



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** VAR2428

**Admission authority:** The London Borough of Waltham Forest for Chapel End Infant School and Early Years Centre

**Date of decision:** 29 July 2024

### 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 Waltham Forest for Chapel End Infant School and Early Years Centre for September 2024.

I determine that the published admission number for the school will be 60.

### The referral

1. The London Borough of Waltham Forest (the local authority (LA)) has referred to the adjudicator a proposal for a variation to the admission arrangements for Chapel End Infant School and Early Years Centre (CEISEYC or the school) for September 2024 (the arrangements).
2. The school is a community school for children aged 2 to 7 in Waltham Forest, London. It is a co-educational, non-selective school with no designated religious character. The school was judged to be 'Good' by Ofsted at its last inspection in September 2022. The school operates over a split site, with Reception Year (YR) children on a separate site to those in Years 1 and 2.
3. The proposed variation is for the published admission number (PAN) of the school to be reduced from 90 to 60 for September 2024.

### Jurisdiction and procedure

4. 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”.

5. The arrangements were determined by the LA cabinet on 12 January 2023. The LA has provided me with confirmation that the appropriate bodies have been notified and I have seen confirmation that the school’s governing body 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.

6. In considering this matter I have had regard to all relevant legislation, and the Code.

7. The information I have considered in reaching my decision includes:

- a. the referral from the LA dated 22 May 2024, supporting documents and further information provided at my request;
- b. the determined arrangements for 2024/25 and the proposed variation to those arrangements;
- c. comments on the proposed variation from the school and further information provided at my request;
- d. the ‘Waltham Forest Pupil Place Plan 2021-2036’ and the ‘Waltham Forest Local Plan (LP1) Part 1: Shaping the Borough 2020-2035 (Adopted 2024)’;
- e. maps, including Google Maps and those showing the location of the school and other relevant schools; and
- f. information available on the websites of the LA, the school, the Department for Education (DfE) (including ‘Get Information About Schools’ (GIAS) and ‘Schools Financial Benchmarking’ (SFB)) and Ofsted.

8. I note here that the arrangements for 2025/26 have been determined. This means that if I decide to vary the arrangements for 2024/25 by reducing the PAN as proposed, the variation will apply to the arrangements for 2024/25 only.

9. I also want to put on record that there have been a number of variation requests made by the LA for its schools over a number of years. I note that adjudicators have made clear to the LA in previous determinations of their concerns about two key matters: that the LA has been citing the reduction in the number of children seeking places in its schools for a number of years and that this would have been known to the LA well in advance of needing to seek a variation; and that the LA has frequently made use of the variation process as part of its pupil place planning process. About the latter, I make clear that 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 changes to arrangements 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.

10. I have read a sample of determinations from previous cases relating to variation requests made by the LA for its schools as part of my consideration of this request. However, I stress here that adjudicator determinations do not set precedents and each case is considered on its merits.

## Consideration of proposed variation

11. 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.

12. The LA told me that the reason for it seeking a variation for the school is:

“Since COVID-19 there has been a larger than expected drop in demand for reception places and this has at times made things very difficult for schools financially when they have more teaching staff than required. This year the school has experienced a significant drop in demand for places at their school and the planning area in which they reside has a very large surplus.

The schools PAN is set at 90, however due to the increased drop in demand (through parents still home-schooling due to COVID-19 or otherwise) the school currently has just 59 offers meaning they will only require 2 reception teachers for September 2024. To employ a third teacher at risk of going just over 60 pupils is not an affordable option financially. There are more than sufficient vacant places within the other [...] schools in the same planning area and to maintain the PAN at 90 would be detrimental to other schools as well as Chapel End. [...]

It will benefit the school financially by not having to recruit for a 3rd reception teacher (the position is vacant due to an existing teacher leaving in July 2024). Also by reducing the large surplus locally it will ensure other schools in the same planning area (4 academies and 1 maintained) who also show vacancies have more chance of being more full should additional demand arise between now and September which will be a financial benefit to these schools.”

