

Item No.	Classification: Open	Date: 14 December 2021	Decision maker: Strategic Director of Children's and Adults' Services
Report title:		In year variation to Published admission number from September 2022	
Ward(s) or groups affected:		North Walworth; Old Kent Road and Champion Hill	
From:		Nina Dohel, Director of Education	

RECOMMENDATIONS

1. That the Strategic Director of Children's and Adults' Services agree to proceed with the reduction to the 2022/23 Published Admissions Numbers (PANs) of the following four primary schools: Ilderton, Dog Kennel Hill, Cobourg community primary schools and English Martyrs, Roman Catholic, voluntary aided primary school as listed in paragraph 5 of the report.
2. That the Strategic Director of Children's and Adults' Services instruct officers to seek an in-year variation from the Office of the Schools' Adjudicator (OSA) directly for all three community schools and to continue to work with English Martyrs' primary school, which is its own admission authority to do so.

BACKGROUND INFORMATION

3. In response to the current impact of falling rolls in Southwark, across London and beyond, officers have been working with school leaders and Governors of our primary schools towards reducing capacity/rationalising provision of Reception year places. This has included proposals to reduce the Published Admission Number (PAN) from 2022 at schools that have not been able to fill their Reception places in recent years and a reduced PAN would support reorganisation and/or other efficiencies.
4. The substantial drop in reception numbers over the last five years and the level of primary reception vacancies (currently 630 across the borough), has confirmed that delay in this action to right size PANs for 2022 could have an adverse effect on schools and school finances.
5. Admission numbers are normally consulted on and determined, 18 months in advance of implementation – admission numbers for September 2022 were determined in February 2021. Any change to these arrangements must now be made through an in-year variation request to the Office of the Schools Adjudicator.

6. Officers have reached agreement with four schools (three community schools and one voluntary aided) to seek an in-year variation to reduce their PANs from September 2022 as follows:

Table 1. Proposed amendments to Primary PANs by Planning Area (PA)

PA	School	Present PAN	Proposed PAN	Reduction
1	English Martyrs'	60	30	-30
	Cobourg	60	30	-30
2	Ilderton	60	30	-30
4	Dog Kennel Hill	60	30	-30
Total		240 (8FE)	120 (4FE)	120 (4FE)

7. Cabinet agreed at its meeting in October 2021, to delegate to the Strategic Director of Children's and Adults' Services, after consultation with the Deputy Leader & Cabinet Member for Children, Young people and Education, the decision to make any referral to the Office of the Schools Adjudicator for an in-year variation of the admission arrangements for 2022.
8. Southwark Council is the admissions authority for community schools (including Cobourg, Ilderton and Dog Kennel Hill), English Martyrs is its own admissions authority. This delegated decision, would need to be referred to the Office of the Schools' Adjudicator (OSA) by the appropriate admissions authority for each school, for consideration and, final agreement.
9. Should the Strategic Director agree to the proposed PAN amendments, officers will immediately prepare a report to the OSA outlining the case for the adjustments for the Southwark area, with an in-year variation request to reduce the PANs at the three community schools listed in paragraph 7. Officers will work with English Martyrs' Governing body and the Roman Catholic Diocesan boards as appropriate to support their individual submission to the OSA to reduce their PAN.
10. A non-statutory consultation with details of the proposal to reduce PANS at these four primary schools from 2022 took place between 8th and 29th November. Representations were sought from a wide variety of stakeholders, including and not limited to: all Southwark primary schools –headteachers and school governors, local primary schools, admissions officers and place planning officers from adjacent local authorities, appropriate Diocesan authorities.

Table 2. Effect of PAN reductions by planning area

Planning Area Number and Name	Capacity Before PAN reductions	Capacity After PAN reductions	Sep 2021 roll	Excess capacity Before PAN reduction	Excess Capacity After PAN reduction
1. Borough, Bankside & Walworth	795	735	599	196	136
2. Bermondsey & Rotherhithe	990	960	822	168	138
3. Peckham & Nunhead	630	630	516	114	114

4. Camberwell	630	600	517	113	83
5. Dulwich	536	536	507	29	29
Southwark Total	3,581	3,461	2961	620	500

11. A non-statutory, consultation on this proposal to reduce PANS via an in-year variation from 2022, ran from 8th to 29th November 2021. A total of 2 comments were received in response to the consultation including comments from local headteachers, school governors, school teachers and local stakeholders. 2 of the responses agreed overall with the proposal. Following the feedback received, officers recommend that the proposed PAN reductions proceed to the OSA for the purposes of seeking in year variations.

