



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2339 and VAR2340

Admission authority: London Borough of Havering for Engayne Primary School, Upminster

Date of decision: 3 July 2023

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 Engayne Primary School for September 2023. I determine that the Published Admission Number be reduced from 90 to 60.

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 Havering for Engayne Primary School for September 2024. I determine that the Published Admission Number remain 90.

The referral

1. The London Borough of Havering (the local authority) has referred a proposal to vary the admission arrangements for both September 2023 and September 2024 (the arrangements) for Engayne Primary School (the school) to the adjudicator. The school is a co-educational community school for children aged 5 to 11 in Upminster.
2. The proposed variation is to reduce the Published Admission Number (PAN) from 90 to 60.

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, who is the admission authority for the school, 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 variation. I find that the appropriate procedures were followed, and I am also satisfied that the proposed variation is 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 30 May 2023, supporting documents and further information provided at my request;
- b. the determined arrangements for 2023 and 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;
- e. information available on the websites of the local authority, the school and the Department for Education.

The proposed variation

7. The proposed variation is to reduce the PAN for the school for September 2023 and for September 2024 from 90 to 60.

8. 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

9. The major change of circumstances relied upon by the local authority is an unexpected dip in the demand for Reception Year places at the school for September 2023.

10. The local authority has provided the following figures showing the admission numbers for Reception Year at the school in the last three years, the offers made for September 2023 and the projected demand for places in September 2024:

| Year | Pupils admitted to Reception Year |
|------|-----------------------------------|
| 2020 | 90 |
| 2021 | 90 |
| 2022 | 83 |
| 2023 | 54 (offers made) |
| 2024 | 71 (projection) |

11. From these figures, it can be observed that whilst demand remained close to the full PAN of 90 for 2020, 2021 and 2022 (with only a slight dip in demand in 2022 to 83), demand for places in 2023 dipped sharply to 54. That is 36 places fewer than the PAN, and 29 places fewer than the previous year. It is also noteworthy that the local authority has forecast a slight increase in September 2024 to a demand for 71 places.

12. The school is located within the Upminster and Cranham planning area. The local authority has provided the following figures for the Reception Year admission numbers for the past three years, offers for 2023 and projected demand for 2024 in the planning area:

| | 2020 | 2021 | 2022 | 2023 (offers made) | 2024 (projection) |
|---------------------------------|------|------|------|--------------------|-------------------|
| Branfil Primary | 90 | 74 | 70 | 60 | 60 |
| Engayne Primary | 90 | 90 | 83 | 54 | 71 |
| James Oglethorpe Primary | 60 | 60 | 60 | 45 | 48 |

| | | | | | |
|-------------------------------------|------------|------------|------------|------------|------------|
| St Joseph's Catholic Primary | 60 | 60 | 58 | 60 | 60 |
| Upminster Infant | 91 | 90 | 86 | 88 | 90 |
| Total | 391 | 374 | 357 | 307 | 329 |

13. These figures show that the dip in demand for Reception Year places at the school appears to have been replicated in some but not all of the other schools within the relevant planning area. Branfil Primary School has seen a decline from 90 places in 2020 to 60 places in 2023. James Oglethorpe Primary School has seen a decline from 60 places in 2020 to 45 places in 2023. However, demand for places at St Joesph's Catholic Primary School and Upminster Infant School's appears to have been more stable, with demand for places at St Joesph's Catholic Primary School remaining at 60 (after a dip of only two places in 2022) and demand for places at Upminster Infant School declining by only three places from 91 in 2020 to 88 in 2023. The planning area as a whole has seen demand for Reception Year places steadily fall over the past four years, from 391 in 2020 to 307 in 2023 – a reduction of 84 places.

14. The figures also show that the local authority projects that demand for Reception Year places in the planning area for September 2024 will remain broadly similar to that for September 2023, but with a slight increase in demand for places at the school – from 54 to 71.

15. The local authority has explained that falling birth rates across London and family migration from London have both contributed to the decrease in demand for Reception Year places in the planning area.

16. The local authority is concerned that maintaining a PAN of 90 at the school for 2023 and 2024, but admitting far fewer than that number (54 in 2023 and 71 in 2024) would cause the school financial difficulties because it would mean running three Reception Year classes which would each need a qualified teacher but with lower per pupil income to support those three classes than would cover the associated expenditure. The local authority's proposal is to reduce the PAN to 60 for both years, enabling the school to plan for and run two Reception Year classes in those years. The local authority has stated that this will also support a more efficient use of resources across the whole planning area.

17. The local authority has stated that, in the event that the proposed PAN reduction were to be approved, there would be sufficient Reception Year places available in the planning area to accommodate demand for places. The local authority provided the following figures setting out the current PANs for the schools in the planning area for 2023 and 2024:

| | 2023 PAN | 2024 PAN |
|-------------------------------------|-----------------|-----------------|
| Branfil Primary | 60 | 60 |
| Engayne Primary | 90 | 90 |
| James Oglethorpe Primary | 60 | 60 |
| St Joseph's Catholic Primary | 60 | 60 |
| Upminster Infant | 90 | 90 |
| Total | 360 | 360 |

18. These figures show that, if the PAN for the school were to reduce to 60 in 2023 and 2024, the total number of Reception Year places available across the planning area would reduce from 360 to 330 in both years. If this is cross-referenced with the figures setting out offers made in 2023 (307) and projected demand for 2024 (329), the data supports the local authority's contention that there would remain sufficient places to accommodate demand across the planning area as a whole. Having said that, the numbers are clearly much tighter in 2024 with minimal flexibility, in that there is projected demand for 329 places and a combined PAN of 330 places.

