation request made by the governing board of SS Peter and Paul’s Primary School (case reference number VAR2222) for September 2022. Another adjudicator has determined the variation request made by the governing board of The Priory Church of England Primary School for September 2022 (case reference number VAR2217).

8. Although forecast data for admission in 2023, 2024 and 2025 will be included in this determination, my jurisdiction is only for the arrangements for September 2022.

9. As a result of considering the LA's arrangements for the school, I brought to the attention of the LA a number of matters where the arrangements, which apply to all of its community and voluntary controlled schools, do not conform with the Code. These are documented in a separate determination which has already been published (see case reference number REF3897).

10. This determination was made after the 15 January 2022 deadline for applications for school places in September 2022. It was therefore possible for me to take into account early application data provided by the LA, though I note this is subject to change up to and beyond National Offer Day on 19 April 2022.

The proposed variation and consideration of the variation

11. Paragraph 3.6 of the Code (as above) requires that admission arrangements, once determined, may only be revised, that is changed or varied, if there is a major change of circumstance or certain other limited and specified circumstances. I will consider, in this section, whether the variation requested is justified by the change in circumstances.

12. The LA divides the borough into six planning areas. The school is centrally located in Planning Area 5 (PA5) towards the eastern side of the borough, comprising Colliers Wood, Cricket Green, Figge's Marsh, Graveney and Lavender Fields wards. PA5 includes 12 of the borough's 43 primary schools along with one of its eight secondary schools and two of its three special schools. The school is considered by Ofsted to be 'Good'.

13. The arrangements, including the PAN of 60, were determined by the LA on 26 February 2021. The request is for the PAN to be reduced to 30 for September 2022.

14. I will deal with the request in relation to the school in due course. First, I turn to look at the wider context of the borough and PA5. The change in circumstances which have occurred since the arrangements were determined was detailed by the LA in the variation request form, in response to questions during my meeting with LA representatives and in data subsequently provided by the LA in response to my requests.

15. The LA recorded that after February 2021 it became increasingly aware that the Covid pandemic had led to a considerable reduction in school admission applications in the borough compared to that which had been previously forecast. The LA hoped for a recovery in terms of late applications during the summer period but realised into the autumn term 2021 that the reduction in applications was a more permanent shift on top of already falling rolls. The LA has sought to take urgent action to protect the budgets of schools in the borough. In September 2021, the LA published its revised strategy, recommending a reduction of up to sixteen forms of entry across Merton primary schools to match the falling demand.

16. In the variation request form, the LA stated that the number of applications being made to schools within PA5 has reduced. First preference numbers within the area reduced from 621 to 497 in 2021. The LA said that the reduction in applications seen in 2021 is expected to continue in the next few years. Surplus places in PA5 are predicted to rise from 302 in 2021/22 to 411 by 2025/26. The LA is acting now to reduce the numbers of forms of entry across the borough by 2025/26 to ensure the financial viability of its schools.

17. At my request, the LA provided the School Capacity (SCAP) forecast data for the numbers of primary pupils in PA5 between 2021/22 and 2025/26. This is shown in Table 1.

Table 1: SCAP primary pupil forecast data for PA5

Academic Years	Forecast Numbers in Each Primary Year Group							Total
	YR	Y1	Y2	Y3	Y4	Y5	Y6	
2021/22	584	611	598	565	605	620	662	4245
2022/23	616	583	607	592	563	599	613	4173
2023/24	633	611	581	599	590	558	592	4164
2024/25	633	626	608	575	596	587	549	4174
2025/26	618	627	625	600	573	591	579	4213

The 'Total' column shows a drop in numbers over the period 2021/22 to 2023/24, though numbers are forecast to increase from 2023/24 to 2025/26. Overall though, the figures for the total number of students in PA5 from 2022/23 to 2025/26 are less than the figure forecast for 2021. Looking at the numbers for YR, I see that the numbers are actually forecast to increase until 2023 and plateau in 2024 before falling (though not to a level that was less than 2021/22 or 2022/23), and this data appeared to contradict the LA's explanation of the situation they said they face in PA5. In my meeting with the LA, I asked about this. The LA said that the SCAP figures were published in July 2021, prior to autumn term 2021 when the LA confirmed its understanding of the issue. The SCAP figures had not reflected the impact of the Covid pandemic on migration in the area (the reduction of people moving into the area coupled with an increased outward movement of people from urban areas). The SCAP figures are based on previous admission figures from a time when pupil numbers were consistently higher. I note here one illustration of the difference between the SCAP forecast data and the reality. At the point of the school census in October 2021, there were 545 pupils in YR in PA5, though 584 were forecast in the SCAP – a difference of 39 pupils.

