



Office of  
the Schools  
Adjudicator

## Determination

**Case reference: VAR2535**

**Admission authority: The London Borough of Merton for Poplar Primary School**

**Date of decision: 14 March 2025**

## Determination

**In accordance with section 88E of the School Standards and Framework Act 1998, I do not approve the proposed variation to the admission arrangements determined by the London Borough of Merton for Poplar Primary School for September 2025.**

## The referral

1. The London Borough of Merton (the local authority) has referred a proposal for a variation to the admission arrangements for September 2025 (the arrangements) for Poplar Primary School (the School) to the adjudicator. The School is a community school for children aged three to eleven. The proposed variation is that the published admission number (PAN) be reduced from 90 to 60 for admission to reception year (YR) in September 2025.

## Jurisdiction and procedure

2. 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”.

3. The local authority has provided me with evidence that the arrangements were determined and 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 and supports it. I find that the appropriate procedures were followed, and I am also satisfied that the proposed variation is within my jurisdiction.

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

- a) the referral from the local authority dated 6 February 2025, supporting documents and further information provided at my request;
- b) the determined arrangements for 2025 and the proposed variation to those arrangements;
- c) comments on the proposed variation from the governing body for the School and further information provided at my request by the headteacher on behalf of the governing body;
- d) a map showing the location of the school and other relevant schools; and
- e) information available on the websites of the local authority and the Department for Education (the DfE) including ‘Get information about schools’ (GIAS) and ‘Find and compare schools and colleges in England’ (the DfE website).

## The proposed variation

5. The local authority explained in its referral that the number of children joining reception year (YR) is reducing both in the School and across the local authority’s area. The local authority has proposed that the PAN for the School is reduced from 90 to 60 for admissions to YR in 2025.

6. The local authority has made similar requests for variations for other community schools in its area and I am the adjudicator appointed to consider those requests. Each case is determined upon its specific situation and no case sets a precedent for another. In this instance, however, I am conscious that reducing the number of places in one school can have an effect on other local schools and I will take this into consideration.

7. 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

8. 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 body 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. I note, however, that the local authority has consulted on reducing the PAN to 60 for admissions in 2026 and set the PAN at 60 for 2026, so my decision will only affect admissions in 2025.

9. I will consider if there would be sufficient school places in the area local to the school to accommodate children whose parents have applied for school places in September 2025 if I were to agree the variation, then the level of demand for places at the school and then the reasons for the variation request. I will begin by exploring the geographical context and information available relating to the demand for places at the School. GIAS describes the school as being in an “Urban major conurbation”. The DfE website shows around 90 primary schools within three miles of the School which admit children to YR and nine within one mile.

10. The local authority also provided data on demand for places in YR overall across its area. These showed similar demand for YR in 2024 and 2025 and demand then reducing year on year for at least three years.

11. Local authorities have a duty to make sure that there are sufficient school places for the children in their area. Normally they assess need and provision on the basis of geographical areas known as planning areas. The school is in a planning area with 12 other schools which admit children to YR. Table 1 shows the sum of the PANs for the schools in the planning area which admit children to YR, the number of first preferences and the number of vacant places.

**Table 1: demand of places in YR in the planning area**

	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>
<b>Sum of PANs of schools for YR</b>	750	750	750	750
<b>Number of first preferences</b>	835	799	703	747
<b>Number of offers</b>	702	750	714	N/A
<b>Number of children admitted</b>	698	691	671	N/A
<b>Vacant places</b>	52	59	79	N/A

12. A first preference is the school a parent most wants their child to attend and the number of first preferences across an area is normally a good indicator of demand for places, but possibly not in this area. This is because Table 1 illustrates that in 2022, 2023 and 2024 there has been a significant reduction in the difference between the number of first preferences and the number of children admitted across the planning area. This difference was 137 for admissions in 2022; the difference is reducing and was 32 in 2024.

