



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2464

Admission authority: The London Borough of Lewisham for Rangefield Primary School

Date of decision: 22 October 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 Lewisham for Rangefield Primary School for September 2024.

I determine that the PAN for 2024 will be reduced from 60 to 30.

The referral

1. The London Borough of Lewisham (the local authority) has referred a proposal for a variation to the admission arrangements for September 2024 (the arrangements) for Rangefield Primary School (the school) to the adjudicator. The school is a community school for children aged 3 to 11 in Lewisham.
2. The proposed variation is to reduce the published admission number (PAN) 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 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.
5. On the application form the local authority also requested the same variation to the admission arrangements for September 2023. The arrangements for September 2023, became defunct when the arrangements for September 2024 came into operation. The PAN set for September 2023 no longer has any bearing on the admission of children to the school.
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 local authority dated 18 June 2024, supporting documents and further information provided at my request;
 - b. the determined arrangements for 2024 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 website of the Department for Education (DfE).

The proposed variation

8. The proposed variation is to reduce the PAN from 60 to 30. At the same time as submitting the application for this variation, the local authority submitted an application to reduce the PAN for 2024 from 60 to 30 of another school, Forster Park Primary School, which is just over one mile away and in the same school place planning area. The two schools are federated and share a head teacher and governing body.
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. I will consider below whether the variation requested is justified by the change in 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. 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.

11. In the application, the local authority said that the major change in circumstances requiring this variation was “Falling rolls in and around the London Borough of Lewisham that are impacting a few less popular schools very hard resulting in difficulties to plan and deliver high quality education to small intakes of pupils. We will also be seeking to make permanent this requested reduction via our Determined Admissions Arrangements consultation and decision over the coming months.” I have noted that determined admission arrangements for 2025 are published on the local authority’s website and these include a PAN of 60 for the school. If I approve the proposed reduction in PAN for 2024, it does not alter the PAN determined by the local authority for 2025, nor does it change the local authority’s duty to set a PAN for the school for 2026 which if lower than that for 2025 would require prior consultation as explained in paragraph 1.3 of the Code.

12. The problems which the local authority say have been caused by this change in circumstances are “Reduced funding resulting in reduced resource and a deficit position of the school – which will then impact on teaching and learning and could result in further pressure on school sustainability.”

13. The local authority said that the proposed variation “will provide surety in terms of numbers and allow for the school to effectively re-organise to enable prudent financial planning. It will also reduce the churn in pupils at the school and will allow neighbouring schools with vacancies to potentially be more full.”

14. The school is one of 14 primary schools in a planning area. The total number of places available across the planning area in the reception year group established in September 2024 is 960, the same as in the previous three years. The number of children offered places in these years is shown in the following table.

Year	2021	2022	2023	2024
Number of children admitted	835	873	821	826

15. There have clearly been more places available in the planning area than required for some time and the number of places offered for September 2024 is similar to previous years. It is, therefore, difficult to see a major change in circumstances since the PAN was set at 60 in February 2023. In the 14 schools in the planning area, places remained available at 11 when places were initially offered for September 2024.

16. I asked the school for information about the number of children currently on roll and how they are organised into classes. I was told that on 1 September 2024 there were 234 children on roll as shown in the following table. According to the DfE database “Get Information About Schools”, the school has a capacity of 456.

Year Group	R	1	2	3	4	5	6
Number on roll	33	35	34	28	28	40	36

17. These children are currently organised into nine classes as follows.

Year groups in class	Number in class	Distribution of year groups within class
Reception	28	All Reception
Reception and Year 1	24	5 Reception and 19 Year 1
Year 1 and Year 2	26	16 Year 1 and 10 Year 2
Year 2	24	All Year 2
Year 3	28	All Year 3
Year 4	28	All Year 4
Year 5	22	All Year 5
Year 5 and Year 6	27	18 Year 5 and 9 Year 6
Year 6	27	All Year 6

18. This gives an average class size of 26, slightly below the national average for primary schools of 26.6 (Schools, pupils and their characteristics, DfE 2024). The local authority said that the proposed variation was to allow the school to reorganise to address financial difficulties that it was facing. Staffing costs form the largest proportion of school spending. I looked at the most recent financial benchmarking data published by the DfE and, in 2022-2023, total expenditure at the school per pupil was £9,411 of which staff costs were £6,747. The total expenditure per pupil was the highest on the list of similar schools,

with the next school on the list at £8,870. The amount spent on staffing was third highest on the list, expenditure on premises in that year was 55 percent higher than at any of the comparison schools. A full analysis of the school's financial position is not for me to undertake, but I must consider whether the proposed reduction in PAN is necessary for the school to organise its classes in an affordable way as claimed by the local authority.

