



Office of
the Schools
Adjudicator

Determination

Case references: VAR2262

Admission authority: Haringey London Borough Council for Mulberry Primary School, Tottenham

Date of decision: 7 July 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 London Borough Council for Mulberry Primary School for September 2022.

I determine that the PAN for 2022 will be 60.

The referral

1. Haringey London Borough Council, the local authority (the LA) for Mulberry Primary School (the school) has referred a proposal for a variation to the admission arrangements for September 2022 (the 2022 arrangements) for the school to the adjudicator. The school is a community school for children aged 3 to 11 (the school has a nursery), in Tottenham.
2. The proposed variation for September 2022 is a reduction in the determined and published pupil admission number (PAN) for 2022 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 LA 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 appropriate procedures were followed, and I am satisfied that the proposed variations are within my jurisdiction.
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 local authority, received on 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. comments on the proposed variations from the governing board.

The proposed variation

7. The proposed variation is a reduction in the determined and published pupil admission number (PAN) from 90 to 60.
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. The PAN for September 2022 was determined by the LA on 9 February 2021. The LA have explained the major change of circumstances as follows:

“Between 2003 and 2015 there was an increasing demand for Reception (year of entry) places in schools across Haringey accommodated through a number of bulge classes and permanent expansions across the borough’s primary schools. Since 2015 demand for places in Reception has fallen.

Data on school place planning is in large part shaped by the production of the

council’s School Place Planning Report (SPPR) and the data that underpins it, supplied through the GLA School Rolls projection service. The 2021 edition of the SPPR continues to show lower numbers of reception places required in Planning Area 4 (PA4) compared to existing provision.

Since March 2020 Covid-19 has led to a pronounced out-migration from Haringey and lowered demand for Reception places further. In Planning Area 4 Haringey has seen demand for first place preferences fall from 731 (2019) to 599 (2022).

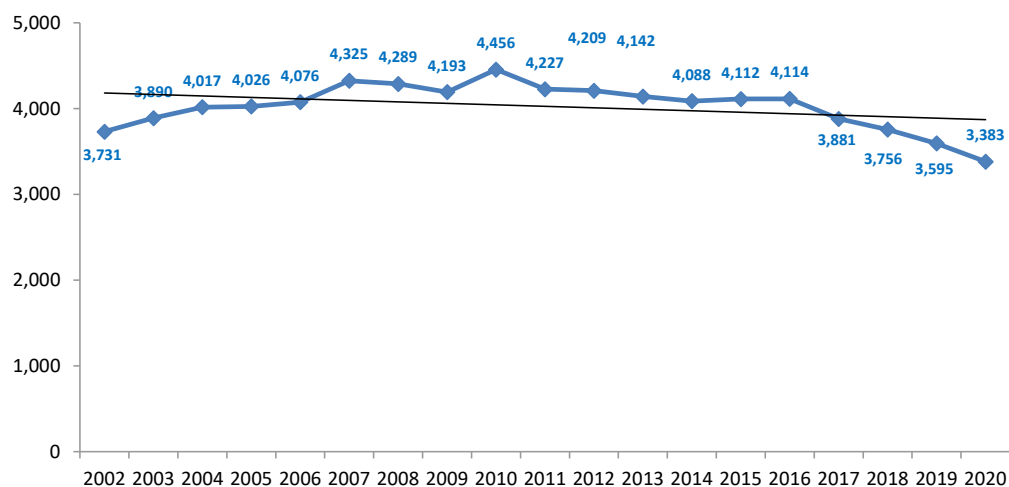
The Mulberry school has seen first place preferences fall from 72 (2021) to 46 (2022).

Haringey, in common with other London boroughs has seen a continued fall in birth rates since 2016 and this has been a key factor in the reduction in demand for primary school places at The Mulberry school as shown in the figure below from our 2021 SPPR on births in Haringey 2002 to 2020.

