



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2255

Admission authority: The London Borough of Haringey for Risley Avenue Primary School

Date of decision: 15 June 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 Haringey Council for Risley Avenue Primary School for September 2022.

I determine that the published admission number be 60.

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 way 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. Haringey Council (the local authority) for Risley Avenue School (the school) has referred a proposal for a variation to the admission arrangements for September 2022 (the arrangements) for the school to the adjudicator. The school is a community school for children aged two to eleven in Tottenham.**
- 2. The proposed variation is that the published admission number (PAN) is reduced from 90 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 deals with variations to determined arrangements. Paragraphs 3.6 and 3.7 of the School Admissions Code (the Code) say (in so far 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. The local authority has provided me with confirmation that the appropriate bodies have been notified. I have seen confirmation that the school’s governing board has been consulted on the proposed variation. I find that the correct procedures were followed, and 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 or not they conform with the requirements relating to admissions and if not in what way or ways they do not so conform.

5. In considering these matters I have had regard to all relevant legislation, and the Code. The information I have considered in reaching my decision includes:

- a. the referral from the local authority received 12 May 2022, supporting documents and further information provided at my request;
- b. the determined arrangements for 2022 and the proposed variation to those arrangements;
- c. confirmation that the governing board has been consulted on the proposed variation and supports it;
- d. a map showing the location of the school and other relevant schools; and
- e. information available on the websites of the local authority and the Department for Education (DfE).

The proposed variation

6. The local authority said in its request that the number of children needing a place in reception year (YR) has been reducing and is expected to continue to reduce. The anticipated reduction has been greater than forecast since 2020 which the local authority says is related to the Covid 19 pandemic. In this case, there have been 60 offers of places made for the school for 2022. The local authority therefore seeks that the PAN is reduced so that the governing board can arrange its class organisation cost effectively.

7. Another admission authority has requested a variation to a school in the planning area for the school. The variation requested is a reduction in PAN for similar reasons. The school concerned is St Francis de Sales Roman Catholic Infant School (case reference VAR2253) which I will refer to as SFDS School. Each case is decided on its merits and no case sets a precedent for another case.

8. 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 below whether the variation requested is justified by the change in circumstances.

Consideration of proposed variation

9. In this case, the PAN for 2023 has already been set at 90. This means that the proposed variation will only be for admissions to reception year (YR) in 2022 and will not affect future years.

10. There is no formal consultation required for a variation and so parents and others do not have the opportunity to express their views. 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 which makes it particularly important that proposed variations are properly scrutinised and I have accordingly given careful consideration to the data to try to ascertain if there will be sufficient school places in the local area if the PAN is reduced from 90 to 60 for September 2022. I have considered the demand for places at the school, the reasons given for the change, the potential effect on parental preference and whether the change is justified in these circumstances.

11. The school is located in an urban area. According to the DfE website, 'Find and compare schools in England', there are 18 other state funded primary schools within one mile of the school which admit children to 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. There are 15 state funded schools which admit children to YR in the

planning area for the school. Table 1 below summarises the number of children admitted to the schools in the planning area in recent years.

Table 1: numbers of school places and numbers of children admitted to YR or offered a place in YR in schools in the planning area

	2019	2020	2021	2022
Sum of PANs of schools in the planning area for YR	1020	960	900	990
Number of children admitted or offered a place	820	766	688	676 offered as of 30 May 2022
Vacant places	200	194	212	Potentially 314
Number of vacant places as a percentage of the sum of the PANs	20%	20%	24%	32%

12. Table 1 shows that demand for places in the planning area has reduced by around 144 places between 2019 and 2021. In each year at least a fifth of places have been vacant. National offer day was 19 April 2022 and so most of those seeking a place for September 2022 will have been offered a place at this stage in the admissions process. Table 1 shows for admissions in 2022 that nearly one third of all places in YR in the planning area may be vacant. I am therefore assured that if the PAN for the school were to be reduced by 30 that there would be sufficient capacity to meet late applications. SFDS School, for which the governing board is also requesting a variation to reduce its PAN, is within one mile of the school and in the same planning area. I have taken this into consideration and remain confident that if the PANs for both schools were reduced then there would remain sufficient places in the planning area for late applications. Table 2 provides information on the admissions to the school in recent years.

Table 2: the number of children admitted to the school in recent years or offered a place for 2022

	2019	2020	2021	2022
The PAN for the school	90	90	90	90
Number of children admitted or offered a place	76	74	77	60 offered as of 30 May 2022
Vacant places	14	16	13	Potentially 30

13. Table 2 shows that the number of children admitted to the school remained relatively stable between 2019 and 2021. For 2022 however, there is a significant reduction. I understand from the local authority that some of those offered places have not yet accepted or declined the offer and so the situation remains fluid with late applications still being made. I am conscious that YR is subject to the provisions of the School Admissions (Infant Class Size) (England) Regulations 2012 (the infant class size regulations). The infant class size regulations require that infant classes (those where the majority of children will reach the age of five, six or seven during the school year) must not contain more than 30 pupils with a single qualified school teacher, except in specific exceptional circumstances.

14. The infant class size regulations apply to YR and have implications for class organisation and school finances. This is because schools are largely funded on the number of pupils attending and staffing is normally the greatest expense to a school's budget. Classes are likely to be financially efficient if they contain approaching 30 pupils. If classes are much smaller than 30 pupils then the cost of providing a class can be more than the income created. I note that many successful schools have more than one year group to a class but many schools organise their classes on the basis of single year groups as they find it easier to manage the learning. The current YR pupils, the 77 admitted in 2021, can be organised in three classes of around 26 or 27. This will be financially manageable. However, were just over 60 children admitted to the school, say 63, then using this model and meeting the infant class size regulations, would require three classes of around 21 children. Many schools would find this difficult financially. If 60 or fewer children were admitted, then there could be two classes of 30 or just below which would be financially efficient.

15. I have considered that there are ample surplus places close to the school if the PAN for the school were to be reduced by 30. The local authority has offered 60 places and so 30 remain vacant. If the PAN were to be set at 60 then the governing board could plan on the basis of two classes for YR for September 2022 which would be financially advantageous. There may be late applications for the school but at this point all applications made on time and some late applications have been considered. I therefore believe that parental preference will not be unduly frustrated if the PAN is reduced to 60. I have taken these points into consideration and decided that the variation is justified by the circumstances and agree that the PAN for 2022 will be 60.

Consideration of the arrangements

16. Having considered the arrangements as a whole it appeared to me that the following matter may not conform with requirements of the Code and so I brought it to the attention of the local authority. Paragraph 2.18 of the Code is concerned with admission of children outside their normal age group and says, as far as is relevant here, "Parents may seek a place for their child outside of their normal age group, for example, if the child is gifted and talented or has experienced problems such as ill health...Admission authorities **must** make

clear in their admission arrangements the process for requesting admission out of the normal age group.”

17. The arrangements do provide information for parents whose child is what is known as a summer born child but the arrangements do not provide information on the process for requesting admission out of the normal age group otherwise. The arrangements therefore do not meet the requirements of the Code in this respect.

18. The local authority has told me that it will address this matter, which is welcomed. As the local authority has accepted that change is required, I will not discuss it further other than to make clear that the Code requires that the arrangements be amended to address the matter set out here within two months of the date of the publication of this determination.

Determination

19. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Haringey Council for Risley Avenue Primary School for September 2022.

20. I determine that the published admission number be 60.

21. 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 way set out in this determination.

22. 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: 15 June 2022

Signed:

Schools adjudicator: Deborah Pritchard