13. The LA has a duty to make sure that there are sufficient places for the children in its area. To fulfil this duty the LA assesses the likely future number of places to be needed and plans to meet that need. The LA uses planning areas, which are geographical areas and the schools within those areas, for this purpose. The school is one of seven schools in the LA’s ‘Walthamstow North-West’ primary planning area (the WNWPA or the planning area). The other six schools in the planning area are (in order of straight line distance (in miles) from CEISEYC’s postcode taken from the DfE’s GIAS website): Walthamstow Primary Academy (0.5); The Winns Primary School (0.85); Roger Ascham Primary School (0.65); Greenleaf Primary School (0.73); Whittingham Primary Academy (0.95); and Hillyfield Primary Academy (0.96). CEISEYC is the only infant school in the planning area. It works closely with Chapel End Junior Academy (in a different planning area) to where many of its children transfer at the end of Year 2. The PANs for all schools in the planning area, for YR, for the previous two years and three following years are shown in Table 1.

Table 1: PANs for the schools in the planning area between 2022/23 and 2026/27

<b>Schools in the planning area / PANs</b>	<b>2022/23</b>	<b>2023/24</b>	<b>2024/25</b>	<b>2025/26</b>	<b>2026/27</b>
CEISEYC	90	90	90	90	90
Greenleaf Primary School	60	60	60	60	60
Hillyfield Primary Academy	90	90	90	90	90
Roger Ascham Primary School	60	60	60	60	60
The Winns Primary School	90	90	90	90	90
Walthamstow Primary Academy	60	60	30	30	30
Whittingham Primary Academy	60	60	60	60	60
<b>Total number of places in YR</b>	<b>510</b>	<b>510</b>	<b>480</b>	<b>480</b>	<b>480</b>

14. The data in Table 1 show that up to 2023/24 there were 510 places in the WNWPA. From 2024/25 the number of places reduces to 480 by virtue of the reduction in the PAN at Walthamstow Primary Academy. If I agree to reduce the PAN at CEISEYC to 60 in 2024/25, that will further reduce the number of places in the WNWPA to 450 in 2024/25. The PAN will then be 90 at the school again from 2025/26 by virtue of the arrangements for that year having already been determined. This means that the number of places in the planning area would rise again to 480.

15. The LA provided data for the numbers expressing one of six preferences for the schools in the WNWPA for the years 2022/23 to 2024/25, which I have put into Tables 2 to 4 (where P1 (first) to P6 (sixth) are the six preferences).

Table 2: Preferences expressed for schools in the WNWPA for in 2022/23

<b>Schools in the planning WNWPA / Preferences</b>	<b>P1</b>	<b>P2</b>	<b>P3</b>	<b>P4</b>	<b>P5</b>	<b>P6</b>
CEISEYC	62	31	29	25	17	12
Greenleaf Primary School	77	79	67	56	32	15
Hillyfield Primary Academy	63	47	36	19	12	8
Roger Ascham Primary School	65	34	29	29	10	5
The Winns Primary School	91	71	63	26	19	13
Walthamstow Primary Academy	20	24	15	7	12	11
Whittingham Primary Academy	39	28	11	11	7	3
<b>Total</b>	<b>417</b>	<b>314</b>	<b>250</b>	<b>173</b>	<b>109</b>	<b>67</b>

Table 3: Preferences expressed for schools in the WNWPA for in 2023/24

<b>Schools in the planning WNWPA / Preferences</b>	<b>P1</b>	<b>P2</b>	<b>P3</b>	<b>P4</b>	<b>P5</b>	<b>P6</b>
CEISEYC	58	44	31	26	23	9
Greenleaf Primary School	69	64	62	51	31	26
Hillyfield Primary Academy	63	60	44	17	8	11
Roger Ascham Primary School	66	40	38	23	18	8
The Winns Primary School	135	86	58	27	10	8
Walthamstow Primary Academy	57	38	37	23	10	6
Whittingham Primary Academy	34	23	17	15	9	4
<b>Total</b>	<b>482</b>	<b>355</b>	<b>287</b>	<b>182</b>	<b>109</b>	<b>72</b>

