



Office of  
the Schools  
Adjudicator

## Determination

**Case references:**           **VAR2382    Links Primary School**  
**VAR2383    William Morris Primary School**  
**VAR2384    Lonesome Primary School**

**Admission authority:**   **The London Borough of Merton**

**Date of decision:**       **30 January 2024**

## Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variations to the admission arrangements determined by the London Borough of Merton for Links Primary School, William Morris Primary School and Lonesome Primary School for September 2024.

**I determine that the published admission number for Links Primary School will be 30.**

**I determine that the published admission number for William Morris Primary School will be 30.**

**I determine that the published admission number for Lonesome Primary School will be 30.**

## The referrals

1.     The London Borough of Merton (the local authority) has referred proposals for variations to the admission arrangements for September 2024 (the arrangements) for Links Primary School (Links), William Morris Primary School (William Morris) and Lonesome Primary School (Lonesome) to the adjudicator. The schools are community schools for children aged three to eleven.
2.     The local authority set the published admission number (PAN) for each school at 60 and proposes that the PAN be reduced from 60 to 30 for admissions in 2024 in each case. I

have decided to consider the proposals in one determination as the schools are within a short distance of each other and there are many common factors. Each case is decided individually on the basis of the relevant information.

## Jurisdiction and procedure

3. The referrals were 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 as required for the three schools. I have seen confirmation that the governing bodies of the three schools have each been consulted on the relevant proposed variation. I find that the appropriate procedures were followed, and I am also satisfied that the proposed variations are within my jurisdiction.

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

- a. the referrals from the local authority dated 13 November 2023, supporting documents and further information provided at my request;
- b. the determined arrangements for 2024 and the proposed variations to those arrangements;
- c. comments on the proposed variations from the governing boards for the schools;
- d. maps showing the location of the schools and other relevant schools; and
- e. information available on the websites of the local authority and the Department for Education (the DfE).

## The proposed variations

6. The local authority wishes to reduce the PANs of the three schools from 60 to 30 in each case. In its referrals the local authority said that the number of children needing a place in reception year (YR) has reduced across the local authority's area. The reduction in the number of children requiring a place in YR has had a financial impact on the three schools and other schools. The local authority told me that it is taking steps to reduce surplus capacity across its area in response to the lower demand.

7. The DfE website, 'Find and compare schools in England' (the DfE website), shows that the schools are in an urban area with between 11 and 17 other primary schools within one mile, depending on the school, which admit children to YR (measured in a straight line from the school). All three schools are in the northeast of the local authority's area. The DfE website shows that Links is less than a mile from Lonesome. Lonesome is just over a mile from William Morris. The distance between Links and William Morris is just over a mile and a half. All distances quoted are based on straight line measurements. William Morris and Lonesome are in the same federation and have the same governing board.

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 variations requested are justified by the change in circumstances.

## Consideration of proposed variations

9. The local authority described that in September 2021, it had forecast a reduction in the number of children requiring a place in YR and,

“recommended reductions in forms of entry across the borough. Action has already been taken against this strategy with a number of schools reducing their forms of entry. The updated strategy for September 2023 recommends further reductions and a more robust approach by the Authority in working with schools to achieve this. Financial viability is one of the key factors in deciding on reduction. [The schools] will not remain financially viable as [] two form entry school[s] based on the current numbers, the reduced first preference demand and the forecast data.”

10. 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 the adjudicator. None of this is afforded by the variation process. In this instance, the local authority has consulted on setting the PANs for the schools at 30 for the 2025 arrangements. I have seen the consultation on the local authority's website and that

the consultation closed on 19 January 2024. No responses were received. This is relevant in that it assures me that there is no local concern about the reduction in places at the schools. This assurance is tempered, however, by the fact that the consultation concerns admission in 2025 and I am considering need and demand for 2024.

11. In considering the proposed variations I will first consider the demand for school places in the areas where the schools are situated. 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 areas each containing a number of schools, for this purpose. Links is in planning area 5, William Morris and Lonesome are in planning area 6 and the two planning areas are adjacent to each other. There are 12 primary schools in planning area 5 including Links and five primary schools in planning area 6 including Lonesome and William Morris.

12. Local authority planning areas generally mean little to parents who will select their preferred school on matters such as family links, ease of access and perceptions of a school and its intake. This means that planning areas can only give indications of demand and, in an urban context, there will be much pupil movement across areas. This can include movement to other local authority areas, although in these cases data provided to me by the local authority shows that in 2023, only a few children who lived in other local authority areas were allocated places at the schools. Tables 1 and 2 below summarise the number of children admitted to the schools in planning areas 5 and 6 respectively in recent years.