It should also be noted that further falls in projected demand were also reported in the 2021 SPPR when compared to the original data in the 2020 SPPR as also shown below – see the blue line for Planning area 4. This is consistent with further falls in projected birth rates as observed across London.”

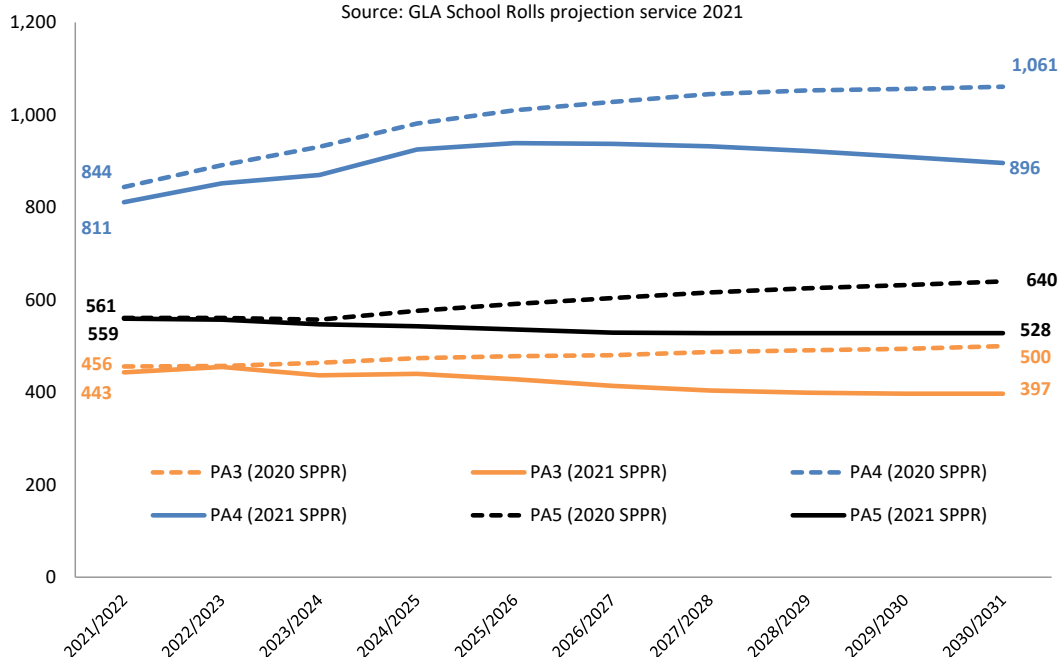
Figure 16- Births in Haringey, 2002 to 2020

Source: ONS Birth data (2002-2020)



**Figure 3 - Projected reception aged pupils by PAs 3,4 and 5
2021/22 to 2030/31 (projected)**

Source: GLA School Rolls projection service 2021



10. I accept that there has been a major change of circumstances as set out by the LA.

11. 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 that 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. Consequently, I need to be satisfied that a variation is justified and will not have a disproportionate adverse impact on the availability of places in the local area nor on parental preference.

12. The LA sets out the problems it foresees as follows:

“A sharper than expected fall in the demand for local primary school places has occurred. This has caused financial pressures for several schools in Planning area 4, in particular The Mulberry school which is resourced as a 3fe (90) school but only received 46 first place preferences (15 January 2022) for entry to September 2022”.

13. The LA have confirmed that as at 1 July 2022 there were 51 children offered a place at the school.

14. The Governing Body of the school have written in support of the proposed variation, as follows:

“I write on behalf of the Governing Body at The Mulberry Primary School to

officially confirm our request to temporarily reduce our Planned Admission Number (PAN) for 2022.

The Governing Body supports this decision and understands the reasons the Local Authority are seeking a reduction in PAN for 2022 and beyond based on current projections.

The Mulberry Primary School recognises the need for collaboration across the school system to mitigate the impact of the reduction in demand for school places. We also note that an admission authority can increase the PAN based on any future increase in demand and we will be working with the Local Authority to continue to monitor the situation.