Table 4: Preferences expressed for schools in the WNWPA for in 2024/25

<b>Schools in the planning WNWPA / Preferences</b>	<b>P1</b>	<b>P2</b>	<b>P3</b>	<b>P4</b>	<b>P5</b>	<b>P6</b>
CEISEYC	54	33	36	22	22	13
Greenleaf Primary School	58	70	56	41	18	18
Hillyfield Primary Academy	60	42	28	20	6	8
Roger Ascham Primary School	42	34	35	19	11	5
The Winns Primary School	122	73	49	23	17	4
Walthamstow Primary Academy	16	19	17	15	12	11
Whittingham Primary Academy	30	32	9	11	6	4
<b>Total</b>	<b>382</b>	<b>303</b>	<b>230</b>	<b>151</b>	<b>92</b>	<b>63</b>

16. The data in Tables 2 to 4 show that over the three year period, the number of parents expressing a preference for schools in the WNWPA has been reducing. For admission in 2022/23 1330 preferences were expressed for schools in the planning area. This rose to 1487 for places in schools in 2023/24. However, this has dropped to 1221 preferences for 2024/25. When a linear trendline is applied to that data, it shows an overall decrease in that period. For CEISEYC, the pattern was slightly different, with 176 preferences expressed for 2022/23, 191 for 2023/24 and 180 for 2024/25. When a linear trendline is applied to that data it shows that the trend is upwards. However, there is a clear decline in the number of first preferences being expressed for places at CEISEYS over the same period.

17. The LA provided data on the number of children on roll in schools in the planning area at the October census in 2021, 2022 and 2023, the number allocated to each school for 2024/25 and the number forecast to need places for the academic years 2025/26 and 2026/27. I have put that data into Table 5.

Table 5: Numbers in each school in the WNWPA from 2021/22 to 2023/4, allocated for 2024/25 and forecast for 2025/26 and 2026/27

<b>Schools in the WNWPA / Numbers of children</b>	<b>2021/22<sup>1</sup></b>	<b>2022/23<sup>1</sup></b>	<b>2023/24<sup>1</sup></b>	<b>2024/25<sup>2</sup></b>	<b>2025/26<sup>3</sup></b>	<b>2026/27<sup>3</sup></b>
CEISEYC	62	74	73	59	69	67
Greenleaf Primary School	59	60	60	60	60	60
Hillyfield Primary Academy – Site 2	88	67	85	74	77	81
Roger Ascham Primary School	58	60	60	50	60	60
The Winns Primary School	84	91	90	90	57	56
Walthamstow Primary Academy	21	25	30	18	24	24
Whittingham Primary Academy	59	47	45	38	43	42
<b>Total</b>	<b>431</b>	<b>424</b>	<b>443</b>	<b>389</b>	<b>390</b>	<b>390</b>

Key:

<sup>1</sup> on roll

<sup>2</sup> allocated

<sup>3</sup> forecast

18. The data in Table 5 show that the number of places required in schools in the planning area will reduce by 41 over that period. However, the number required at CEISEYC will be at its lowest point for 2024/25 then demand for places is forecast to increase.

19. As I stated previously, reducing the PAN at CEISEYC to 60 will have the effect of reducing the overall number of places in YR across the planning area to 450 in 2024/25. I have calculated that there would still be a surplus in places in the planning area. I have put this data into Table 6.

Table 6: Data showing the vacancies in schools (in June 2024) admitting to YR in the WNWPA

<b>Schools in the WNWPA</b>	<b>PAN</b>	<b>Number allocated to YR (2024/25)</b>	<b>Surplus Places</b>
CEISEYC	60 <sup>4</sup>	59	1

Greenleaf Primary School	60	60	0
Hillyfield Primary Academy – Site 2	90	74	16
Roger Ascham Primary School	60	50	10
The Winns Primary School	90	90	0
Walthamstow Primary Academy	30	18	12
Whittingham Primary Academy	60	38	22
<b>Totals</b>	<b>450</b>	<b>389</b>	<b>61</b>

Key:

<sup>4</sup> if the PAN is reduced from 90 to 60 in 2024/25

20. The number of surplus of places in YR in the planning area in 2024/25 would be 61, which is 13.5 per cent of the total number of places (if I agree for the PAN at CEISEYC to be reduced to 60). The LA considers that the reduction in PAN at CEISEYC will not affect its ability to meet its duty to provide sufficient places in the planning area because there will be spare places should they be needed. That assertion appears to be supported by the data.