Table 1: numbers of school places and numbers of children admitted to YR in schools in planning area 5

	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
<b>Sum of PANs of schools in the planning area for YR</b>	690	690	600	600
<b>Number of children in YR on the school rolls in October of the admission year</b>	622	545	547	526
<b>Vacant places</b>	68	145	53	74
<b>Proportion of vacant places</b>	10%	21%	9%	12%

13. The number of children seeking a place in planning area 5 has fallen by nearly 100 children between 2020 and 2023. Although 90 YR places were removed for 2022, in 2023 there were still 74 vacant places in YR in 2023 (information dated 2 October 2023). If the PAN for Links had been 30 (and not 60) there would have still been 44 vacant places, this would have been about eight per cent of the total available. Most local authorities seek to have around five per cent vacant places as this gives capacity for flexibility for children

seeking a place after the normal round of admissions. Therefore, it would appear that if the PAN for Links had been 30 in 2023, there would have been sufficient school places in planning area 5.

Table 2: numbers of school places and numbers of children admitted to YR in schools in planning area 6

	2020	2021	2022	2023
<b>Sum of PANs of schools in the planning area for YR</b>	270	270	270	270
<b>Number of children on the school roll in October of the admission year</b>	215	204	207	178
<b>Vacant places</b>	55	66	63	92
<b>Proportion of vacant places</b>	20%	24%	23%	34%

14. Table 2 shows that there has been a high proportion of vacant places in planning area 6 since at least 2020. The proportion increased in 2023 to over a third of all places. If the PANs for Lonesome and William Morris had been 30 for both schools for 2023, the sum of the PANs would have been 210, the number of vacant places 32 and the proportion of vacant places would have been 15 per cent. Again, it would appear that if the PANs for the two schools had been 30 in 2023, there would have been sufficient school places in planning area 6. The local authority told me that it had been notified that another school (Stanford) in planning area 6 has been given permission in principle that it should shut at the end of this academic year and parents have been informed. In my consideration for admissions to YR in 2024, I have therefore discounted the places available at Stanford which means 30 places fewer in planning area 6 than for 2023.

15. As the requests for variations were made after the majority of parents had made their applications for YR, I asked the local authority to provide me the number of first preferences for the schools in the planning areas once the closing date, 15 January 2024, had been reached. A first preference is the school a parent would most like their child to attend. The admission process works so that a child is offered a place at the highest preference that can be achieved. In a London Borough, parents are encouraged to make up to six preferences as this supports their being able to secure a place at a school for which they have expressed some degree of preference, if not their highest preference. Clearly, there will be late applications but equally clearly there will be people whose plans change before September 2024 and no longer require a place for their child in the area. Overall I believe that the number of first preferences is a reasonable indicator of demand. I have summarised the data on first preferences for 2024 in table 3 below.

Table 3: first preferences for YR for the schools in the planning areas 5 and 6 for 2024 provided 16 January 2024

Sum of PANs in planning area 5	600
Number of first preferences for schools in planning area 5	453
Number of possible vacant places in planning area 5	147
Sum of PANs in planning area 6 (excluding Stanford)	240
Number of first preferences for schools in planning area 6 (including Stanford)	142
Number of possible vacant places in planning area 6	98

16. Links is in planning area 5 and the data shows that if its PAN were to be reduced from 60 by 30 to 30 then there would be sufficient places for children requiring a place as on current figures there would be around 110 vacant places even with the reduction to the PAN at Links.

17. The number of first preferences at this point for planning area 6 is 142 and again, as above, I believe that this is a reasonable indicator of demand for September 2024. If the PANs for both William Morris and Lonesome were reduced by 30 each, making 180 places available, the reduction of 60 places could mean that there would be 38 vacant places in planning area 6. This is some assurance that there would be sufficient places if I agreed the two variations, particularly as planning area 6 is very close to planning area 5 where there would be around 110 vacant places (if the PAN for Links were to be 30).

18. The local authority is conscious that the schools are affected by the provisions of the School Admissions (Infant Class Size) (England) Regulations 2012 (the infant class size regulations) which 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 I understand that many schools wish to teach with single year groups to a class. Many schools have more than one year group to a class, sometimes known as mixed aged classes, but this is not an approach taken by the schools in these cases.