13. The number of first preferences for admissions in 2025 is close to the sum of the PANs for the schools in the planning area and there is an apparent increase in demand from 2024 against the trend for the local authority area as a whole. As the number of first preferences in 2025 has increased to 747 from 703 in 2024, it might be a reasonable assumption, based on what happened in 2024, to assume 715 admissions in 2025. This is based on the number of first preferences (747) and reducing that figure by 32 (the difference in 2024). The local authority referred to “some parents going through the state school admissions process but then deciding to attend an independent school” to explain the difference between offers in April and admissions in September. This sort of change at a late stage will make it hard for schools to plan. Schools need to make sure that they have good quality staff for their classes, and this cannot wait until the September when the children are admitted but needs planning months in advance.

14. If I assume that 715 children being admitted to YR in the planning area is a reasonable estimate, then given the 750 places available in the schools in the planning area, there would be 35 vacant places. If I agreed a reduction to the PAN of 30 places, then there would be very few vacant places in the planning area on the basis of my assumptions. I am aware that this is an urban area with many schools within a short distance, as described above, and not all will be in the planning area and that there are vacant places in schools in other planning areas within the local authority’s area.

15. The local authority also helpfully provided data on schools that are in other planning areas but near to the School. The evidence is that there is capacity within these schools as the sum of their PANs was 420 in 2024 and the number of children admitted was 296. Three of these schools are also subject to requests by the local authority to the adjudicator for variations to reduce their PANs for 2025: Haslemere Primary School (Haslemere), Malmesbury Primary School (Malmesbury) and Hatfeild Primary School (Hatfeild). The requests to reduce the PANs for these three schools would, if approved, result in a reduction of 90 places. If this reduction occurred, there would still be spare capacity in these nearby schools. Overall, I am assured that if the PAN for the School were to be reduced to 60, there is sufficient capacity in the local area to meet demand.

16. I will now look at the situation for the School and why the governing body supports a reduction in PAN. Table 2 below shows the demand for the School and admissions in recent years.

**Table 2: demand for the School**

	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>
<b>The PAN for the School</b>	90	90	90	90
<b>The number of first preferences</b>	93	75	66	79
<b>The number of offers</b>	90	90	89	N/A
<b>Number of children in YR for the October census</b>	90	83	74	N/A
<b>Number of vacant places</b>	0	7	16	N/A

17. Table 2 illustrates that admissions to the School met its PAN in 2022, nearly did so in 2023 and had 16 vacant places out of 90 in 2024. I note that the number of first preferences for 2025 is higher than the number of first preferences in 2023 when 83 children were admitted.

18. The School is one subject to 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. It is more economical to provide classes that have 30 or close to 30 pupils. If the class size is significantly smaller, then the costs of providing the class can be higher than the income derived from the pupils. In other words, if a class has around 23 pupils, for example, then the costs of providing the class are likely to be higher than the income derived from the pupils within it. This can lead to financial deficit over time if not addressed.

19. The School provided me with information on its current class organisation and this is shown in table 3 below. My jurisdiction is only for admissions in 2025 in this instance but the number of children across the School and the effects on the School budget are relevant.

**Table 3: number of children at the School by year group and classes as provided on 24 February 2025**

	<b>Number in year group</b>	<b>Number of children in classes</b>
<b>YR</b>	73	23 25 25
<b>Year 1</b>	75	25 24 26
<b>Year 2</b>	87	29 29 29
<b>Year 3</b>	83	27 28 28
<b>Year 4</b>	82	28 28

		26
<b>Year 5</b>	90	30 30 30
<b>Year 6</b>	85	28 28 29

20. The current YR classes therefore, admitted in September 2024, and year 1 (Y1) have smaller classes with 23 to 26 pupils. The other classes in the School are close to full. The School brought to my attention that there were higher costs to schools in London, because of London Weighting. Of course, the School is funded at a higher level accordingly. The School explained that if YR, for example, had 90 pupils, that is to the PAN, then the income would be around £415,000. The income with 73 pupils would be around £337,000. The School appears to see the difference, £253,550 as a loss. It is my experience that many schools run classes with fewer than 30 pupils in all classes and manage their budget accordingly. I therefore asked the governing body to provide further information. I was told, in summary:

- a) The financial year 2023 – 2024 ended with a deficit of around £111,000. This was apparently caused by smaller teaching groups during the Covid pandemic. These groups have now left the School.
- b) The deficit for 2023 – 2024 would have been higher except the School achieves a profit from the provision it makes for childcare before and after school.
- c) The School anticipates an increasing deficit in this financial year but did not provide details and referred to the increased costs of staffing not being met by a similar increase in funding.
- d) The School provided three classes for YR for September 2024. The costs of providing these three classes are not met by the income. The School anticipates outward movement to continue and therefore the numbers in YR from September 2025, if the PAN remains at 90, to be similar to those in the current YR (73) and thus exacerbating the financial difficulties. If the PAN were to be reduced to 60, the YR classes is likely to be two classes of 30 pupils and thus more cost effective.

21. I asked if the School had considered combining year groups so that there were fewer classes but with more than one year group to a class. Such a class is often known as a mixed aged class. Many schools use this approach effectively but it requires changes to the curriculum delivery and staff development to achieve. It is not always popular with parents if they are not familiar with the approach and the School expressed concerns that children would be removed from the School if this model was adopted. I was told, by the School, that the report from an Ofsted inspection in November 2024 praised the curriculum and,

“Our curriculum has been tailored to teach the children in specific year groups and not mixed classes. We follow the Little Wandle Phonics scheme, Little Wandle Phonics Reading and Maths Mastery. These are specifically tailored to individual year groups as they teach discreetly the children in each year group and the impact is the strong education and outcomes. The impact on the teachers workload and delivery would increase substantially. Composite classes can be difficult to teach for a variety of reasons and we would expect to lose experienced teachers if mixed classes were brought in. They would have to redesign the curriculum for two sage groups, they would have to teach on a two-year curriculum. At the moment each child has books tailored to their level with the year groups phonemes. If we mixed the classes they would have to be split into 6 groups as they are taught phonemes and graphemes dependent on year group. This increased teaching would be added to the teachers workload, quality first teaching if a TA is having to cover whilst a teacher teaches discreetly to a different group due to their age and ability needing a different set of phonics, maths input and so on.”

22. The School acknowledged that the 74 in the current YR and 76 in Y1 could combine to have five mixed aged classes from September 2025 with five classes of 30 with 150 pupils. The number of pupils will continue to fluctuate and so it would be difficult to be sure that the numbers did not go over 150. I note that the PAN only applies to the year of admission and admissions over the PAN or in other year groups are considered on the basis of whether admission would prejudice the provision of efficient education or the efficient use of resources. The School also said,

“Even if we move to mixed classes in Years 1 and Years 2 next year, we would still potentially have 74 in Reception and this would not help with our deficit as we would have to staff 3 classes for Reception.”

23. The referral made by the local authority showed that there are 49 vacancies across the School, there are 581 pupils out of a possible 630 if there were 90 pupils in every year group. This is not a high number of vacancies for a school of this size.

24. Table 2 shows 79 first preferences for admissions in September 2025. This is higher than the 66 first preferences for September 2024. There were 89 offers made for admissions in 2024, higher than the number of first preferences and so the highest preference which could be achieved for those children. There are many schools in close proximity, and numbers will fluctuate after offers are made particularly as there are vacant places in schools in the area. It is therefore possible that the School may have near to 90 children offered places but, as in 2024, the number reduces prior to the beginning of the school year. However, it is highly likely that if the PAN were to be reduced to 60, then there would be frustration of parental preference.

25. Parents have already made their applications for 2025 in the knowledge that the PAN for the School was 90 and they could have some confidence about their child being admitted if they so wished. No child has been refused admission to the School in recent

years. This is significant as families have made their preferences in the reasonable expectation that the PAN was 90 and that their child could secure a place if they so desired. There would need to be good reasons to justify reducing the PAN at this juncture, after the closing date for applications. Parental preference is important and has to be given weight when considering the impact on admissions of reducing the PAN.