The school would be in a vulnerable financial position if the PAN were to remain at 90. The school is not currently full and has vacancies of 88 places (across Reception – Year 6), this equates to approximately £440,000 in lost income. This impacts greatly on the school in terms of meeting staffing costs.

The school is currently going through a restructure across the board in order to be better equipped to operate within allocated budgets going forward”.

15. The number of preferences made for the school (first, second, third and so on) for the last three years is set out in the following table:

The Mulberry School preferences	2020	2021	2022
First	70	72	46
Second	35	21	26
Third	20	13	18
Fourth	13	10	13
Fifth	10	2	9
Sixth	6	8	4
Total	154	126	116

16. The Mulberry school has seen first place preferences fall from 72 (2021) to 46 (2022).

17. The number of children admitted to the school at the normal point of entry for each of the last three years is set out in the table below:

	2019		2020		2021	
School	Offers*	Census**	Offers*	Census**	Offers*	Census**
The Mulberry School	68	611	75	600	79	557

* Offers made as at national offer day (16 April). In 2020, the total number of children offered a place included 2 children allocated Mulberry Primary as the nearest school to their home address with a vacancy because we were not able to offer a school of preference.

** Reception pupils across planning area (Autumn (October) School census)

18. Regarding the number of children expected to be requiring a place at the school at the normal point or points of entry in the next two years the LA state:

“Based on the 2021 School Place Planning report and the latest data on declining birth rates and demand for The Mulberry School we anticipate demand for the next two years to be between 30 and 60 places (1-2fe) and at least 1fe (30 places) lower than the indicative PAN of 90”.

19. Regarding whether there are expected to be more children requiring a place at the school than the proposed PAN the LA state:

“There will be 0 children that we are not able to offer a place to if the PAN is reduced from 90 to 60 and we have sufficiency within the local area to meet any preference for late applicants, including places currently remaining at The Mulberry School (40 vacancies remaining based on a PAN of 90 as of 12 May 2022)”.

20. The forecast total admissions to the schools in the planning area are 695 for 2022 and 766 for 2023. If this variation is granted for the school the overall PANs across the planning area for 2022 will be 960. I should make the point that the arrangements for 2023 have already been determined with a PAN of 90 (the deadline for this being 28 February 2022). This determination applies only to the arrangements for 2022. If the admission authority wishes the PAN for 2023 also to be reduced then it will need to seek a variation to those arrangements.

21. I am satisfied that overall demand for places at the school has fallen, although I note that the school admitted over 60 pupils in 2019, 2020 and 2021. However, only 51 places are offered for September 2022 and I accept that the demand for places is likely to remain below 60 in the coming years.

22. The law states that for the whole of the Reception Year prejudice is deemed not to arise if the numbers are below PAN. The effect of this is that if the PAN remains at 90 any in year applications for Reception Year will have to be admitted. Consequently, there is a

possibility that further pupils may have to be admitted in year, taking the combined class size above 60 so exceeding the infant class size limit of 30 in at least one class.

23. I am satisfied that there has been an overall surplus of places in the local planning area and that this is likely to continue to be the case in future years, meaning that there will be sufficient places for the children in the planning area. I am also satisfied that the governing board of the school support the application for a variation.

24. Consequently, on balance I agree with the requested variation and determine that the PAN for school for 2022 will be 60.

Consideration of the arrangements

25. I wrote to the LA pointing out that:

- a. Where random allocation is used as a tie breaker there is no provision for supervision by an independent person as required by paragraph 1.35 of the Admissions Code
- b. There are a number of references in the section headed Notes to the School Admissions Code (2014), which is now superseded).

The LA have stated that it accepts that these changes are required and will amend its admission arrangements accordingly to address these points.

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 London Borough Council for Mulberry Primary School for September 2022.

I determine that the PAN for 2022 will be 60.

Dated: 7 July 2022

Signed:

Schools adjudicator: Tom Brooke