19. Schools are largely funded on the number of children on roll and the main cost is for staff. This means that a class of 30 children is financially efficient and a class of 20 unlikely to meet the costs of providing the class. Clearly if a school had just one class of 30 for YR, rather than two classes of 16 (for example) then the costs are less. I asked each of the governing boards concerned to provide me with information on the challenges it faced if the PAN were not reduced and for information on their current class structures and I consider the schools individually below.

## Links

Table 4: the number of first preferences and the number of children admitted to YR at Links in recent years

	2020	2021	2022	2023	2024
<b>The PAN for Links</b>	60	60	60	60	60
<b>The number of first preferences</b>	50	38	33	38	24
<b>Number of children at Links in October of the admission year</b>	50	46	42	46	N/A
<b>Number of vacant places</b>	10	14	18	14	Estimate 36

20. Table 4 shows that in previous years the number of children admitted to Links has been above the number of first preferences. This means that for at least some of the children admitted, Links was not the first preference school but the highest preference school at which a place could be offered. I note that some parents may only make one preference and, in those circumstances, the local authority will allocate a school place based on availability close to the child's home. The number of first preferences for 2024 is significantly lower than for any previous year, less than half what it was in 2020. This may reflect that the general reduction in demand across the local authority area as illustrated in tables 1 and 2 above. The number of first preferences for Links for 2024 is lower than the proposed PAN for the school.

21. The governing board for Links provided data that showed that pupils are taught in classes with single year groups. As the year groups vary in size between 39 and 59, the classes also vary in size between 17 and 30. The school will have arranged its classes to meet the needs of its pupils and so a direct split into two will not always occur. Broadly, however, many schools would argue that having significantly fewer than 24 pupils to a class will cause financial difficulties. In this instance the governing board said,

“We have considered the implementation of mixed age group classes. Given the high proportion of children with English as an Additional Language and Special Educational Needs, we do not feel that this would be commensurate with the needs of the children at Links.”

22. The governing board also said that it was having to reduce the number of classroom assistants because of financial pressures and so there would be insufficient to support the additional demands made by mixed aged classes. There would be economies of scale if there were mixed aged classes as the classes could be bigger and therefore there may be

sufficient funding for an appropriate number of classroom assistants, so I do not quite follow this argument. I do note it is for the school to determine its class structures.

23. I have taken into account all the information provided to me. If the PAN is set at 30 for 2024 then the school can plan on that basis and provide one class for YR. If the PAN remains at 60 then it would be possible for more children to be admitted during the coming year making it necessary for the school to take steps to meet the infant class size regulations. As the school’s policy is for single year groups to a class, this could lead it to have to provide more than one class for just over 30 children leading to high costs and possible disruption to the class organisation and effects on children’s learning.

24. Taking these financial and educational matters into account, as there are likely to be sufficient vacant places in the area for all those who need a place and the number of first preferences is below 30, I believe that the reduction to 30 for the PAN is justified and I approve the proposed variation.

**William Morris**

Table 5: the number of first preferences and the number of children admitted to YR at William Morris in recent years

	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>
<b>The PAN for William Morris</b>	60	60	60	60	60
<b>The number of first preferences</b>	26	33	29	31	26
<b>Number of children at William Morris in October of the admission year</b>	30	44	38	43	N/A
<b>Number of vacant places</b>	30	16	22	17	Estimate 34

25. The number of first preferences for William Morris for 2024 is lower than the proposed PAN of 30. Table 5 shows that for admissions to William Morris, as with Links, the number admitted is higher than the number of first preferences. I note that in 2020 there were 26 first preferences, as for 2024, and 30 children were on roll in October 2020, which is an increase of four. Overall, the demand for the school has been significantly below its PAN of 60 for some years and the context is reducing demand across the area as shown in tables 1 and 2 above.

26. The class structure of William Morris reflects this pattern of admissions below the PAN of 60. In four year groups there are around 30 children in one class, which will be financially efficient. For the other three year groups there are two classes to each year group and the numbers to the class are around 23, which will not be financially efficient.



27. The governing board for William Morris provided models of the financial implications of the PAN for 2024 being 30 and being 60. William Morris has a financial deficit and is taking steps to address this; one step being the PAN for the school being 30 from 2025. If the PAN were to remain at 60 for 2024, the model provided shows the deficit would not be addressed in three years. The governing board expressed its concern and said,

“Governors have made significant cuts already to the budget and consider that any further cuts would be severely detrimental to the quality of education offered to the children and the ability of the staff to keep them safe.”

