



Office of
the Schools
Adjudicator

Determination

Case references: VAR2416-2417

Admission authority: London Borough of Havering for The R J Mitchell Primary School in Hornchurch, Essex.

Date of decision: 22 May 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 Havering for The R J Mitchell Primary School for September 2024.

I determine that the published admission number for admissions to reception year in September 2024 shall be 30.

I also approve the proposed variation to the admission arrangements determined by the London Borough of Havering for The R J Mitchell Primary School for September 2025.

I determine that the published admission number for admissions to reception year in September 2024 shall be 30.

The referral

1. The London Borough of Havering (the local authority) has referred a proposal for variations to the admission arrangements (the arrangements) for September 2024 and for September 2025 for The R J Mitchell Primary School (the school) to the adjudicator. The school is a community school for children aged four to eleven in Hornchurch, Essex, and the local authority is the admission authority for the school.

2. The proposed variations are:

- a. that the published admission number (PAN) be reduced from 60 to 30 for admissions to reception year (YR) in 2024/25; and

- b. that the PAN for admissions to YR in 2025/26 be reduced from 60 to 30.

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 variations. I find that the appropriate procedures were followed, and I am 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.

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

- a. the referral from the local authority dated 2 May 2024, supporting documents and further information provided at my request;
- b. the determined arrangements for 2024 and the proposed variation to those arrangements;
- c. the determined arrangements for 2025 and the proposed variation to those arrangements;
- 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. It is proposed to reduce the PAN from 60 to 30 for entry to YR in 2024/25, and from 60 to 30 for entry to YR in 2025/26.
8. The proposed variations have the support of the governing board.
9. 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.

Consideration of proposed variation

10. 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 and so it is particularly important that the proposed variations are properly scrutinised. I note here that the proposed variation for 2025/26 has been submitted less than three months after a PAN of 60 for 2025/26 was determined by the local authority on 20 February 2024.
11. The major change in circumstances relied upon by the local authority is set out in the referral, which states:

“For Reception 2024 this school is undersubscribed with only 23 offers made on National Offer Day against a PAN of 60. This low number of pupils allocated a reception place at the school for September 2024 is a significant reduction when compared to the number of pupils allocated a reception place on National Offer Day for previous years, and could not have been predicted in advance as seen by the table below:

Year	Places offered on National Offer Day
2020	60
2021	50
2022	50
2023	44
2024	23

It is not expected that reducing the PAN of the school to 30 will have a negative impact on applicants due to vacancies at the school (even with the PAN reduced to 30) and the availability of reception places at other schools in the planning area. There are significant challenges across London where falling birth rates and family migration from London, have led to a continued decrease in demand for Primary school places and this has resulted in a reduction of applications for this year.

Reducing the PAN of RJ Mitchell for 2024/25 and 2025/26 would prevent the school from carrying a large surplus of places, which would otherwise place a financial burden on the school. It would also help stabilise the other schools in the area by reducing the number of unfilled places across the planning area.

It will be financially unviable for the school to arrange the reception cohort over two classes for the academic years 2024/25 and 2025/26 as it very unlikely that the school will fill to 60.

A reduction in PAN will help the school avoid maintaining high number of surplus places for 2024/25 and 2025/26 as this will not be financially or educationally sustainable. Therefore a reduction to the reception PAN for 2024/25 and 2025/26 will help the school manage its budget and provide appropriate staffing levels that will benefit all its pupils.”

12. 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 if the PAN is reduced from 60 to 30 for 2024/25, and similarly for 2025/26. 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 areas each containing a number of schools, for this purpose. The school is one of nine schools admitting children to YR in its planning area, and the local authority has provided me with data to show the numbers now allocated to those schools following national offer day (16 April 2024). This is shown in table 1.

Table 1: School places in the planning area, allocations to YR for September 2024, and projections for 2025

	2022	2023	2024	2025
Sum of PANs of schools in the planning area	594	567	567	567
Number of children admitted or projected to be offered a place	576	537	507 (allocated as of 14 May 2024)	509
Vacant places	18	30	60	58
Vacant places as a percentage	3.0%	5.3%	10.6%	10.2%
Sum of PANs if variations approved			537	537
Vacant places if 2024 variation approved			30	
Vacant places as a percentage if 2024 variation approved			5.6%	
Vacant places if 2025 variation approved				28
Vacant places as a percentage if 2025 variation approved				5.2%

14. From these figures I am satisfied that if the PAN for 2024 were to be reduced to 30, there would be sufficient places left in the planning area for any children who might be seeking a YR place for 2024/25. I am also satisfied that there will be sufficient places in the planning area for entry to YR for 2025/26 if the PAN for that year is reduced to 30.

15. I now turn to the number of children at the school and the reasons given by the school in support of the variation request. I note at this point that the allocation numbers for September 2024 are such that there has been no frustration of parental preference. 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

	2022	2023	2024	2025
The PAN for the school	60	60	60	60
Number of children admitted or projected to be offered a place	50 (according to Jan 2023 census)	45 (according to Jan 2024 census)	22 (allocated as of 14 May 2024)	21 (projected)
Vacant places in YR	10	15	38	39

16. The request for the variations refers to the local authority’s wish to align the school’s staffing and budget to the reducing number of children. The provisions of the School Admissions (Infant Class Size) (England) Regulations 2012 (the infant class size regulations) apply to the school, and they 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 schoolteacher, except in specific exceptional circumstances.

17. The school has informed me that it already is planning mixed-age teaching groups in YR and key stage 1, and I note if the PAN for YR in 2024/25 were to be reduced to 30, the school would be able to plan its staffing and organisation on the basis that it has no more than that number of children in YR. However, if the PAN for 2024 remains at 60, then any in-year applications for YR will have to be admitted. There is therefore a possibility that if further children are admitted in year, the number of YR children might reach a number at which, in order to avoid a breach of the infant class size regulations, the school will have to either create an extra class or reorganise their infant children. This would present a logistical and financial challenge once the academic year is underway.

18. A similar argument can be made in respect of the organisation of classes for September 2025. A reduction in the PAN for YR in 2025/26 will enable the school to plan for no more than 30 YR children and is unlikely to result in any frustration of parental preference.

19. After consideration of all the factors above, I find that both variations are justified by the change in circumstances, and I approve them. The PAN for 2024/25 will be 30 and the PAN for 2025/26 will be 30.

Determination

20. 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 Havering for The R J Mitchell Primary School for September 2024.

21. I determine that the published admission number for admissions to reception year in September 2024 shall be 30.

22. I also approve the proposed variation to the admission arrangements determined by the London Borough of Havering for The R J Mitchell Primary School for September 2025.

23. I determine that the published admission number for admissions to reception year in September 2024 shall be 30.

Dated: 21 May 2024

Signed:

Schools adjudicator: Clive Sentance