



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** VAR2559

**Admission Authority:** The London Borough of Southwark for Ivydale Primary School

**Date of advice:** 28 April 2025

## 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 Southwark for Ivydale Primary School for 2025.**

**I determine that the published admission number for 2025 will be 60.**

## The referral

1. The London Borough of Southwark (the Admission Authority; the Local Authority) has referred to the adjudicator a proposal for a variation to the admission arrangements for Ivydale Primary School (the School) for 2025 (the Arrangements).
2. The School is a community school for children aged three to eleven. It is a co-educational school, and does not have a religious character. The School was judged to be 'Good' by Ofsted at its last inspection in July 2024.
3. The proposed variation is that the published admission number (PAN) of the School, which applies to admissions to the reception year (Year R), be reduced from 90 to 60 for 2025.

## Jurisdiction and procedure

4. Section 88E of the School Standards and Framework Act 1998 (the Act) makes provision for variations to determined arrangements. Paragraphs 3.6 and 3.7 of the School Admissions Code (the Code) say (insofar as is 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 Local Authority on 6 February 2024.
6. The Local Authority has provided me with confirmation that the appropriate bodies have been notified of the proposed variation in line with the Code, and that the governing body of the School has been consulted on the proposed variation.
7. I find that the appropriate procedures were followed, and I am satisfied that the proposed variation is within my jurisdiction.
8. In considering the variation request, I have had regard to all relevant legislation and the Code.
9. The information I have considered in reaching my decision includes:
  - the referral from the Admission Authority dated 1 April 2025;
  - the determined Arrangements for 2025 and the proposed variation to those Arrangements;
  - responses from the School and the Local Authority, received on 10 and 14 April 2025 respectively, to my requests for further information;
  - maps, including Google Maps and those showing the location of the School; and
  - information available on the websites of the Department of Education (DfE) (including the ‘Get Information About Schools’ (GIAS) and ‘Financial Benchmarking and Insights Tool’ (FBIT) websites), the Local Authority, the School, and Ofsted.

## Consideration of proposed variation

10. The Local Authority has proposed that the PAN of the School is reduced from 90 to 60 for entry to Year R in 2025. This proposed variation has the support of the School's governing body.
11. 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.
12. I note here that the Arrangements for 2026 have been determined, and the PAN set at 60. This means that if I agree to the Local Authority's request to vary the Arrangements for 2025 by reducing the PAN as proposed, it will be for that year only and will not have a bearing on subsequent years.
13. 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 proposed variation is justified by the change in circumstances.
14. The major change in circumstances relied upon by the Local Authority is set out in the referral, which states:

“The major change in circumstance has been a continuous decrease in rolls - particularly in reception – both at the school, and also in the locality/planning area, as well as across Southwark. This has particularly affected Ivydale as the school is spread across 2 sites, with additional costs incurred as a consequence.

The School and the Council have agreed that the school will be moving from two sites to one, with target date for this to happen from September 2026. Reducing the number of Reception Classes from three to two in September 2025 will facilitate this process by reducing the number of children and classes needing to be accommodated on the one site”.
15. I have 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 of the School is reduced from 90 to 60 for 2025. I have also considered the demand for places at the School, the reasons given for the changes in demand, the potential effect of the proposed PAN reduction on parental preference, and whether the proposed reduction is justified taking into account all relevant circumstances.
16. 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.

17. I have considered the data that the Local Authority has provided for the planning area to which the school belongs, in which there are 12 schools (including the School) that admit pupils to Year R. The data set out in Table 1 show the number of Year R places and the number of pupils admitted to, or forecast to require a place at, those schools. Table 1 also demonstrates the effect of the proposed PAN reduction for the School on surplus places in the planning area. I note here that one of the schools in the planning area reduced its PAN by 30 for 2025, and two schools which were previously within the planning area closed in 2023. Consequently, the total sum of the PANs for the schools in the planning area reduced in September 2023 and again in 2025.