28. The governing board also explained that it had considered having mixed age classes in order to address its budgetary challenges and explored the factors that led to it deciding against such action. The matters raised by the governing board included the lack of popularity of mixed aged classes with parents who may decide, if such classes were introduced, to take their children away from the school further reducing pupil numbers and thus the school’s budget. Serious concern was expressed regarding teacher workload and the effect on recruitment and retention. The governing board said:

“Classes of more than one year group have not been arranged because they would entail a significant change in a teacher’s workload with the different curriculum planning involved. We are currently suffering from very low morale in our staff body, with higher than normal numbers of staff leaving the school and indeed the profession. Requiring staff to teach mixed classes could accelerate that effect, further increasing our existing staff recruitment and retention problems.”

29. The 26 first preferences made for William Morris make it unlikely, although possible, that a first preference would be refused if the PAN were set at 30. I note that children for whom the school was a second or lower preference may meet higher oversubscription criteria than children for whom the school is a first preference but given the overall demand I believe parental preference will not be unduly frustrated if the PAN were to be set at 30.

30. Taking into account the budgetary situation for the school, its concerns regarding mixed aged classes and that parental preference will not be significantly frustrated, I have decided that the proposed variation is justified by the circumstances and approve setting the PAN at 30 for admissions in 2024.

## **Lonesome**

Table 6: the number of first preferences and the number of children admitted to Lonesome in recent years

	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>
<b>The PAN for the school</b>	60	60	60	60	60

	2020	2021	2022	2023	2024
<b>The number of first preferences</b>	45	42	40	31	35
<b>Number of children at the school in October of the admission year</b>	59	45	49	36	N/A
<b>Number of vacant places</b>	1	15	11	24	Estimate 25

31. The number of first preferences for Lonesome at 35 is higher than the proposed PAN of 30. As explained above, the governing board for Lonesome is the same as for William Morris as the two schools are in the same federation. The information provided to me by the governing board was the same as that provided for William Morris regarding consideration of mixed aged classes. I repeat it here for clarity.

32. The governing board explained that it had considered having mixed age classes in order to address its budgetary challenges. The factors that led to the governing board deciding against such action included the lack of popularity of mixed aged classes with parents who may, if such classes were introduced, take their children away from the school and so further reduce pupil numbers and thus increase the pressure on the school's budget. Serious concern was also expressed regarding teacher workload and the effect on recruitment and retention if mixed age classes were to be introduced. The governing board said,

“Classes of more than one year group have not been arranged because they would entail a significant change in a teacher's workload with the different curriculum planning involved. We are currently suffering from very low morale in our staff body, with higher than normal numbers of staff leaving the school and indeed the profession. Requiring staff to teach mixed classes could accelerate that effect, further increasing our existing staff recruitment and retention problems.”

33. It is for the school to decide its class organisation and I have been given some assurance that the governing board has seriously considered the introduction of mixed aged classes, which could appear a way of addressing its budget deficit but has come to rational reasons for not doing so. These reasons relate to the local context regarding potentially more children leaving the school due to parental dissatisfaction with a consequent effect on the budget, and increased pressure on staff from the school leading to losing staff with possible effects on the quality of education the school is able to provide.

34. The governing board made the same point regarding its concern on further reductions to the budget as for William Morris, that

“Governors have made significant cuts already to the budget and consider that any further cuts would be severely detrimental to the quality of education offered to the children and the ability of the staff to keep them safe.”

35. Lonesome has a deficit budget and the governing board are taking steps to address it, as it must. As for William Morris, the governing board has modelled what could happen if the PAN is varied to 30 or if it remains at 60. In the model with the PAN at 30 for 2024, the deficit is largely addressed by the end of the 2024/25 academic year and there is a small surplus in the third year at the end of the 2025/26 academic year. The model with the PAN remaining at 60 for 2024, shows the deficit increasing to nearly £150,000 by the end of the 2024/25 academic year. This is a serious matter and relates to the costs of providing two classes for YR without sufficient numbers of children to fully meet the costs. Table 6 illustrates that, apart from in 2020, the number of admissions to the school has been significantly below the PAN of 60.

