



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2224

Admission authority: The London Borough of Southwark for Cobourg Primary School

Date of decision: 08 March 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 the London Borough of Southwark for Cobourg Primary School for September 2022.

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

The referral

1. The London Borough of Southwark (the local authority) has referred a proposal for a variation to the admission arrangements (the arrangements) for September 2022 for Cobourg Primary School (the school) to the adjudicator. The school is a community school for children aged 3 to 11 years.
2. The proposed variation is to reduce the published admission number (PAN) from 60 to 30.

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 1 December 2021 and supporting documents;
- b. the determined arrangements for September 2022 and the proposed variation to those arrangements;
- c. a response from the school;
- d. a copy of the local authority’s booklet for parents seeking admission to schools in the area in September 2022;
- e. data from the local authority showing previous and projected numbers in the school; and
- f. information available on the websites of the local authority, the school and the Department for Education.

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 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 local authority has requested this reduction in PAN for the school because it says that the number of applications to the school is falling and that the impact of these reductions is more acute than anticipated. The local authority says that this is ‘borough-wide’ and that there has been a fall in numbers in 2019 and 2020.

8. The variation is requested because with a PAN of 60 the local authority says that the school has to plan for staffing and accommodation for pupils ‘who do not exist’. I take this to mean that the school is expected to plan for classes up to PAN in reception and that this number is two classes with two teachers and associated staffing and resource costs. As the number of pupils being admitted to the school every year for the last four years is fewer than half this figure it means that the cost of one of these classes is not necessary. As I note in more detail later in this determination, in fact the school is currently operating with only one class in each of Reception (YR), Year 1 and Year 2. In the delegated budget scheme, funds are allocated to the school based on a number of factors. Most important

among these factors is the allocation of funds based on actual pupil numbers on roll. This means that the school will only receive funding for those pupils who are admitted. The local authority suggests that this would put the school's finances under considerable pressure. It also states that the school is already in a financial deficit situation.

9. Paragraph 3.6 of the Code 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 below whether the variation requested is justified by the change in circumstances.

Consideration of proposed variation

10. The report to the Cabinet of The London Borough of Southwark on 3 March 2021 from the Strategic Director of Children's and Adults Services states, at paragraph 5 'This report is being brought to the Cabinet Member for Children, Schools and Adult Care for determination because there are no changes proposed to the arrangements for September 2022'.

11. The actual numbers being admitted to YR at the school in the last three years has been 27 in 2019, 27 in 2020 and 25 in 2021. Following this year's admission round there are 25 first preference applications for the school. This means that when the 2022 admission arrangements were determined on 3 March 2021 the local authority already had three years of data about pupil numbers. Numbers being admitted to the school over the past three years have been relatively constant and all well below the PAN of 60.

12. As the numbers have been declining over the past few years and numbers being admitted to the school have been well below 30 in the past three years, I do not understand why a reduction in the PAN for September 2022 was not suggested in March 2021 when the Cabinet meeting of the local authority was asked to determine the admission arrangements across the local authority for admission in September 2022. Even if the local authority had not identified the trend in applications in time to consult on a reduced PAN in time to determine a PAN of 30 for 2022, it certainly could have sought a variation to the determined PAN before it had to publish its composite prospectus in September 2022. This would have avoided such a late request to me and – far more importantly – have avoided a situation where parents would have expected 60 places to be available in YR at the school. However, I must consider the proposal as it comes to me now.

13. The governing board support the variation request and the response from the school suggested that while the reception class is likely to attract approximately 30 children it will not attract 60 children during the academic year and it is therefore a logical and sensible decision to set a PAN of at 30. Currently the school has two classes in years 4,5 and 6 and only one class in each of years 3, 2 and 1. The school says that this is due to falling numbers. It goes on to say that the governing board discussed the possibility of a sudden rise in numbers due to regeneration of part of the area and the building of new homes in the

area. The school says that 'it was felt that at this time there would not be a significant enough rise to open another class.'

14. 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.

15. I do not accept that the school has to plan for a two-form entry and not only because it is not running with two classes in its infant year groups. Looking at the numbers admitted in the last three years there are available places in Y1 and Y2 which could accommodate a small number of additional pupils without reaching the maximum class size of 30 and without having to plan for an intake of over 30 in YR. A vast number of primary schools across the country teach key stage one pupils in mixed age classes very successfully and this should be considered if the application numbers reach over 30. In this way the school's finances are protected and parental choice can be accommodated.

16. I accept that a budget based on a one form entry with planned expenditure for a two-form entry would put undue pressure on the school's finances and that a PAN of 30 is a sensible reduction. I am of the view that this reduction in PAN should have been achieved through the correct and prescribed process of admission arrangements determination for September 2022 as laid down in the Code. However, as the previous patterns of entry have shown that the number being admitted is fewer than 30 and that the number who will be admitted to the school this year is also fewer than 30 then I agree this variation. The reduction will not impact on parental preference.

Summary

17. Although I am of the view that this PAN reduction should have been made during the proper consultation and determination of the arrangements in spring 2021, I agree that a PAN of 30 is unlikely to have an adverse effect on parental preference for 2022 and would also make planning easier for the school. I therefore determine that the PAN be reduced from 60 to 30.

Determination

18. In accordance with section 88E of the School Standards and Framework Act 1998, approve the proposed variation to the admission arrangements determined by the London Borough of Southwark for Cobourg Primary School for September 2022.

19. I determine that the published admission number for September 2022 will be 30.

Dated: 08 March 2022

Signed:

Schools adjudicator: Ann Talboys