18. I asked the LA to provide for me its own forecast figures which provide the context upon which the variation request for the school is based. These figures are shown in Table 2.

Table 2: LA's actual (2021/22) / forecast (2022/23 to 2025/26) primary pupil numbers for PA5

Date	2021/22	2022/23	2023/24	2024/25	2025/26
Total number of pupils (YR to Y6)	4156	4040	3964	3913	3896

The reduction in pupils over the period shown in Table 2 is 260. The actual number of pupils in primary schools in PA5 in 2021/22 was 89 less than the SCAP forecast, the equivalent of nearly three infant classes worth of pupils.

19. Looking at the numbers of parental preferences for YR in PA5 received by the borough by 15 January 2022 for admission in September 2022, there has been a drop in the number of applications. The total number of first preferences is currently 486, a reduction of 11 from 2021 where the number of first preferences was 497. The total number of preferences for places in primary schools in PA5 for 2022 is currently 1233, a drop of 106 from 2021 when there were 1339. (The figure for 2022 does not yet include those who might have applied from out of the PA5 area as those had not been calculated at the time of this determination). There are currently 720 YR places across the 12 primary schools in PA5.

20. The data in Table 2 was calculated by the LA more recently than the SCAP data in Table 1. The data show that the number of pupils admitted in schools in PA5 in 2021 was less than the SCAP forecast. A year-on-year decrease in applications for YR places in PA5 for the next four years is then forecast by the LA, in contrast to the SCAP data. The SCAP data remains useful insofar as it is a projection, derived from actual admission numbers from previous years in schools in PA5. The data therefore provide a baseline with which to conduct a comparison in order to explore the LA's position, that there has been a major change in circumstance in the area. I have compared the SCAP and LA datasets in Table 3.

Table 3: Comparing the SCAP and LA actual (2021/22) / forecast (2022/23 to 2025/26) pupil numbers for PA5

Date	2021/22*	2022/23	2023/24	2024/25	2025/26
SCAP	4245	4173	4164	4174	4213
LA	4156	4040	3964	3913	3896
Difference	-89	-133	-200	-261	-317

Calculating the difference between the two forecasts over the four year period shows the deficit in the number of pupils increasing over time. This illustrates the scale of the problem that the LA says it will face if it is to balance meeting parental preference with maintaining financial viability in its primary schools in PA5 over this period. When determining the arrangements for its community and voluntary controlled schools in February 2021, the SCAP forecast figures would have presented a much healthier position in terms of future pupil numbers than became apparent later in the year. This demonstrates very clearly why

the LA would wish to take action. I must now consider the specific action it proposes in relation to the school, which is the focus of this determination.

21. I now turn to look at whether the pattern of application for places / admission into the school and what is forecast for future pupil numbers reflects what is happening / forecast in PA5.

22. The LA provided the following explanation for the variation request for the school:

“Running a two form entry school with only 38 on roll in Reception and with an overall school utilisation of only 84% [...] is placing significant financially [sic] challenges on the school. The requirement to employ two teachers in Reception to teach 38 pupils is a concern. The reduced demand for Reception places is expected to continue in 22/23 and beyond. [...] It is projected that, should the PAN remain at 60, Reception for 22/23 will again be significantly undersubscribed. Furthermore, the impact will be felt across all schools within the planning area given there is currently more capacity than predictions say is required. Reducing the PAN at Bond will help make the school more financially viable and ensure the more efficient use of resources across the planning area.”

23. Table 4 shows the number of parental preferences for the last four years (including initial numbers up to the deadline of 15 January 2022 for admission in September 2022), broken down into each of the six preferences that parents in this area are allowed.

Table 4: Preferences for places in YR at the school between 2019 to 2022

Preferences / Date	2019	2020	2021	2022*
First	48	47	30	38
Second	40	47	30	26
Third	24	31	21	28
Fourth	20	21	19	11
Fifth	13	8	17	4
Sixth	8	10	10	13
TOTAL	153	164	127	120

* As of 20 January 2022 and not counting any out-of-borough applications, which had not been processed by that date.