**Table 1: Places available at schools within the planning area, and the number of children admitted to, or forecast to require a place at, those schools**

	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>
<b>Number of places in Year R at schools in the planning area (with a PAN of 90 at the School)</b>	660	600	600	570
<b>Number of children admitted (2022, 2023, and 2024) or forecast to require a place (2025)</b>	495	472	455	459
<b>Vacant places</b>	165	128	145	111
<b>Vacant places as a percentage</b>	25.0	21.3	24.2	19.5
<b>Number of places in Year R if variation approved (with a PAN of 60 at the School)</b>	NA	NA	NA	540
<b>Vacant places if variation approved</b>	NA	NA	NA	81
<b>Vacant places as a percentage if variation approved</b>	NA	NA	NA	15.0

18. The DfE document, “Basic need allocations 2025-26: Explanatory note on methodology”, refers to the need for two per cent surplus capacity “to provide an operating margin for local authorities. This helps to support parental choice, pupil population movement, and general manageability of the system”. From the data above I note that the proportion of vacant places in the planning area has been far higher than this in recent years and would, according to the forecast, remain well above this

percentage if I agree the proposed variation.

19. I am satisfied that if the PAN of the School were to be reduced to 60 for 2025, there would be sufficient places in the planning area for any children who might be seeking a Year R place.
20. I turn now to the demand for places at the School. Table 2 shows the number of first preference applications for the School in recent years and the number of children admitted, plus the Local Authority's forecast of demand for places in 2025. This table uses the proposed PAN of 60 for 2025.

**Table 2: The number of children admitted to the School in recent years, with the number of first preference applications and projections for 2025**

	2022	2023	2024	2025
The PAN for the School	90	90	90	60
Number of first preferences	68	67	54	62
Number of children admitted (2022-2024) or forecast to require a place (2025)	69	68	66	63
Surplus places	21	22	24	-3

21. Data in table 2 indicate that if the variation request had been agreed in advance of National Offer Day, then it is likely that some children whose parents had applied would not have been offered a place at the School including a few for whom the School was a first preference. In other words, if the PAN had been reduced to 60 and only that number offered a place, some applicants otherwise offered if the PAN remained at 90 would have been denied a place. However, National Offer Day has now passed, and the Local Authority has offered places at the School in accordance with the existing PAN of 90. The proposed variation will, therefore, have no effect on parental preference in respect of applications received during the normal admissions round. For the sake of completeness, I note that paragraphs 1.6 and 2.13 of the Code state, insofar as is relevant here:

“1.6 If the school is not oversubscribed, all applicants **must** be offered a place.

“2.13 An admission authority **must not** withdraw an offer unless it has been offered in error, a parent has not responded within a reasonable period of time, or it is established that the offer was obtained through a fraudulent or intentionally misleading application.”

22. The Local Authority explained the purpose underpinning the application as follows:

“We anticipate that all children who have Ivydale school as a first preference will be offered a place, even if this is over 60. We are seeking a variation/PAN reduction in order to manage late and in-year applications.”

23. In these circumstances, there should be no frustration of parental preference if the PAN for 2025 is varied as proposed now, as National Offer Day has passed and all applicants have been accommodated. The concern, if at all, relates to late or in-year applicants whose preference would be frustrated if the PAN is so varied.
24. Local Authority data show that none of the schools in the planning area is forecast to be oversubscribed for 2025, with the exception of the School as explained above. According to the Local Authority, other primary schools in the same planning area and located within one mile of the School will have a considerable number of vacancies (around 60 places). This will mean that, if the proposed PAN reduction is approved, any parents who would be unable to secure an in-year place at the School will be able to secure a place for their child at an alternative local primary school close by. For these reasons, I am satisfied that any adverse effect for late and in-year applicants will be minimal.
25. I will now consider the impact on the School on my approving, or not approving, the proposed variation.
26. The School is one 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 (paragraph 2.16 of the Code). The infant class size regulations apply to Year R, Year 1, and Year 2.
27. As schools are largely funded on the number of pupils and the highest costs to a school budget are staff, it is generally considered financially efficient to have infant classes that have 30 pupils or close to, but below, 30 pupils. If a school has classes that are many less than 30, then this can mean that the income from the number of pupils is less than the costs of providing a class. If this happens over several classes, a school can have severe financial challenges.
28. The Local Authority has provided me with a breakdown of how the School's classes are currently organised. At present, the School has 60 children in Year R (grouped in two classes), 59 children in Year 1 (also in two classes), and 63 children in Year 2 (in two classes with three teachers). The School told me:

“Following a move to expand in 2017, in conjunction with and in support of Southwark's need for more school places, pupil numbers across the borough took a sharp decrease

which has continued. This has left Ivydale with significant financial issues. Pupil numbers are now almost back to 2FE [two forms of entry] and our experience is that they fall further in the years after the initial Reception intake number. Not capping the year at 2FE leaves us at risk of receiving a few more than 60, for which we then need to employ another staff member, without the full income to support them.

