



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2272

Admission authority: Royal Borough of Greenwich for Discovery Primary School, Thamesmead, Greenwich

Date of decision: 01 September 2022

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I do not approve the proposed variation to the admission arrangements determined by The Royal Borough of Greenwich for Discovery Primary School for September 2023.

I determine that the Published Admission Number (PAN) will remain at 90.

The referral

1. The Royal Borough of Greenwich (the local authority) for Discovery Primary School (the school) has referred a proposal for a variation to the admission arrangements for September 2023 to the adjudicator. The school is a community school for children aged 3 to 11 years in Thamesmead, Greenwich.
2. The proposed variation is to reduce the PAN 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 and 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 also satisfied that the proposed variation is within my jurisdiction.
5. In considering this matter 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 local authority dated 12 August 2022 and supporting documents;
 - b. the determined arrangements for September 2023 and the proposed variation to those arrangements;
 - c. comments on the proposed variation from the school;
 - d. a map showing the location of the school and other relevant schools; and
 - e. information available on the websites of the local authority, the school and the Department for Education.

The proposed variation

7. The local authority acting at the request of the school has proposed that the PAN for admission in September 2023 is reduced 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 in 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 local authority explains the background to the proposal as follows; ‘the school was historically, operated with two forms of entry (60 places) in the reception class. To meet a growing demand for primary places in the local area, a statutory consultation to expand the school to three forms of entry (90 places) for entry from September 2012 was carried out between September and October 2011. Following this consultation, the proposal was given Member approval in February 2012. Discovery’s published admission number was

amended to reflect the additional places and the school began operating at three forms of entry. However, in recent years the demand for mainstream places in the north-east of the borough (the planning area in which the school is located) has been steadily decreasing. A recent review of primary provision versus demand in this area forecasts a downward trajectory over the medium term, possibly into the next decade.'

10. The local authority goes on to say that 'A reduction in PAN will afford the school some stability and make it more financially viable. Furthermore, a reduction in the overall number of places in this planning area will support other local schools in the same planning areas and adjacent planning areas that are also feeling the impact of the reduced demand for primary places. Discovery Primary School will be able to make informed and sustainable decisions regarding budgets, operational matters, including curriculum delivery and make effective use of resources'.

11. I asked the local authority why this reduction in PAN for 2023 had not been consulted on and proposed as part of the determination process for admissions in 2023 and was told that the school approached the local authority with this proposal after the statutory consultation had been completed.

12. 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 be made to the adjudicator. None of this is afforded by the variation process. The local authority reports that a review of primary place planning in 2020 identified a reduction in the required number of places over the following years and yet no proposed reductions in PANs for any of the schools in the area were proposed at the Cabinet meeting which determined the arrangements for 2023.

13. I looked at the admission numbers for the school over the past three years and found that in 2020, 89 pupils were admitted, in 2021 the number was 76 and the number of children starting at the school in 2022 is 76. The local authority suggests that the number required in 2023 will be 60 but I assume this is the figure given if the proposal to reduce the PAN is agreed. The local authority goes on to say that, based on last year's intake the number of children likely not to be offered a place at the school could be up to 16. It explains that based on the latest projections (which show a 10 per cent drop in demand over the next five years in the planning area in which the school is based) the figure is not likely to be 16. I take this to mean that, without a reduction in the PAN the figure for unsuccessful applicants is likely to be 10 per cent fewer, that is one or two pupils fewer, in other words, 14 or 15 unsuccessful applicants in 2023.

14. The local authority names five schools within a 1.3 walking distance of the school where displaced children are likely to be admitted, all of which are undersubscribed and therefore would have places available.

15. I looked in more detail at the admissions of these five schools and compared them with the school which is subject to this proposal. The significant reduction in the number of admissions has happened during the last two years, 2021 and 2022. For each of the six schools I have calculated the percentage undersubscription over this two-year period and the results are as follows;

School	Admissions 2021	Admissions 2022	Total for two years	PAN x 2 (available places in the two years)	Undersubscription	Percentage of undersubscription
Discovery	76	76	152	180	28	16
Heronsgate	72	62	134	240	106	44
Bishop John Robinson	25	21	46	60	14	23
Conway	54	48	102	120	18	Less than 1
Hawksmoor	32	35	67	180	113	63
Linton Mead	32	24	56	120	64	53

16. The table shows that the school which is the subject of this proposal has been 16 per cent undersubscribed over the past two years. One other school (Conway) has a smaller percentage undersubscription but the other four have a significantly greater proportion of undersubscription than the school in this proposal. One school, Hawksmoor, has a 63 per cent undersubscription and a PAN of 90. I question the local authority's planning if a proposal for a PAN reduction for a school with a 16 per cent undersubscription is requested when other schools in the local planning areas are undersubscribed by a far greater percentage.