21. Turning now to the school. I first looked at the school's financial position. This is because schools are funded, in large part, on a per child basis. A reduction in the number of children admitted, therefore, results in a reduction in income. I noted from the SFB website that in 2022/23, the school had an in-year deficit of -£47.7k and a revenue reserve deficit of -£42.1k. This shows that the school's finances are under pressure I asked the school to provide me with evidence of the financial impact on the school if I did not agree to the PAN reduction requested, which means that the school would have to maintain the level of staffing and resources necessary to fulfil its current PAN. About its financial position, the school told me that:

“In June 2024, after reviewing our current budget and a 5 year forecast, the school was identified as a ‘School Facing Financial Challenge’ by the local authority in agreement with the governing board. This was due to an in year deficit of -£160, 029 for 2024-2025 and a brought forward deficit of -£182, 762 from 2023-2024. Cumulatively, this totals £342, 791 in deficit for 2024-2025. The school has capacity for 270 pupils, however, we only receive funding from our last census report for 2014 pupils. If the PAN remained at 90, there is very low demand for Reception places in our placement area in 2024-2025, therefore we may go over 60 by only a few pupils, but would be forced to recruit a teacher with all the costs incurred which would negatively impact our deficit budget significantly as we do not currently have a teacher for this role. Going forward this impact for our school would continue into 2025-2026 and 2026-2027 at least, as the predicted pupil numbers for these years for Waltham Forest, indicate that there would be insufficient demand for places again.”

22. I asked the school to provide me with evidence of the financial impact on the school if I did not agree to the PAN reduction requested. That means that the school would have to

maintain the level of staffing and resources necessary to fulfil its current PAN. The school reported an in-year deficit balance going forward for the next five years. This was decreasing (given that the numbers of children wanting places at the school are forecast to increase from 2025/26), but the school would need to continue to find savings as the budget would need to be balanced as quickly as possible. It is well known that school budgets are currently under pressure across the country. The school's financial projections are such that a reduction in PAN for YR in 2024/25 will not in and of itself solve the financial problem the school faces, but will significantly help. The governing body of the school and the LA are concerned that continuing to staff and resource the school for a higher number of children than is currently being projected to be admitted is an unsustainable situation for the school. The school is expected to work with the LA to ensure a balanced budget. That is why the governing body of the school says it has asked the LA to request this variation. The school also told me that:

“This is a very challenging time financially for the school and we have been minuting the progress of the variation request in our governors meetings since April. As a governing board, we have recorded this situation in our Financial Risk Register due to the risk it poses to our financial sustainability [...] .”

23. I asked the school for the number of children currently in each class. This allows me to look at how the school organises its classes, to see if mixed-age classes might be a solution to reduce costs as income declines as a result of falling admission numbers, rather than reducing the PAN. I have put those numbers into Table 7 (the total number of children on roll at the school at the point the numbers were provided was 202).

Table 7: Numbers of children in each class in the school (as of July 2024)

	<b>YR</b>	<b>Year 1</b>	<b>Year 2</b>
<b>Class 1</b>	22	26	28
<b>Class 2</b>	23	26	28
<b>Class 3</b>	24	25	-
<b>Totals:</b>	<b>69</b>	<b>77</b>	<b>56</b>

24. I also asked the school to provide me with information on how classes would be organised if the variation is agreed and if it is not agreed. I have put that data into Table 8.

Table 8: Numbers of children in each class in the school in 2024/25 (as of July 2024)

	<b>YR</b>	<b>Year 1</b>	<b>Year 2</b>
<b>Class 1</b>	31 <sup>5</sup>	24	26
<b>Class 2</b>	30	22	25
<b>Class 3</b>	0 <sup>6</sup>	23	26
<b>Totals:</b>	<b>61</b>	<b>69</b>	<b>77</b>

Key:

<sup>5</sup> It is clear that there has been a slight increase in the number of children wanting places in YR at the school since the LA made the variation request. The school say there is now a child with an EHCP which would mean there is a need for 31 children in the class (permitted by the Infant Class Size Regulations 2012 and set out in paragraph 2.16 a) of the Code).

<sup>6</sup> If the PAN is not reduced, this would mean the school would need an additional teacher for this class.