18. I also asked the school how the organisation of the school would change if I approved the reduction in the PAN and when that change would take place. In response, the school said that it experiences fluctuations in its population as children leave for other schools some locally but mainly farther afield. It said, "If the PAN is changed for our current Reception and Year 1 children, once children leave we will not be replacing the leavers and can therefore have one form entry from Reception to Year 4 as children leave. We have 3 children in Reception to lose, 5 children in Year 1 and 4 children in Year 2. If we look at the amount of children we lost last year, then by next academic year we may be at 1 form entry."

19. I understand this to mean that the school wishes to have seven classes, one for each primary school year group with no more than 30 children in each from September 2025. Providing that the average year group size, and so class size, was close to the national average of 26.6 this should be an affordable and sustainable position. I must consider whether the proposed reduction in PAN is necessary to achieve this outcome.

20. Figures provided by the school show that in the last academic year 43 children left the school, an average of just over six per year group with a range between two and nine. Some children also joined the school during this time.

21. It is helpful to review the law on school admissions. Section 86 of the Act deals with parental preferences saying that "the admission authority for a maintained school shall comply with any preference expressed". It continues to say that this duty does not apply "if compliance with the preference would prejudice the provision of efficient education or the efficient use of resources." The next relevant provision is "prejudice of the kind referred to ... may arise by reason of measures required to be taken in order to ensure compliance with the duty imposed ... to comply with limit on infant class sizes." However, section 86 then says, "No prejudice shall be taken to arise ... from the admission to a maintained school in a school year of a number of pupils in a relevant age group which does not exceed the number determined ... as the number of pupils in that age group that it is intended to admit to the school in that year." There are some exceptions for selective and boarding schools which are not relevant here.

22. In summary, the only ground for refusing to admit a child to the school is prejudice to the provision of efficient education or the efficient use of resources. Such prejudice could be because admitting the child would require measures to be taken to comply with infant class size limits, but no prejudice can be claimed if the application is for a place in reception and the PAN has not been reached.

23. The normal admission round for 2024 is over and so any admission to existing year groups in the school between now and August 2024 will be in-year admissions as defined in footnote 54 to paragraph 2.23 of the Code. Applications for places in the reception year cannot be refused until the PAN is reached. PANs do not exist for other year groups, but admission authorities can decide how many children it would be possible to admit into year groups which are not the relevant age group (reception year) before the admission creates prejudice. In all cases, parents can still challenge the decision to refuse admission on the grounds of prejudice through the independent admission appeal process. This is the case even if for the relevant age group the PAN has been reached. The admission authority must be able to explain how prejudice occurs.

24. Reducing the PAN to 30 would allow the admission authority to refuse admission to the current reception year at the school. However, a parent could still appeal such a decision. With the current organisation of classes, where there are two classes with reception aged pupils in them, both below 30 it would be difficult to argue that any prejudice would occur because of the need to take measures to conform with class size legislation until both classes reached that size. The admission authority would have to argue that admitting above a new PAN of 30 during the current school year would cause prejudice from September 2025 when the new pattern of organisation for the school came into place.

25. I am satisfied that reducing the PAN from 60 to 30 is necessary for the school to become a one form entry school from September 2025. This is, however, not sufficient on its own. It requires children to leave the school during the current school year, in the right numbers from the right year groups. Given the number of children who left during the last school year, I think this is likely to happen in all year groups except Year 5 becoming Year 6 which has 40 children in it. Class size limits are not a factor for this year group. It also requires the local authority, as the admissions authority, to robustly defend any admission appeal where prejudice occurs, not at the point of admission, but from September 2025.

26. I must also consider the effect of the proposed reduction of this PAN on the ability of the local authority to meet parental preference in the area. This application is being made after places have been allocated and the children have started school and after the PAN for 2025 has been set. For 2024, there were 25 first preferences for the school, at only two of the 14 schools in the planning area were the number of first preferences greater than the PAN. I conclude that had the PAN been 30 in the first place any impact on the proportion of preferences met would have been negligible and all children in the area would have been able to find a local school place.

27. Having considered these factors, I have decided to approve the proposed reduction in PAN at the school from 60 to 30 for 2024 as it is necessary for the school to become a one form entry school from September 2025. However, I must note the main threat to the school becoming a one form entry school from September 2025 is that the PAN set by the local authority for 2025 is 60. This determination does nothing to change that.

Determination

28. 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 Lewisham for Rangefield Primary School for September 2024.

29. I determine that the PAN for 2024 will be reduced from 60 to 30.

Dated: 22 October 2024

Signed:

Schools adjudicator: Phil Whiffing