17. The local authority suggests that displaced children resulting from this reduced PAN proposal could be accommodated at other local schools (up to 1.29 miles away) but I would ask the question; why should these families be denied places at a school which is their first preference and have to travel further to another school when there is clearly capacity for their admission? It is certainly a question which I think local parents should be given the opportunity to comment on during a proper consultation. This is one of the reasons I am not

approving this variation; if the local authority wants to reduce the PAN of this school, then the affected families should be provided with an opportunity to comment through the normal consultation process. The earliest opportunity for this to happen would be the consultation arranged by the local authority for the 2024 admission arrangements.

18. The response from the school about the proposed PAN reduction reports that ‘A reduction in PAN from 90 to 60 places for entry from September 2023, will ensure stability and make the school more financially viable. Over the past 4 years Discovery Primary School's roll has steadily decreased, the current projection is 74 pupils in year R, 76 in Year 1, 81 in year 2, 83 in year 3. If the PAN is reduced, sustained, informed decisions regarding budgets will be made, the school will remain viable. Teachers will be provided for full classes of children. If the PAN is not reduced, the school will continue to have classes that are not full, however a teacher will still need to be employed for those classes, this is not financially viable in the long term. It will make setting a successful budget extremely difficult and projecting for the future almost impossible. Therefore, the governing body support the decision to reduce the PAN.’

19. 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 and I understand that it is easier to plan viable and sustainable budgets if the number of pupils being admitted to the reception year (YR) is divisible by 30. Paragraph 2.16 of the Code states that ‘Infant classes **must not** contain more than 30 pupils with a single school teacher.’ Currently the school operates on a three-form intake with a PAN of 90 and maintains three classes in each year group. The school's projections of numbers are slightly different from those of the local authority but the headteacher reports that in September 2022 there will be 150 children in YR and Y1. The school could arrange for these children to be taught in five classes of 30 which would reduce the number of staff required and consequently reduce costs; many schools across the country have mixed age classes in their schools and provide very successful education for those children.

20. I have looked at the school's finances as published by the DfE financial benchmarking tables and find that for the financial year 2020-21 (the most recent figures available), the school had an in-year surplus of £347k and a reserve of £513k. These are significant amounts and could be used to support a three-form entry with fewer than 30 children in the classes.

21. The school's accommodation is sufficient for an intake of 90 pupils. The local authority reports that, when the PAN was increased in 2013, additional places were provided via the use of modular classrooms. These, according to the local authority, have a life span of 25 years which means that there is ample accommodation in the school until 2038. The modular classrooms would be removed if the PAN were reduced to 60 and this would reduce maintenance costs and provide more outside space for the school.

22. The local authority also says that the reduction in PAN at this school would reduce the number of surplus places across all schools in the area and therefore supports the

proposal. I do not accept that reducing a PAN and therefore making first preferences places unavailable at this school in order to reduce the number of surplus places at other schools is fair to those families who want their children to attend this school.

23. I find that the variation is not justified by the circumstances and I therefore do not approve the proposed variation.

Summary

24. I find that the variation is not justified because it would mean that parents who place the school as first preference in their application would be unsuccessful and the children would have to go to another school further away even though the school can accommodate them. The school has a significant budget surplus which could be used to maintain the three-form entry or it could accommodate the two years in five rather than six classes; I do not therefore accept that the financial circumstances of the school are such that a reduction in PAN is justified for September 2023.

Determination

25. In accordance with section 88E of the School Standards and Framework Act 1998, I do not approve the proposed variation to the admission arrangements determined by The Royal Borough of Greenwich for Discovery Primary School September 2023.

26. I determine that the Published Admission Number (PAN) will remain at 90.

Dated: 01 September 2022

Signed:

Schools Adjudicator: Ann Talboys