Although there has been an increase in first preferences for the school in 2022 from 2021, the LA say that this will not be sufficient to make the school financially viable as a two form entry school. I note that the number of preferences overall has fallen again for the second year running (from 164 in 2020 to 120 (so far) in 2022, a drop of 44) and overall since 2019 (a drop of 33). In 2021, the number of first preferences reduced from 47 in 2020 to 30. The LA told me that the impact of this was to see YR offers at the school fall from 60 to 40. From National Offer Day in April 2021, that number dropped further. There were only 38 pupils on roll in YR on the day of the school census in October 2021. The LA also told me that they

believe numbers of first preferences for the school for 2022 will fall further as National Offer Day approaches. The numbers in Table 4 show a downward trend in the number of preferences. The most significant drop was between 2020 and 2021. The early 2022 figures have not provided a sign of recovery and indicate an emerging pattern of lower admission numbers for the school.

24. The DfE’s ‘Get Information About Schools’ (GIAS) website records that the school has capacity for 460 pupils in the seven year groups (YR to Y6 – numbers of children in nursery are not counted in school net capacity assessments). In this academic year, the school had 345 pupils in YR to Y6 at the point of the school census in October 2021, resulting in a surplus of 115 places. I asked the LA to provide me with data showing how the LA forecast the school’s number on roll (NoR - the total number of pupils in the school) would look over the next four years if the PAN remained at 60 and also if the PAN was reduced to 30. This data is shown in Table 5. (The number in YR from 2022/23 through to 2025/26 has been kept consistent with the figure for 2021/22 in the absence of any better forecasting method).

Table 5: Pupil actual (2021/22) / forecasts (2022/23 to 2025/26) where PAN is maintained at 60 (or reduced to 30)

	2021/22	2022/23	2023/24	2024/25	2025/26
YR	38	38 (30)	38 (30)	38 (30)	38 (30)
NoR	345	330 (322)	315 (291)	306 (274)	293 (253)

25. If the PAN were to remain at 60 then the number of pupils is forecast to reduce to 72 per cent of capacity in 2022/23 and to 64 per cent of capacity in 2025/26 (a reduction of 55 pupils from 2021/22). If the PAN is reduced to 30, the forecast would be for the number of pupils to reduce to 70 per cent of capacity in 2022/23 and to 55 per cent of capacity in 2025/26 (a reduction of 92 pupils from 2021/22). In either scenario, there is a fall in the number of pupils over the period 2021/22 to 2025/26 as the smaller forecast year groups in YR replace larger Y6 groups leaving for secondary school. Although YR figures are consistent throughout the time period in Table 5, the LA’s forecast is for further reductions in parental preference for schools in PA5. As a result, parents are more likely to be offered their first preference, and so the school may find that there are fewer offers made from other preferences. It is therefore likely that there will be fewer pupils admitted in YR in future years than Table 5 currently reflects.

26. Whether I determine to reduce the PAN or not, the situation with reducing pupil numbers will result in a reduction in the school’s finances over the next four years. The LA has requested a reduction in PAN to begin to address the issue. However, it is not the only way to do so. I have also looked at how the school organises its classes, to see if mixed-age classes might be a solution, to reduce costs as income declines as a result of falling pupil numbers. The school, through a request I made to the LA, provided data on the

organisation of classes currently and how the school would organise classes in 2022/23 if the PAN remained at 60 and if it was reduced to 30. I have put that data in Table 6.

Table 6: Organisation of classes in the school (as of February 2022)

	YR	Y1	Y2	Y3	Y4	Y5	Y6
Current 2021/22	20/20 (40)	27/28 (55)	23/28 (51)	26/24 (50)	25/22 (47)	27/27 (54)	28/26 (54)
2022/23 (if PAN is 60)	20/21 (41)	20/20 (40)	27/28 (55)	23/28 (51)	26/24 (50)	25/22 (47)	27/27 (54)
2022/23 (if PAN is 30)	30	20/20 (40)	27/28 (55)	23/28 (51)	26/24 (50)	25/22 (47)	27/27 (54)

(I note that given the passage of time since the school census in October 2021, YR has gained two pupils. Also, in this dataset the LA has allowed for 41 pupils in YR in 2022 on the basis of the fact that by National Offer Day in 2021, three out-of-borough preferences for the school had been made. The same is assumed for this year, as no out-of-borough applications had been processed by the time the LA had provided the data shown in Table 4 on 20 January 2022).

