



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2312

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

Date of decision: 18 April 2023

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 Haringey for The Mulberry Primary School for September 2023.

I determine that the PAN for 2023 will be 60.

The referral

1. The London Borough of Haringey (the local authority) has referred a proposal for a variation to the admission arrangements (the arrangements) for September 2023 for The Mulberry Primary School (the school) to the adjudicator. The school is a community school for children aged three to eleven in Tottenham.
2. The proposed variation is that the published admission number (PAN) be reduced from 90 to 60 for admissions to reception year (YR) in September 2023.

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 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 the local authority dated 8 March 2023, supporting documents and further information provided at my request;
- b. the determined arrangements for 2023 and the proposed variation to those arrangements;
- c. a map showing the location of the school and other relevant schools;
- d. information available on the websites of the local authority, the school and the Department for Education; and
- e. an earlier adjudicator determination relating to the school’s arrangements (VAR2262).

The proposed variation

7. It is proposed to reduce the PAN for YR entry in September 2023 from 90 to 60. This is one of a number of requests from admission authorities in the local authority in relation to their admission arrangements for 2023. In all these cases, the proposed variations are to reduce the PANs for the schools concerned.

8. The referral states that “Mulberry Primary was part of the borough wide consultation (6 weeks) for permanent reductions in schools across several planning areas in 2022/23 and it has been formally agreed that the school will permanently reduce its PAN from 90 to 60 for September 2024. We are seeking early implementation via an in-year variation request from 2023 to allow the school leadership team in offering [sic] a more accurate number of places and also help with financial planning.”

9. The referral also states that “The reduction in the supply of primary places to align demand more closely will benefit the school budget for 2023/24 and future years. More permanent reductions going forward will assist schools to ensure financial viability in achieving economies of scale and to enable them to continue to deliver on high quality of education.”

10. 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

11. 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. I note that the local authority has carried out a consultation in respect of borough-wide PAN reductions for admission in September 2024, and also that the PAN for the school in 2022 was reduced to 60 following the approval of a variation request (VAR2262). This means that were the proposed variation for 2023 to be approved, this would be the second consecutive year that a reduced PAN had been set without consultation.

12. It is therefore particularly important that the proposed variation is properly scrutinised. I have accordingly given careful consideration to the latest available data in order to form a view about the sufficiency of school places in the local area were the PAN to be reduced from 90 to 60 for September 2023. I have also 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.

13. 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. The school is one of 15 schools admitting children to YR in its planning area. Table 1 below summarises the number of children admitted to these schools in recent years.

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

	2020	2021	2022	2023
Sum of PANs of schools in the planning area for YR	810	840	810	900
Number of children on roll as at October census or projected to be offered a place	766	689	671	679 (projected)
Vacant places	44	151	139	221 (potentially)
Vacant places as a percentage	5%	18%	17%	25% (potentially)

14. Table 1 shows that a quarter of all places for YR are expected to be vacant for 2023. I am therefore assured that if the PAN for the school were to be reduced to 60, there would be sufficient places left for those seeking a place in YR.

15. I now turn to the numbers of children at the school and the reasons given by the school in support of the variation request. Table 2 summarises the numbers admitted to the school in recent years.

Table 2: numbers of children admitted to YR or predicted to be offered a place in YR at the school

	2020	2021	2022	2023
The PAN for the school	60**	90	60*	90
Number of children on roll as at October census or projected to be offered a place	79	80	59	57 (projected)
Vacant places in YR	N/A	10	1	33 (potentially)

*Reduced by variation request **figure supplied by the LA on 8 March 2023

16. The request for a variation refers to the local authority's wish to align the school's staffing and budget to a reducing number of children. The school is one affected by 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. The infant class size regulations apply to YR and this means that if the number admitted to YR in September 2023 were 57, as projected, and the school wishes to teach only in single year group classes, there would be two YR classes, each close to the maximum size. This would be financially efficient.

17. If the PAN for the school were to remain at 90, then any in year applications for YR will have to be admitted. There is therefore a possibility that if further children were admitted in year, the number of YR children would exceed 60. To avoid a breach of the infant class size regulations, the school would have to either create an extra reception class or reorganise their infant children into mixed age classes. This would present a logistical and financial challenge.

18. After consideration of all the factors above, and given that there is no evidence of any frustration of parental preference, I find that the variation is justified by the circumstances and I approve it. The PAN for 2023 will be 60.

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 the London Borough of Haringey for The Mulberry Primary School for September 2023.

20. I determine that the PAN for 2023 will be 60.

Dated: 18 April 2023

Signed:

Schools adjudicator: Clive Sentance