As we plan to right-size and return to one building, it also jeopardises this project as we don't have space in the school plans to accommodate an extra class. Were we to receive a fuller 3rd class, this would undermine our capacity to right-size going forwards and fulfil the requirements of the Deficit Reduction Plan.”

29. The FBIT website shows that for the financial year ending March 2024, the School had an in-year balance of £62.5K and a revenue reserve figure of -£411.4K. In addition, the Local Authority described the financial situation of the School as follows:

“The final end of year position for 2024-25 has not yet been confirmed. There has been some improvement in the position as a result of school being able to bring down year groups to two classes in most instances. At the end of Q3 the school was still projecting an end of year deficit in excess of £200K.

The school is subject to the Council's 'Schools in Financial Difficulties' process with an agreed deficit recovery plan. Central to this plan is moving the school from two sites to one, based on two forms of entry throughout the school. Should the school find itself having to open three reception classes in September, it could potentially have to meet the costs of the additional third class for seven years. As a minimum, this would require paying for a teacher for seven years with costs in the range of £580K- £630K.

The school is intending to move to one site from September 2026, having a third 2025 Reception class (which would at that point have moved on to be a Year 1 class) would constrain space in the school and require using space for a classroom that has been earmarked for other curriculum use. Having the third Reception class could also delay the move to one site as it would reduce the flexibility the school has in 2025-26 to move groups of children during building works.

An additional year across two sites could incur premises and other operational costs of approximately £133K, taking into account a share of premises, admin and meals staff plus some identifiable energy/maintenance costs.”

30. National Offer Day has passed, and the Local Authority will have been required to offer more than 60 places at the School in Year R according to the existing PAN of 90 for September 2025. Unless some offers are declined, this will necessitate either the employment of an additional teacher or some form of organisational change. Nevertheless, the approval of the variation in the PAN at this point in time would benefit

the School. Late and in-year applications can be rejected; parents may not decide to take up offers in September; and as pupils leave, their places will not need to be filled. This may lead, over time, to the School having 60 pupils in Year R. I note that it is very difficult for a school to address a deficit budget, should this arise, without it affecting the educational provision made.

31. Having considered all the matters above, my reasoning can be summarised as follows.

- If the proposed variation is approved, there will be no frustration of parental preference as National Offer Day has passed and those who have applied will have been offered places at the School; some frustration may arise in the future as the reduced PAN may result in detriment to the children whose parents make a late or in-year application for entry to the School. I do not anticipate that there will be a large number of such applications. In any event, parents whose applications are unsuccessful will be able to secure a place at another nearby school as there are plenty of surplus places within one mile of the School. In time, the PAN reduction may help the School to re-organise itself fully into a two-form entry structure, depending on the actual number of Year R children in 2025, thereby achieving greater fiscal health.
- If the proposed variation is not approved, the School would be obliged to offer a Year R place up to the existing PAN of 90 for late and in-year applicants during the rest of the 2025/26 academic year.
- There is compelling evidence that a reduction in the PAN to 60 would, in the longer term, improve the School's financial position, particularly if the number of pupils admitted reduces to 60. The reduction should also improve the School's ability to plan its organisational structure in order to meet the needs of the existing children on roll and enable it to accomplish its eventual plan for site consolidation.

32. For all the reasons above, I have concluded that a reduction of the PAN to 60 for 2025 would provide greater stability for the School and its pupils and benefit the School financially, and that this outweighs any potential frustration of parental preference in the longer term.

33. I find that the variation for 2025 is justified by the circumstances and approve the proposed variation.



## Determination

34. 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 Southwark for Ivydale Primary School for 2025.
35. I determine that the published admission number for 2025 will be 60.

Dated: 28 April 2025

Signed:

Schools Adjudicator: Jackie Liu