27. The school has not made use of mixed-age classes in the current academic year. There are many reasons for making use of mixed-age class structures, but they are often employed when there are not enough pupils in some or all year groups to be able to afford enough teaching staff to have classes in each year group. The data for the current academic year show that it would not be possible easily to have mixed-age infant classes. Had there just been one class for YR of 30 pupils in 2021/22, 10 pupils would need to join the two Y1 classes. However, there are only three places left in one class and two in the other before the 30-pupil limit in each would be reached, so there would need to be a further complexity by mixing some Y1 and Y2 classes. In any event, having looked at the school's financial benchmarking data available through GIAS, I can see that it did not need to organise classes in such a way for financial reasons. The data on GIAS do not indicate that the school has a particularly high level of expenditure or low income when compared to similar schools and appeared to be in a healthy financial position in 2020/21 (the most recent financial data available).

28. From 2022/23 the school could consider structuring YR and Y1 classes into one class of 30 YR pupils and two mixed YR/Y1 classes of 25/26 pupils. However, it has not indicated that it needs to do that, and it may be that there are financial / pedagogical / curriculum reasons why it would not need / want to do so. In any event, I am of the view that the LA has, to its credit, acted swiftly and decisively to find a way of dealing early with the impending financial ramifications of falling numbers, rather than waiting until the financial and staffing impact is critical.

29. On the basis of the 38 first preference applicants within PA5, eight applicants would not get a place in YR at the school if the PAN was reduced to 30. In that event, the LA has

indicated that all but one would be offered their second preference and that the second preference would be less than 1.5km from their homes (most would in fact be less than half that distance). One would be offered their third preference, which is 551m from their home. All will be added to the school's waiting list on National Offer Day in April 2022 and there will be the possibility of further offers being made later in the process depending on whether all of the original offers are accepted.

30. I have also looked at what might happen in respect of the number of places for pupils in YR in PA5 if I agree to reduce the PAN. In doing so, I took into account the following information from the LA:

“The situation has been discussed with all heads within the planning area. As well as Bond, we believe an in year variation is also being submitted by SS Peter & Paul [Primary School]. Removing two forms of entry across the planning area will better support all schools without causing an adverse impact on local families.”

There are currently 720 places for pupils in YR in 12 primary schools in PA5. Reducing the school's PAN to 30 will take the number of places for pupils in YR in PA5 to 690. Should this be combined with a reduction in the PAN of SS Peter and Paul's Primary School to 30 from 60, then the total number of places in PA5 would be reduced to 660. If only the PAN for the school was reduced, there would be 145 surplus places in YR in PA5. If both schools' PANs are reduced, this would still leave 115 places more than the 545 places required. Therefore reducing the school's PAN will not have an impact on the availability of school places in YR in PA5 in 2022/23.

31. 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 nobody, except the governing board of a community or voluntary controlled school, can object if that PAN remains the same in subsequent years. In this instance the LA has consulted on setting the PAN at 30 for the school for admissions in 2023. I have seen the announcement of the consultation on the LA's website, which says the consultation commenced on 15 December 2021 and closed on 31 January 2021. 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. Therefore, the LA's consultation process for admission into the school in 2023 is welcomed.

32. Taking into account the circumstances and evidence presented to me in relation to this case, I am of the view that the LA has made a strong case for reducing the PAN at the school to 30. The data show a significant drop in the number of applications for places at the school which is forecast to be sustained for a period of years after 2022. This could impact significantly on the school's budget later on if action was not taken to address the issue now. Although the school's budget is good at this time, the LA is proactively seeking to reduce the impact that the reduced budget will have on the school in the future. There is

evidence that there will remain a sizeable surplus of pupil places in YR across PA5 after the reduction of the school's PAN, and so this will not affect parents getting a place at a school in the area.

33. It is my determination that the benefits to the school from reducing the PAN outweigh the detriment suffered by any parents who will not receive their first choice of school place for their children in September 2022, as the evidence presented shows that those parents will receive an offer at another school for which they have expressed a preference, and which is within a reasonable distance.

34. For the reasons set out above I have decided to approve the proposed reduction in the PAN from 60 to 30 for September 2022.

Determination

35. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Merton Council for Bond Primary School for September 2020.

36. I determine that the published admission number for 2022 will be 30 in Reception.

Dated: 15 February 2022

Signed:

Schools adjudicator: Dr Robert Cawley