26. The local authority has provided an analysis of the preferences for 2025 so to provide an indication of the effect of reducing the PAN, which the local authority describes as an impact assessment. In the referral of the variation the local authority said,

The “impact assessment [shows] which families would be displaced should Poplar only offer 60 places for September 2025. As the data shows, all families with a sibling already at the school, and everyone living within 945m of the school, would still receive an offer, and for the reasons outlined above, the distance will extend out further between offer day and September. Schools such as Abbotsbury and Joseph Hood (both Ofsted “Good” like Poplar) are significantly undersubscribed. All the families that would be displaced are all living within walking distance of an alternative Good or Outstanding Merton school that is actually closer in walking distance than Poplar.”

27. Part of the local authority’s case therefore, is that the “displaced” children would go to undersubscribed schools which may also be struggling financially with smaller class sizes and so there would be financial benefits to all the schools concerned. I know that pressure with a school’s budget could have a negative effect on the education of all pupils at a school and I understand the desire that all schools have full or close to full classes consistently. This would make planning classes, curriculum and managing finances much easier.

28. The local authority also provided feedback from two parents who were concerned about the proposed variation. In both cases the families lived some distance from the School, had no siblings at the School and their children attended the nursery at the School. One said,

“Parents such as I spent several days last year, visiting schools and making informed decisions on which one they would like their child to attend. For some the decision was based on distance, others prioritised the Ofsted report and for others, the size of school was important - having 3-forms meant there was less chance of disappointment. For me, I chose Poplar firstly because of the feeling I got when I viewed the school – my partner and I instantly said, “this is the school for our child”. I also chose it because it has a great reputation in the borough. Thirdly, the location was ideal, as both my partner and I regularly work from Central London offices. The distance was a concern however with 3-forms (we live around a mile away), we were consistently told we wouldn’t have a problem getting in, by parents and teachers alike. It was a no-brainer; Poplar was number one for us... Informing parents a month after Reception applications opened seems unfair to those of us who had our hearts



set on a school we already know and love. Having to force our very young children to transition to a new environment after a year at Poplar would be heartbreaking...”

29. Another explained,

“had parents known before this school year started about the proposed changes, different plans could have been made for our children. We have been put in a challenging situation unfairly as our child is settled, made friends, and in routine.”

30. The School told me that it had met these parents and informed me,

“Both of these families had several primary schools closer to them who will have spaces for their children. One of the parents told us we were chosen by them due to us being the closest school to the tube and it didn’t matter which school we were. The other parent told us that they would be objecting but they would be happy with their second choice.”

31. I note that most parents will not be aware of the changes proposed after they had stated their preferences because, as I explained above, it is not possible to object to a variation. If this variation had been requested in, say May 2024, then parents would have been aware of any change to the PAN before they made their preferences. The local authority’s information on changes made after offers had been made in March 2024 shows that 20 children for whom a place was offered, did not take up that place. A few others took up later offers. I have additionally noted that the number of first preferences for the School for 2025 is higher than it was in 2024. The local authority knows its area and has provided assessments but there is no certainty that the pattern for 2024, which was unique and not indicative of a long-term trend, will be repeated in 2025. Certainly the increase in first preferences for 2025 is not following an established pattern.

32. The data shows that there would be sufficient local places to accommodate all demand if the PAN were reduced from 90 to 60 and there would be benefits to other schools of spreading the numbers. I have looked at the financial situation on the information provided to me by the School and accept it is in a difficult situation. I am also aware that it is a large primary school and should have more capacity to manage financial challenges than other smaller schools.

33. I remain concerned that a relatively large number of families will have their parental preference frustrated if the PAN is reduced at this stage. The smallest estimate is 13 families will be affected and it could be more. I have balanced the reasonable expectations of the parents against the possible detrimental implications for the School should I not approve this variation request. Having taken account all relevant evidence, I have decided that the variation is not justified by the change in circumstances and I do not approve the variation.

## Determination

34. In accordance with section 88E of the School Standards and Framework Act 1998, I do not approve the proposed variation to the admission arrangements determined by the London Borough of Merton for Poplar Primary School for September 2025.

Dated: 14 March 2025

Signed:

Schools adjudicator: Deborah Pritchard