KEY ISSUES FOR CONSIDERATION

12. All four schools have admitted below their PAN of 60 for 2019, 2020 and 2021 which confirms that there is currently, surplus Reception capacity at these schools as shown in table 3 below:

School	PAN	YR 2019 Roll	YR 2020 Roll	Y R 2021 Roll	Excess 2021
English Martyrs'	60	29	41	36	24
Cobourg	60	27	27	25	35
Ilderton	60	43	31	31	29
Dog Kennel Hill	60	41	28	28	32
Total	240	140	127	120	120

13. Families applying for the September 2022 places have been made aware of the potential for a September 2022 PAN reduction at these schools on the Council's website and also, in the Primary Starting schools booklet. This information will be updated once agreement to proceed with an in-year variation request has been given.
14. Applications for Reception 2022 will close 15 January, confirmation of the in-year variation request will be made before then enabling families to be aware and to amend their applications to include alternative schools if required.

Policy framework implications

15. The process to reduce the Published Admission Number to a school through an in-year variation request to the Office of the Schools Adjudicator is the correct process to follow in this circumstance as set out in para 4 above.

Community, equalities (including socio-economic) and health impacts

Community impact statement

16. The reduction to the published admission number will support the schools listed to become strong 1fe schools, better able to organise its operations and finances to the smaller capacity. This in turn will enable each school retain its place in the community and continue to provide, high quality education to children and to support local families.
17. The Public Sector Equality Duty, at section 149 of the Equality Act, requires public bodies to consider all individuals when carrying out their day to day work – in shaping policy, in delivering services and in relation to their own employees. It requires public bodies to have due regard when carrying out their activities to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between people with protected characteristics and those with none. The Council’s Approach to Equality (“the approach”) commits the Council to ensuring that equality is an integral part of our day to day business.
18. “Protected characteristics” are the grounds upon which discrimination is unlawful - the characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, gender and sexual orientation. In this case, the characteristics covering gender reassignment, marriage and civil partnership, pregnancy and maternity, and sexual orientation are unlikely to be issues for consideration. Managing the capacity of primary provision to meet demand have the potential to advance equality of opportunity, and foster good relations between people with protected characteristics and those with none. An EQIA assessment has been carried out, no negative impacts of the new arrangements have been identified, so no mitigating actions are required, and no equality objectives will derive from these specific proposals.
19. We have had due regard in preparing the arrangements and will have due regard when carrying out the proposed activities, for the need to eliminate discrimination, advance equality of opportunity, and foster good relations between people with protected characteristics and those with none. Provision of new school places and fair and equitable admissions policies:
 - a) *“advances the cause of the elimination of discrimination” by removing potential discrimination based on the protected characteristics*
 - b) *“advances equality of opportunity” by ensuring that all groups, irrespective of background, have equal access to school places*
 - c) *“fosters good relations” by implementing a demonstrably fair and equitable policy for school admissions across the borough for people with protected characteristics and those without.*

Health Impact Statement

20. There are no specific identified health impacts resulting from any of the proposals or recommendations, so a health impact statement is not necessary for this report.

Climate change implications

21. Following the Council Assembly meeting on the 14th July 2021, the Council has now committed to considering the climate change implications of any decisions made.
22. As the numbers of pupils in the authority area falls, and the numbers of pupils attending particular schools reduce, then it is likely that less pupils will be travelling to schools, thereby potentially reducing travel (and carbon emissions) overall, and, where utilised, car use. There will be a negligible effect on the other categories outlined - enhancing the environment and green space, green jobs and businesses, sustainable energy and reducing waste, as these are not substantively addressed or required in this report.
23. No direct measures have been taken to reduce or enhance the impact on climate change as part of this school admissions report, as no substantive negative effects have been identified. Additionally as no direct measures have been taken to reduce or enhance the impact on climate change as part of this admissions process, no monitoring will be required. As explained above, the falling numbers of pupils is likely, if anything, to have a net positive effect on climate change, as fewer pupils attend school and are therefore transported by car or other forms of transport. Reducing the number of school places will not directly enhance the environment and green space, nor will it create “green” jobs and businesses, or benefit sustainable energy or reduce waste, albeit that less pupils in a particular school could potentially use less energy and produce less waste.
24. There are no substantive negative effects anticipated as a result of the recommendations and proposals.

Resource implications

25. There are no direct resource implications to the council of this report. However, it is important to note that reducing the PAN numbers will aid to deal with the overcapacity within the primary sector. As it shows in para 11 the schools have been dealing with falling rolls for a number of years. As the schools receive, their funding based on the number of pupils on roll overcapacity within the school can lead to financial instability. Delaying the decision to reduce the PAN can create potential deficits for the schools. The schools governing bodies have the responsibility to manage their delegated budgets and approving the recommendations of this report will aid them with more sustainable financial planning. The Department for Education expects schools and local authorities to manage down any surplus and reducing the PAN is one of the options which can be adopted.