36. I am conscious that once more than 30 children are admitted to YR and two classes established, that it is probable that those two classes will have to be sustained until that year group leaves at the end of year 6 with all the relevant staffing costs. Therefore, the PAN on entry is a long term matter for the financial health of the school and admission numbers significantly below 60 but above 30, leading to small classes year on year, is the likely cause of the deficit budget currently held by Lonesome. In other words, the income from the number of pupils has been insufficient to meet the staffing costs of the class structure.

37. The number of first preferences for Lonesome for 2024, at 35, is higher than the proposed PAN of 30. Thus it is inevitable that, if I agree the proposed variation, some parents who applied for the school believing the PAN to be 60, will have their preference frustrated. These will include at least five for whom Lonesome was the first preference but possibly also some for whom it was the second or lower preference but still the highest preference place that could be offered. To put it another way, at least five but very possibly more children will have to go to a lower preference school than would be the case if they could have gone to Lonesome. On the other hand, if I do not agree the proposed PAN of 30, then it is likely that the school will go further into deficit. I have therefore looked at the information provided in detail as this matter is finely balanced.

38. There are currently 13 classes at the school, two for each year group except YR which has one class of 30. The school has nine classes with fewer than 24 children; 24 children to a class is sometimes seen as a ratio which balances the income from pupils with the costs of providing a class. This is a simplistic assumption as there will be other factors at play, such as the experience, and thus the cost, of the teacher. However, with nine classes with fewer than 24 children out of 13 classes (and one with 18 pupils), the cause of the deficit is at least partially explained. The governing board said in response to my enquiries,

“You will note that only one [year group], Year 3 [admitted in 2020], is operating at or near its current PAN of 60. All other years are operating at significantly below PAN.

The highest percentage of children we have in year is our current Year 5 at 78%, our lowest is Year 4 at 65%. At the lower end of the school, the numbers trend down, with percentages of 70% and below. It is not sustainable to run at school over many years with such reduced numbers. The deficit has come about as a result of this. While we have sought over this period to get by in the hope that numbers may increase, we are at the point where this is no longer financially sustainable and forecasts demonstrate that numbers are set to fall still further in future years.”

39. I note that the PAN only applies to the year of entry (YR in this case) but that admission authorities will tend to refer to the PAN as if it applies to all year groups. There is strong evidence that the school has significant financial challenges which will escalate if the PAN for 2024 remains at 60. The governing board is concerned that more steps to address the financial deficit, while retaining small classes, are likely to affect the quality of education provided by the school in terms of resources and staffing.

40. The local authority provided impact assessments of reducing the PAN for the three schools with its proposed variations. I have not considered these in more detail for the other schools but here, where the decision is more finely balanced, I have done so. The impact assessment for Lonesome took the first preferences for 2023 and considered where the children could have been offered a place if the PAN had been 30 then. This exercise, taking other preferences into account, showed that offers would have been made to other local schools.

41. At my request, the local authority provided an impact assessment for 2024 regarding the five children who could be affected (assuming that the number of first preferences remains stable) if the PAN were set at 30. One of those five children will be offered a place at the parent’s second preference school. The parents of the other four children named Lonesome as their first preference but did not name any other preferences, despite encouragement to name up to six schools. This means of course that the local authority does not know and cannot take account of any other schools they would like their children to attend. The local authority said that these children would all be offered places at schools at around a kilometre or less from their homes; some of these schools would be closer to the home than Lonesome. Based on the information available, no child with a sibling already at Lonesome would be affected.

42. I have weighed the evidence carefully. I have taken into account the effects of an increasing financial deficit to the school with implications for several years, and the potential impact on the educational provision Lonesome is able to make. I have also taken into account the potential detriment to families who made Lonesome their first preference or for whom Lonesome would be the highest preference which could be achieved if the PAN remained at 60 and whose children may not be admitted if the PAN is set at 30. Having weighed these factors I have found that the potential detriment to Lonesome and the children it educates if the PAN remains at 60, is greater than the potential detriment to the families which may be affected if the PAN is set at 30. I therefore find that the variation is justified by the circumstances and approve the proposed variation.

## Determination

43. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variations to the admission arrangements determined by the London Borough of Merton for Links Primary School, William Morris Primary School and Lonesome Primary School for September 2024.

44. I determine that the published admission number for Links Primary School will be 30.

45. I determine that the published admission number for William Morris Primary School will be 30.

46. I determine that the published admission number for Lonesome Primary School will be 30.

Dated: 30 January 2024

Signed:

Schools adjudicator: Deborah Pritchard