25. It is clear from the data that, if I do not agree to reduce the PAN in YR, the school would need to run three YR classes which would be economically unviable. This is because it would require the substantial cost of another teacher, potentially another teaching assistant and other costs associated with running three classes as opposed to two.

26. About organising its classes into mixed-age groups, the school told me:

“The school does not have mixed-age classes.

The governing body has considered mixed age classes in the recent past, however, this is not suitable or manageable for our school due to the fact that we are an Infant school and Early Years Centre based across two sites that are a 5-10 minute walk apart door to door.

The school has previously considered using mixed classes and this was discussed with the local authority and governors. A decision was reached that this model did not work for our school then and will not work now for the same reasons.

Rationale: our children begin their Reception year [sic] on our Early Years site at Brookcroft Road. This is an early years setting that is appropriate for the age group of pupils. In Year 1, the children move to our Infant school on Beresford Road and this is where they stay for Year 2. We cannot mix Reception and Year 1 as the educational provision for these year groups is on separate sites. The governing body has agreed not to mix Year 1 and 2 as this would only work for one year before the children would need to transition to their new school and the mixed class would have to be disbanded. This is very disruptive for the pupils and would only offer a one year solution.”

27. I can see that employing mixed-age classes at CEISEYC would be difficult, is not the school's preference and, in fact, would not solve the problem caused by the reduction in the number of children admitted to YR in 2024/25 and the resulting reduction in income.

28. It was clear from the data provided by the LA, that it has a picture of projected demand in schools in the planning area. Therefore, it appeared to me that the matter raised in respect of the PAN at CEISEYC and the surplus places in the planning area in 2024/25 would have been obvious in enough time for what has been requested to have been dealt with through the consultation process prior to the determination of the 2024 arrangements. I raised this concern with the LA. Its response was:

“To have consulted prior to determination for September 2024 the consultation would have needed to be carried out by January 2022. The October 2022 census figure for the school was 74 pupils which was not a concern for the school so I disagree that this was obvious at this point in time.

At the time of determination we were aware that another school (Walthamstow Primary Academy) had reduced their PAN via an in-year variation due to low demand for September 2023 and were also consulting for a permanent PAN reduction for September 2024. With that in mind and the fact that all other schools in the planning area were full there did not see[m] to be any reason to further reduce places to ensure sufficient local places and parental preference.

The October 2023 figure of 62 was of concern but the school hoped it was just a brief drop in local demand and with Walthamstow Primary Academy reducing their PAN it was hoped that by offer day in April 2024 numbers would have increased, however this was not the case. That is the reason for the request since they are a 3FE school and are not quite even full to 2FE.

On offer day April 2024 there were a number of schools with vacant places due to a decrease in local demand. Currently it is showing there is over a 3FE surplus locally which is far too high.”

29. The school also told me that:

“On our October census for 2023 and 2022 we had 73 and 74 pupils respectively, so the school was not able to predict that our pupil numbers would drop below 70, never mind being as low as 59. There is a significant surplus of spaces in our planning area.”

30. I determine that the LA has provided compelling evidence that it will be able to manage school places in the planning area by reducing the PAN at CEISEYC for 2024/25. The reduction in PAN will also contribute to the school being able to continue to address the impact on its finances resulting from the decrease in income. I do not assess the reduction in PAN to cause any issues with parental preference on the basis that the number of children allocated places at the school is around the same as the PAN would be if I agree to the reduction. As a PAN reduction to 60 for 2024/25 would only be for that year, the forecast increase in demand for places at the school from 2025/26 will not be affected as the PAN is currently determined at 90 for that year.

31. I therefore agree to the reduction in the PAN from 90 to 60 for 2024/25.

32. I note here that reducing the PAN does not reduce the overall capacity of the school unless accommodation is being removed from the premises. It is not being suggested that accommodation is being removed and so the physical capacity of the school remains the same. Reducing the PAN will not change that. What this means is that should there be a

need for the school to increase its PAN and / or admit more children in 2024/25 than it currently expects to, there remains the capacity in the building for it to do so.

## Determination

33. 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 Waltham Forest for Chapel End Infant School and Early Years Centre for September 2024.

34. I determine that the published admission number for the school will be 60.

Dated: 29 July 2024

Signed:

Schools adjudicator: Dr Robert Cawley