Consultation

26. There is no statutory requirement to consult prior to approaching the Office of the Schools Adjudicator to request an in-year variation to reduce the PAN of a school. However, this was undertaken to provide information to local families and key stakeholders and to seek their views in this important process for local areas. The questionnaire used is attached at Appendix 1.
27. A summary of the views and comments received in this consultation are summarized in paragraph 10 of this report.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Governance

28. The recommendations in this report fall to the chief officer under in Part 30 of the Council's Constitution.
29. The decision maker should have regard to the consultation detailed in paragraph 10.
30. The decision maker should have regard to the public sector equality duty under section 149 Equality Act 2010 when making this decision. This requires that, due regard be given to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between people with protected characteristics and those with none.

Strategic Director of Finance and Governance [CAS21/24]

31. This report seeks to make adjustments to the Admissions levels as set out in the document above. The costs associated with the admissions process are met from the Dedicated Schools Grant, so there is no direct financial implication on the council's revenue budgets from the changes proposed.

FOR DELEGATED APPROVAL

PART A – TO BE COMPLETED FOR ALL DELEGATED DECISIONS

Under the powers delegated to me in accordance with the council's constitution, I authorise action in accordance with the recommendation(s) contained in the above report (and as otherwise recorded in Part B below).

Signature



Date 24 December 2021

David Quirke-Thornton

Designation **Strategic Director of Children's & Adults' Services**

PART B – TO BE COMPLETED BY THE DECISION TAKER FOR:

- 1) All key decisions taken by officers (including contract reports)
- 2) Any non-key decisions which are sufficiently important and/or sensitive that a reasonable member of the public would reasonably expect it to be publicly available (see paragraph 41 of the guidance).

1. DECISION(S)

That the Strategic Director agrees to proceed with the reduction to the 2022/23 Published Admissions Numbers (PANs) of the following four primary schools: Ilderton, Dog Kennel Hill, Cobourg community primary schools and English Martyrs, Roman Catholic, voluntary aided primary school as listed in paragraph 5, and to instruct officers to seek an in-year variation from the Office of the Schools' Adjudicator (OSA) directly for all three community schools and to continue to work with English Martyrs' primary school, which is its own admission authority to do so.

2. REASONS FOR DECISION

2. REASONS FOR DECISION

Cabinet in October 2021 delegated the decision for the referral of appropriate schools, after informal consultation to the Strategic Director (Children's & Adults' Services). After discussions with Heads and Chairs of the Governing Bodies of the schools concerned, four schools - Ilderton, Dog Kennel Hill, Cobourg community primary schools and English Martyrs, Roman Catholic, voluntary aided primary school agreed to a PAN reduction for September 2022 via the OSA route. Undertaking the decision now means that the schools concerned will have 8 months to plan financially and administratively for a reduced intake, and that there is the possibility that the OSA will determine prior to "primary offer day", which would mean that the schools' PANs were formally reduced to 1FE – and that there would be no risk of schools being required to take additional pupils over 1FE. Delaying the decision for any length of time would also be financially deleterious to the schools concerned and the local authority for any length of time.

No substantive objections were received during the informal consultation.

3. ALTERNATIVE OPTIONS CONSIDERED AND REJECTED BY THE OFFICER WHEN MAKING THE DECISION

The other options would have been to

- a) *keep the PANs at the four schools as they were indefinitely*
- b) *to reduce the PANs of the schools from September 2023 onwards via the admissions consultation presently underway*

In both cases, this would have placed undue financial and organisational pressure on the 4 schools to organize their teaching staff and resources for 2 forms of entry with only the income for 1 to 1.5 forms of entry (1 to 1.5FE)

4. ANY CONFLICT OF INTEREST DECLARED BY ANY CABINET MEMBER WHO IS CONSULTED BY THE OFFICER WHICH RELATES TO THIS DECISION (IF APPLICABLE)*

None – not applicable

*Contract standing order 4.5.1 states that for contracts with an Estimated Contract Value of over £100,000, the lead contract officer (LCO) must consult with the relevant cabinet member before a procurement strategy is implemented.


5. NOTE OF ANY DISPENSATION GRANTED BY THE MONITORING OFFICER, IN RESPECT OF ANY DECLARED CONFLICT OF INTEREST

If a decision taker or cabinet member is unsure as to whether there is a conflict of interest they should contact the legal governance team for advice.

None – not applicable

6. DECLARATION ON CONFLICTS OF INTERESTS

I declare that I was informed of no conflicts of interests.*

Signature 

Date 24 December 2021

David Quirke-Thornton

Designation **Strategic Director of Children's & Adults' Services**

7. CONSIDERATION GIVEN TO WHETHER AS A NON-KEY DECISION, THIS DECISION SHOULD BE FORWARDED TO THE CONSTITUTIONAL TEAM FOR PUBLICATION IN ACCORDANCE WITH REGULATION 13(4)*

The decision taker should consider whether although a non-key decision, the decision is sufficiently important and/or sensitive that a reasonable member of the public would reasonably expect it to be publicly available. Where there is any doubt, having considered the importance and/or sensitivity of a decision, it should be deemed that Regulation 13(4) would apply.

