



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** VAR2228

**Admission authority:** The governing board of St Anne's Catholic Primary School, Lambeth

**Date of decision:** 13 May 2022

## 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 2022 determined by the governing board of St Anne's Catholic Primary School, Lambeth.

I determine that for September 2022 the published admission number will be reduced from 60 to 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.

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 governing board of St Anne's Catholic Primary School (the school) has referred a proposal for a variation to the admission arrangements for September 2022 to the Office of the Schools Adjudicator. The school is a voluntary aided school for children aged three to eleven in the London Borough of Lambeth (the local authority) and the religious authority for the school is the Roman Catholic Archdiocese of Southwark (the Diocese).
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 deals with variations to determined arrangements. Paragraphs 3.6 and 3.7 of the School Admissions Code (the Code) provide as follows (insofar as is 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.

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

4. I am satisfied that the proposed variation is within my jurisdiction. 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 they conform with the requirements relating to admissions and, if not, in what ways they do not so conform.

5. In considering these matters 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 governing board dated 15 February 2022, supporting documents and further information provided at my request;
- b. information provided by the local authority;
- c. the determined arrangements for 2022 and the proposed variation to those arrangements;
- d. a map showing the location of the school and other relevant schools;
- e. comments received from the Roman Catholic Archdiocese of Southwark; and
- f. information available on the websites of the local authority and the Department for Education.

7. Paragraph 3.6 of the Code requires that the appropriate bodies in the relevant area be notified of a proposed variation. The local authority, on behalf of the governing board,

has provided me with confirmation that the appropriate bodies have been notified. I find that the appropriate procedures were followed.

## The proposed variation

8. The arrangements for the school for 2022 were determined by the governing board on 8 December 2020. The proposed variation is to reduce the PAN at the school from 60 to 30 for admission to YR in September 2022. The chair of governors said, “Over the last three years, the intake of the school has reduced, largely due to families choosing to move, or being moved, out of inner London. The number of local young families has reduced even further due to a combination of Brexit and Covid, with many of our families from abroad returning home and not coming back. These reductions are part of an overall reduction in Reception numbers experienced within the area.”

9. 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

10. The minutes of a meeting of the governing board on 22 June 2021 record a discussion about a reduction in pupil rolls across London, particularly in inner London, due to a falling birth rate. The discussion also covered the financial impact of the numbers on roll and mixed age classes.

11. On National Offer Day (19 April 2022) the local authority informed parents about the outcome of applications to primary schools. For this school 30 offers were made, which is the same number of the proposed PAN of 30 that the school is seeking. The school told me that, as of January 2022, 33 applications were received. As parents decide whether to accept the offers that have been made, there may still be some movement in the numbers due to start at the school in September 2022. Linked to this, the local authority has a duty to make sure that there are sufficient school places for the children in its area. In order to carry out this duty the local authority considers the availability of places and the need for places in planning areas which are geographical groups of schools. The school is in the North Lambeth planning area (the planning area) together with thirteen other schools which admit children to YR. If I determine that the PAN reduces to 30 for admission in 2022, I need to consider if there are sufficient places to meet demand across the planning area.

12. The local authority provided me with information on admissions to YR for the schools in the planning area in recent years and this is shown in Table 1 below.

Table 1: Admissions and potential admissions to schools in the North Lambeth planning area of the London Borough of Lambeth

	2019	2020	2021	2022	2023
<b>Sum of the PANs for the schools in the planning area</b>	620	620	590	560	560
<b>Number of children on YR roll in January (forecast January 2023 and January 2024)</b>	524	525	487	483	456
<b>Number of vacant places or potential vacant places</b>	96	95	103	77	104
<b>Number of vacant places as a percentage</b>	15%	15%	17%	14%	19%

13. Table 1 shows there are clearly sufficient places across the planning area with a high number of vacant places. Local authorities aim to have a certain proportion of vacant places so that children moving into the area and others needing a school place can be accommodated; this proportion is normally around five to ten per cent.

14. I will now consider the demand for places at the school. If I were to agree to the reduction in the PAN at the school, there would be no vacancies for new or late applicants to the school. The school told me that the local authority and the Diocese support the request to reduce the PAN at the school. The Diocese commented “We would have no objection to the school reducing its PAN. Given the current numbers across Key Stage 1 and future predictions, it would not impact on parent choice for a faith school and would provide financial sustainability for the school. It would also ensure that the school were able to offer the best quality provision, as a 1FE school.”

Table 2 shows the number of children on the school roll in YR in January of the admission year in the planning area. The school shows a reduction in children on roll over the last few years. There were 27 children forecast for admission in 2022 and although 30 offers have been made, it is not yet clear how many will start at the school.

