



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** VAR2151

**Admission authority:** Hampshire County Council for Pennington Infant School, Lymington

**Date of decision:** 23 July 2021

## Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed reduction in the published admission number for 2021 determined by Hampshire County Council for Pennington Infant School, Lymington.

I determine that for September 2021 the published admission number will be reduced from 52 to 30.

## The referral

1. Hampshire County Council (the local authority) has referred a proposal for a variation to the admission arrangements for September 2021 for Pennington Infant School, Lymington (the school), to the Office of the Schools Adjudicator. The school is a community school for children aged 4 to 7.
2. The proposed variation is to reduce the published admission number (PAN) from 52 to 30.

## 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 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. In considering this matter I have had regard to all relevant legislation, and the School Admissions Code (the Code).

5. The information I have considered in reaching my decision includes:

- a. the referral from the local authority dated 18 June 2021, supporting documents and further information provided at my request
- b. the determined arrangements for 2021 and the proposed variation to those arrangements
- c. a copy of the local authority’s booklet for parents seeking admission to schools in the area in September 2021
- d. a map showing the location of the school and other relevant schools; and
- e. information available on the websites of the local authority, the school and the Department for Education.

6. Paragraph 3.6 of the Code requires that the appropriate bodies in the relevant area be notified of a proposed variation. The local authority has provided me with confirmation that the appropriate bodies have been notified. I have seen confirmation from the school’s governing board that it 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.

## **The proposed variation**

7. The proposed variation is to reduce the PAN of the school from 52 to 30 for September 2021.

8. Paragraph 3.6 of the Code requires that admission arrangements, once determined, may only be revised, that is 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. When an admission authority wants to reduce the PAN at a school before it determines its arrangements, it is required to consult parents and others listed in paragraph 1.44 of the Code for at least six weeks. This allows public scrutiny of the proposed new PAN. Once arrangements have been determined, they may only be varied in limited circumstances. The variation process is set out in paragraph 3.6 of the Code. That process

is designed for use when there is a “major change in circumstances” occurring since the arrangements were determined. An example of a major change in circumstance might be where an unanticipated problem occurs with a school building requiring remedial work that temporarily reduces the capacity of the building without leaving time to consult on any necessary changes to admission arrangements. The variation process does not include the wider consultation process. In this case the variation requested is for a reduction in the PAN from 52 to 30 at the school for September 2021. I am concerned that parents and others should be able to have their views fully considered when changes are made to admission arrangements whenever possible and as required by the Code.

10. Paragraph 1.3 of the Code requires a local authority to consult the governing board of a community or voluntary controlled school if it intends to keep the same PAN for the next year. There is no requirement to consult with parents or other bodies and only the governing board may object to the PAN remaining the same.

11. The local authority explains that the number of Reception places offered for September 2021 is 26 and as a result the school will have a budget difficulty if it has to create more than one class for the year group. I can understand this concern. The school is an infant school which means that all its children must be taught in classes of no more than 30 with a single qualified teacher (subject to some limited exceptions) in order to meet the requirements of the Infant Class Size Regulations. While the PAN remains at 52, additional children seeking places in Reception would have to be admitted until 52 children had places. It is, of course, extraordinarily unlikely that a further 26 children would seek places at the school for the next academic year. However, if more than four such children did so, then a further class would have to be created in order to comply with the infant class size regulations.

12. The financial argument is clear and I can understand the governing board’s hope that numbers will remain below 30 so that it can teach the year group in one class.

13. The local authority has provided the following information about pupil numbers admitted to the schools in the planning area in recent years and also the allocation for 2021 together with the 2021 and 2022 forecasts.

SCHOOL	PAN	2018	2019	2020	2021 pupil places	2021 forecast	2022 forecast
Beaulieu Village Primary School	17	17	27	12	17	22	22
Brockenhurst Church of England Primary School	30	31	24	25	29	31	21
Lymington Church of England Infant School	60	59	60	56	60	61	64
Milford-On-Sea Church of England Primary School	45	39	45	45	43	39	44

Our Lady & St Joseph Catholic Voluntary Aided Primary School	15	15	16	11	15	14	14
Pennington Infant School	52	41	45	41	26	30	29
South Baddesley Church of England Primary School	22	20	18	26	18	12	19
St Lukes Church of England Primary School	30	24	30	29	28	26	23
William Gilpin Church of England Primary School	17	18	17	20	12	28	25
<b>Total YR admissions</b>	<b>288</b>	<b>264</b>	<b>282</b>	<b>265</b>	<b>248</b>	<b>263</b>	<b>261</b>

14. It is clear that there are fewer numbers allocated than were forecast and while I am unconvinced by the assertion that there has been a major change in circumstance, I am able to see that the variation request makes financial sense to the school and helps to manage a potential budget difficulty. There will be some spare places in the school if children arrive in the area seeking places; there are also spare places in other nearby schools, so I am satisfied that there are sufficient places within the area to meet the projected need for places in the Lymington area. I am therefore willing to agree the variation request for September 2021 on the grounds that the change is justified by the circumstances.

15. The admission authority has already set the school's PAN for 2022 at 52 and a variation to this has not been sought at this time. The approval of the variation for 2021 does not affect the PAN for 2022 because the requested variation has come after the determination of the 2022 arrangements. For the avoidance of doubt this means that the school's PAN for YR for 2022 remains at 52 unless a reduction is approved by means of a variation approved by the adjudicator. If the numbers continue as the local authority predicts then it is open to it to propose a variation for 2022 on similar grounds to that sought for 2021 once allocations are known in early 2022.

16. In the meantime, the local authority should consider undertaking consultation with parents and the other prescribed parties later in 2021 about the admission arrangements for 2023 before these arrangements are determined by the local authority in early 2022. This will allow it to consider the impact of the smaller number of children that are progressing through the infant school on the other schools in the area and in particular the linked junior school and to consult on any necessary changes to the PAN to reflect this.

## Determination

17. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed reduction in the published admission number for 2021 determined by Hampshire County Council for Pennington Infant School, Lymington.

18. I determine that for September 2021 the published admission number will be reduced from 52 to 30.

Dated: 23 July 2021

Signed:

Schools adjudicator: David Lennard Jones