



Office of  
the Schools  
Adjudicator

## **DETERMINATION**

**Case reference:** VAR737

**Admission Authority:** The London Borough of Waltham Forest for Thorpe Hall Primary School

**Date of decision:** 14 November 2017

### **Determination**

**In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by The London Borough of Waltham Forest for Thorpe Hall Primary School.**

**I determine that for admissions in September 2017 and in September 2018 the published admission number shall be 60.**

### **The referral**

1. The London Borough of Waltham Forest, (the local authority) has referred a variation to the adjudicator about the admission arrangements (the arrangements) for Thorpe Hall Primary School (the school), Waltham Forest, a community primary school for pupils aged 3 to 11 years, for September 2017 and September 2018.
2. The requested variation is that the published admission number (PAN) for September 2017 and 2018 should be reduced from 90 to 60.

### **Jurisdiction**

3. The referral was made to me in accordance with section 88E of the School Standards and Framework Act 1998 (the Act) which states that:

*“where an admission authority (a) have in accordance with section 88C determined the admission arrangements which are to apply for a particular school year, but (b) at any time before the end of that year consider that the arrangements should be varied in view of a major change in circumstances occurring since they were so determined, the authority must [except in a case where the authority’s proposed variations fall within any description of variations prescribed for the*

*purposes of this section] (a) refer their proposed variations to the adjudicator, and (b) notify the appropriate bodies of the proposed variations”.*

4. I am satisfied that the proposed variation is within my jurisdiction.

### **Procedure**

5. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).
6. The documents I have considered in reaching my decision include:
  - a) the letter of referral of 20 September 2017;
  - b) the request for an in-year variation form;
  - c) the determined arrangements for the local authority’s community and voluntary controlled primary schools for admission in September 2017 and September 2018;
  - d) minutes of the school’s governing body meetings at which the request for a variation were discussed and subsequently agreed;
  - e) minutes of the local authority’s school organisation and admissions board at which the proposals for variation were discussed and agreed;
  - f) a copy of the minutes of the school organisation and admissions board which was sent to appropriate bodies; and
  - g) the report of the meetings at which the admission arrangements were determined.

### **Background and consideration of factors**

7. The school is a community primary school for 3 to 11 year olds. The local authority is the admission authority and therefore determines the arrangements for the school. The arrangements for admission in September 2017 were determined at a meeting of local authority’s Cabinet meeting on 26 January 2016 and the arrangements for admission in September 2018 were determined on 17 January 2017 on the same basis. The arrangements were published on the borough’s website. The determined arrangements for the school show a PAN for both 2017 and 2018 admissions of 90.

8. The school’s PAN was increased for admissions in 2014 as the local authority predicted an increase in demand for places. This was due to a new housing development in the local area. The arrangements have not been changed since that time. The predicted increase in pupil numbers occurred in 2014 but since that time the numbers admitted into the school have declined. The local authority suggests that this is due to a decline in the availability of social housing in the area and the expansion of a local primary academy school. The school had planned for this increase in terms of staffing but due

to the subsequent decline in numbers of pupils, a review of staffing in December 2016 led to redundancies. Even with the reduction in staff the local authority and the governing body are predicting a deficit budget for the years 2016-17 and 2017-18.

9. At a meeting of the school's governing body resources committee on 3 May 2017 the anticipated deficit budget was discussed and it was decided to pursue actions which would reduce the school's PAN. This decision was endorsed by the full governing body meeting on 9 May 2017 and the decision was communicated to the local authority's Head of Admissions.

10. The local authority's School Organisation and Admissions Board met on 6 July 2017 and the issue of reducing PANs at undersubscribed schools was discussed. At that meeting it was decided that a paper would be taken to the next meeting to inform any decision. At the next meeting of the School Organisation and Admission Board on 18 September 2017 a paper entitled 'Primary PAN Reductions' was tabled.

11. The paper explains that since 2007 the demand for primary school places increased across the borough and therefore the PANs for a number of schools were increased to accommodate the 'bulge'. Birth rates peaked in 2013 and since that time have shown a decline. This has resulted in areas of the local authority where there are more primary places available than are actually required. The school is in one of these areas. Numbers admitted into reception (YR) for the last three years are as follows; 66 in 2015, 74 in 2016 and 58 in 2017. The local authority predicts that a two form entry school will be sufficient to accommodate need in the next few years. Currently the school's PAN is 90. There is considerable movement between schools in the area and in-year admissions are common. With an intake in 2017 of 58 children the school would only need to take another three in-year admissions to necessitate a review of class sizes and the possibility of a third reception class. The school therefore has had to plan for the possibility of a three form entry and this has caused budget issues. The variation request would set the PAN at a two form entry (that is a PAN of 60) and the school can then plan for this number in the secure knowledge that they would not have to provide a third YR class in order to comply with the requirements of the infant class size regulations.

12. The local authority has confirmed that there is adequate provision for projected numbers in other schools in the area. Paragraph 3.6 and 3.7 of the Code state that; *"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. A variation to increase a school's PAN is not required to be referred to the Schools Adjudicator"* and *"Admission authorities **must***

*notify the appropriate bodies of all variations and must display a copy of the full varied admission arrangements on their website until they are replaced by different admission arrangements.*” The minutes of the local authority’s school organisation and admission boards are circulated to all schools in the area and this has been the vehicle by which it has informed the appropriate bodies. I am content that the local authority has complied with the Code in this respect. No further comments were received with regards to this request for a variation.

13. In view of the current and projected numbers for admissions I agree that a PAN of over 60 would mean that the in-year admission of a relatively small number of children may necessitate the establishment of a further YR class with the associated employment of another teacher and this would exacerbate the current financial issues. A PAN of 60 would provide the opportunity to stabilise the finances. The local authority has made assurance that the loss of places will not result in the lack of preference for families in the area and that there are other local schools which have places available, I am agreeing this application for a variation to reduce the PAN to 60 for admissions in September 2017 and 2018.

### **Conclusion**

14. I agree with the local authority and the school that the decline in admission numbers over the past three years constitutes a major change in circumstances. I conclude that the variation which the local authority has requested is necessary to support the effective running of the school and the stabilisation of the finances. It is necessary to reduce the PAN to 60 in order to effectively plan for the future.

### **Determination**

15. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by The London Borough of Waltham Forest for Thorpe Hall Primary School.

16. I determine that for admissions in September 2017 and in September 2018 the published admission number shall be 60.

Dated: 14 November 2017

Signed:

Schools Adjudicator: Mrs Ann Talboys