19. In considering whether the approval of the request to vary the PAN for the two years would frustrate parental preferences for the school, I have compared the offers made in 2023 and projected demand in 2024 with the places that would be available. As the normal round of applications have already been made for 2023, and the first round offers already made too, I am confident that a PAN reduction to 60 places for 2023 would not frustrate any parental first preferences. 54 offers have been made. That would leave flexibility for another 6 in-year applications to be accommodated should they arise. The picture for 2024 is more complex. The local authority forecasts that there will be parental demand for 71 places at the school for 2024. A PAN of 60 would therefore leave the preference of 11 families frustrated.

20. The local authority has demonstrated that there would be alternative places available within the planning area for those whose first preference was the school, but who were not successful in obtaining a place at the school. I have looked at those alternative schools and, in particular, how far families might have to travel to take their children to school. Whilst I cannot know where the families whose first preference would be for the school would live, I am taking the address of the school as a proxy, as most parents tend to prefer a school close to their home address, particularly for the primary school phase of education. Upon my request, the local authority provided the following data setting out the distance

from the school of each of the four other schools in the planning area. It also provided the estimated walking route distance from those schools to the school, and provided an indication of whether each school currently has vacant places in its Reception Year intake for 2023:

| | Distance from the school (in miles) | Walking route (in miles) | Number of vacant places in Reception Year 2023 |
|--------------------------------------------|--------------------------------------------|---------------------------------|-------------------------------------------------------|
| James Oglethorpe Primary School | 0.973 | 1.2 | 13 |
| Upminster Infant School | 1.196 | 1.5 | 5 |
| St Joseph's Catholic Primary School | 1.222 | 1.6 | 1 |
| Branfil Primary School | 1.811 | 2.3 | 0 |

21. This information shows that all of the other primary schools in the planning area fall within two miles of the school, and the nearest one is the James Oglethorpe Primary School, which is 0.973 miles from the school.

22. The vacant places data indicates that there are 13 Reception Year places available in the James Oglethorpe Primary School for September 2023. However, because primary school applications have not yet been submitted or processed for September 2024, there is no equivalent data available for September 2024 (only projections). For that reason, it is not possible for me to draw any conclusions about where any applicants that are not successful in obtaining a Reception Year place at the school in September 2024 could and would be allocated a place, other than to say that the local authority projections indicate that space would be available at one of the schools within the planning area.

23. Taking all of the information provided into account, I am satisfied that the major change in circumstances relied upon by the local authority (the dip in demand for Reception Year places at the school) justifies a reduction in the PAN for September 2023 from 90 to 60. The demand for Reception Year places at the school in September 2023 is 54. Therefore, no parental preferences for the school will be frustrated and there will remain some vacant spaces should the school receive a small number of in-year applications. Furthermore, the PAN reduction will assist the school's financial stability and organisational planning going forward as the school will be able to create two rather than three classes for this cohort.

24. Taking all of the information provided into account, I am not satisfied that the major change in circumstances relied upon by the local authority (the dip in demand for Reception Year places at the school) justifies a reduction in the PAN for September 2024 from 90 to 60. The projected demand for Reception Year places at the school in September 2024 is 71. Therefore, a PAN reduction to 60 would likely frustrate the parental preferences of 11 applicants. I accept the local authority's contention that there will likely be sufficient Reception Year places available to accommodate those unsuccessful applicants elsewhere in the planning area and that each of the relevant schools is within two miles of the school. I would also acknowledge that, in the context of this location, anything under two miles is likely to be an acceptable travelling distance to primary school. However, I am concerned that the numbers allow almost no flexibility (330 places for a projected demand of 329 places) and, given that they are projections and not actual application and offer figures, they remain uncertain. As such, I am concerned that there is a risk that parental preference for the school may be frustrated and the alternative school places available may not be within an acceptable travelling distance for the family concerned.

25. I considered approving the proposed variation for September 2024 with a modification, to a number between 60 and 90, rather than to 60. However, given that the school must work within the limitations set out by the School Admissions (Infant Class Sizes) (England) Regulations 2012 (that is, classes of no more than 30 for children in Reception Year, Year 1 and Year 2), and has not indicated that it would consider or could accommodate mixed year-group teaching, I do not consider that outcome to be an appropriate one. It would not address the school's own concern about the financial viability of running classes of fewer than 30 pupils. Furthermore, given that demand for Reception Year places at the school has remained stable at around 90 for a number of years, with only one sharp dip in demand for September 2023, I consider it would be premature to act so decisively in relation to the PAN for September 2024 before further data consistent with the projected reduction in demand emerges (that is, when applications and offers are actually made).

26. My decision in relation to September 2024 does not preclude a further request by the local authority for a PAN reduction for the school for September 2024 where further evidence emerges to indicate a sustained reduction in demand for Reception Year places at the school – for example, after applications and offers have been made for September 2024.

Determination

27. **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 Engayne Primary School for September 2023. I determine that the Published Admission Number be reduced from 90 to 60.**

28. **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 Havering for Engayne Primary School for September 2024. I determine that the Published Admission Number remain 90.

Dated: 3 July 2023

Signed:

Schools adjudicator: Jane Kilgannon