Table 2: Reception roll in January 2020 to 2022 and forecasts for January 2023 and 2024

School	2019/20	2020/21	2021/22	2022/23	2023/24
Archbishop Sumner CE	52	60	34	39	39
Ashmole	30	30	30	32	29
Christ Church (Brixton) CE	30	28	30	30	27
Van Gogh Academy	44	47	51	48	44
Henry Fawcett	40	44	29	28	27
Herbert Morrison	29	30	30	31	28
Oasis Academy Johanna	29	30	26	28	27
<b>St Anne's Catholic Primary</b>	46	33	33	27	27
St John The Divine CE	26	18	21	23	20
St Mark's CE	29	27	28	30	27
Reay	30	30	30	31	28

Vauxhall	28	29	30	31	30
Walnut Tree Walk	50	60	60	46	46
Wyvil	61	59	55	59	55
<b>North Lambeth</b>	<b>524</b>	<b>525</b>	<b>487</b>	<b>483</b>	<b>456</b>

15. The school told me:

“Reducing the PAN to 30 will enable the school to resource the Reception year group accordingly. Running another year group significantly below the PAN will add to the school’s existing financial challenges. Reducing the PAN to 30 and resourcing accordingly will aid the school’s ongoing development. This variation would enable the school to improve its financial position. The change would also avoid the need to consider mixed age classes which has proven complex to administer when tried elsewhere and has proven to be less popular with parents.”

16. On the basis of the information provided to me I am satisfied that the proposed variation is justified and I approve it.

## Consideration of the arrangements

17. Paragraph 14 of the Code sets out that:

“In drawing up their admission arrangements, admission authorities **must** ensure that the practices and the criteria used to decide the allocation of school places are fair, clear and objective. Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated.”

18. Having considered the admission arrangements as a whole, it appeared to me that the following matters, which were included in the admission arrangements on the date of submission to the OSA, did not conform with the requirements relating to admissions as follows:

- a. The school’s website sets out incorrect or misleading information. It states “...having consulted with the Local Authority and other admission authorities [the Governors] intends to admit 54 pupils to the Reception Class in the school year, which begins in September.” Decisions for September 2022 have not yet been finalised or sent to parents; thus, it is unclear whether the statement refers to admissions in 2021. (Paragraph 14)
- b. Other statements “Children will be admitted to full-time schooling at the beginning of the academic year (that is September....)” and “there is one intake in September to the Reception Class....” are unclear and potentially misleading. They do not reflect the legal rights of parents for part-time education and deferred entry until their children reach compulsory school age. Although more detail about deferred entry and part-time attendance is set out in the arrangements, this is the first information seen by parents or carers. (Paragraphs 14 and 2.17)

- c. The information also requests a “recent (within the last 3 months) proof of address i.e.utility bill.” However, this information is requested by the local authority as part of the Common Application Form (CAF) and does not, therefore, need to be requested by the governors as well. Indeed, it is permitted by paragraph 2.4 of the Code only to ask for additional information needed to apply admission arrangements and clearly information already included on the CAF is not additional. (Paragraphs 14 and 2.4)
- d. In the section on previously looked after children the reference, in oversubscription criteria 1 and 5, to “residence...order” should be replaced by “child arrangements order”. Footnote 18 of the Code sets out the legislation when residence orders were replaced by child arrangements orders. (Paragraph 1.7)
- e. Oversubscription criterion 2 is unclear. Can baptised Catholic children be eligible if they are from practising Catholic families or not from practising Catholic families but resident in named parishes? The word or in this sentence is not clear. (Paragraph 14)
- f. Oversubscription criterion 6 is unclear as it refers to families and not children. (Paragraph 14)
- g. The school’s section on waiting list states that: “Parents of children who have not been offered a place at the school may ask for their child’s name to be placed on a waiting list which will [be] reviewed at the end of the autumn term.” However, the Code sets out, in paragraph 2.15, that admission authorities **must** maintain a waiting list until at least 31 December of each school year of admission.
- h. The reference in the section on Fair Access Protocol refers to an old and now obsolete version of the School Admissions Code and needs to be amended to refer to the School Admissions Code September 2021 in order to be clear (Paragraph 14).

#### Supplementary Information Form

- i. The admission arrangements refer to the completion of the school’s Supplementary Information Form (SIF). However, the SIF does not need to be completed by everyone as only applications in which priority is sought under faith-based criteria require the information requested. Paragraph 2.4 of the Code states that admission authorities “**must** only use supplementary forms that request additional information when it has a direct bearing on decisions about oversubscription criteria or for the purpose of selection by aptitude or ability.” Information about the child’s date of birth and evidence of address are included in the local authority’s CAF.
- j. The SIF makes a distinction about attendance at mass regularly – every week etc and most recently every week etc. It is not clear how the priest makes those distinctions as there is no additional information to explain them.

The form asks for additional comments from the parish priest which relate to matters not included in the arrangements and could be interpreted as including information not relevant to the application. (Paragraphs 2.4 and 14).

19. I have determined that these matters did not conform with the Code. The school has accepted that these matters did not so conform. They have committed to make the necessary changes to the arrangements and the Code requires that they do so.

## Summary

20. I am satisfied that there are spare places in local schools should a family move into the area during the school year seeking a school place for a child. The forecast for future numbers indicates that the reduction in admission requests is likely to continue and the school has the potential to be able to organise classes so that it can manage its budget to best effect. On the basis of the information provided to me, I approve the request to vary the admission arrangements for September 2022 and reduce the PAN from 60 to 30. I have also determined that the arrangements do not conform with the Code in a number of respects and the Code requires that the arrangements be amended.

## 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 2022 determined by the governing board of St Anne's Catholic Primary School, Lambeth.

22. I determine that for September 2022 the published admission number will be reduced from 60 to 30.

23. 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.

24. 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: 13 May 2022

Signed:

Schools adjudicator: Lorraine Chapman