I consider that the decision be made available for publication under Regulation 13(4).*

Signature 

Date 24 December 2021

David Quirke-Thornton

Designation **Strategic Director of Children's & Adults' Services**

* Under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the council is required to put in place a scheme for recording and publishing some officer executive decisions. This process is sometimes referred to as "Regulation 13(4)".

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Pupil Place Planning Report 2021	Education Access (0-25) 160 Tooley Street, LONDON, SE1 2QH	Glenn Garcia 020 7525 2717
https://moderngov.southwark.gov.uk/documents/s102233/Report%20and%20appendices%20Pupil%20place%20planning%202021.pdf		
Schools Adjudicator: make an objection, appeal or referral	Education Access (0-25) 160 Tooley Street, LONDON, SE1 2QH	Glenn Garcia 020 7525 2717
https://www.gov.uk/guidance/schools-adjudicator-make-an-objection-appeal-or-referral#in-year-variations-to-school-admission-arrangements		

APPENDICES

No.	Title
Appendix 1	Consultation on proposed PAN reductions (non-statutory)

AUDIT TRAIL

Lead Officer	David Quirke-Thornton, Strategic Director of Children's and Adults' Services		
Report Author	Glenn Garcia, Assistant Director of Education, Access & Statutory Services		
Version	Final		
Dated	14 December 2021		
Key Decision?	Yes		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
	Officer Title	Comments Sought	Comments Included
	Director of Law and Governance	Yes	Yes
	Strategic Director of Finance & Governance	Yes	Yes
	Cabinet Member	Yes	Yes
	Date final report sent to Constitutional Team / Scrutiny Team		24 December 2021

CONSULTATION WITH OTHER OFFICERS

AUDIT TRAIL				
Name/Position	Department	Date Sent	Date Received	Paragraph(s) commented on:
Norman Coombe	Legal	09/11/2021	29/11/2021	27-29
Eniko Nolan	Children's & Adults Finance	09/11/2021	22/11/2021	24, 30

APPENDIX ONE - Consultation on proposed PAN reductions (non statutory)

The following consultation was emailed to all stakeholders.

Reduction of PANs at Primary Schools in Southwark for September 2022

Southwark Council is consulting on a proposal to decrease the Published Admission Number (PAN)* of Reception classes at 4 primary schools for the academic year **2022/23** onwards. This proposal is an area wide undertaking by the council to right-size PANs due to falling rolls across the borough to balance the number of places available against the current level of demand.

School admissions and school census data has confirmed that primary rolls, particularly in Reception, have been falling year on year in Southwark – a five year trend has been established. An oversupply of places at a school leads to financial and organisational inefficiency, and can be challenging for individual schools to manage. The local authority and school leaders have worked together to consider options and take steps to address this. A review of the rolls of all primary schools in the borough has been undertaken, and schools where rolls were falling and/or where spare capacity already existed due to schools not recruiting to their PANs were identified and considered for reduction.

The aim of this proposal is to help stabilise each school's intake and enable school leaders to plan and deliver school provision effectively and meet local demand. The reduction of the Reception PANs across Southwark will not lead to a shortage of school places in the borough - there are 605 spare reception places this year and the proposal has the potential to reduce this by 150 places. There are a sufficient number of places available at other primary schools in the borough to accommodate Reception and in-year demand at current levels. A reduction in PAN would apply solely to the Reception intake for each of the proposed schools from 2022 onwards, and not to children already in existing classes at the school.

Long term value for money will be achieved by ensuring that schools are the right size to reflect local demand. Southwark Council will continue to monitor the demand for school places across the borough and act accordingly to re-provide places should the situation change and additional places be required. The amended PANs are shown in the table below

School	PAN	Proposed PAN
English Martyrs RC	60	30
Ilderton	60	30
Cobourg	60	30
Dog Kennel Hill	60	30

**The "PAN" is the maximum number of pupils that an Admission Authority will admit to the Reception class(es) each year.*

Please assist us by completing the questionnaire below - we would love to hear your views and comments on the above proposals

1. Do you agree with the overall proposal to decrease the Published Admission Number (PAN) of Reception classes at four primary schools in Southwark for the academic year **2022/23** onwards, as set out in the table above?

- Yes
- No
- At some schools, not all
-

2. Do you have any specific comments relating to the PAN reduction at an individual school listed in the table above? If you do not agree with some or all of the proposals, do you have any other suggestions for school PAN reductions in the borough ?