



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** VAR924

**Admission authority:** Hampshire County Council for Kings Copse Primary School

**Date of decision:** 5 June 2020

## 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 Hampshire County Council for Kings Copse Primary School for September 2019, 2020 and 2021.

## The referral

1. Hampshire County Council (the local authority) has referred a proposal for a variation to the admission arrangements for September 2019, 2020 and 2021 for Kings Copse Primary School (the school), to the Office of the Schools Adjudicator. The school is a community school for children aged 4 to 11 in Hampshire.
2. The proposed variation is to reduce the published admission number (PAN) for September 2019, 2020 and 2021 from 45 to 30 for Reception (Year R).

## 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 referral from the local authority dated 20 March 2020 and supporting documents together with its responses to my enquiries;
- b. the determined arrangements for each year in question and the proposed variation to those arrangements;
- c. evidence that the governing board for the school has been consulted;
- d. a map showing the location of the school and other relevant schools; and
- e. a copy of the notification to the appropriate bodies about the proposed variation;

## The proposed variation

7. For 2018 and preceding years the school had a PAN of 30. The arrangements for 2019 were determined by the local authority on 21 February 2018 and included an increased PAN of 45 for the YR, to meet the perceived increase in demand for places from new housing on land east of Dodwell Lane (the Latitude development). The arrangements for 2020 were determined by the local authority on 22 February 2019 and included the same PAN of 45 for the school. The arrangements for 2021 were determined by the local authority on 26 February 2020 and included the same PAN of 45 for the school.

8. Paragraph 3.6 of the Code requires that admission arrangements, once determined, may only be changed, that is varied, if the local authority consider such changes to be necessary in view of a major change in circumstances. The demand for places arising from the Latitude development has not yet materialised due to the build programme being delayed. The local authority now do not believe that the envisaged increased numbers will materialise until 2022.

9. Paragraph 3.6 of the Code also requires that the appropriate bodies within the relevant area are notified of a proposed variation. The appropriate bodies are defined in footnote 61 to paragraph 3.6 of the Code. They are, for primary schools not of a religious character:

- i) all other admission authorities for primary schools in the area;
- ii) whichever of the governing board and the local authority who are not the admission authority; and

- iii) all governing boards for community and voluntary controlled primary schools in the relevant area.

The relevant area is defined in section 88F of the School Standards and Framework Act 1998 (the Act) as the area of the local authority in which the school is situated or another area which the local authority has determined through processes set out in the Education (Relevant Area for Consultation on Admission Arrangements) Regulations 1999.

10. I am satisfied that the appropriate bodies have been notified.

## **Consideration of the proposed variation**

11. The local authority increased the school's PAN for 2018 in order to provide for an anticipated increase in local demand from the Latitude development. Due to delays in that development the increased demand has not materialised. The school and the local authority are concerned that the PAN of 45 will mean it having over 30 pupils coming into Year R in future years but not as many as 45. The law relating to infant class sizes means that a class of Year R, Year 1 or Year 2 pupils cannot have more than 30 pupils with one teacher. Consequently, an intake in excess of 30 (but significantly less than 45) creates difficulties with providing appropriate staffing levels and may lead to additional staffing cost which is not reflected in the school's funding. I accept that such difficulties may arise where the PAN of the school is significantly higher than the expected intake.

12. The following table is based on information provided to me by the local authority. It sets out the PAN for each school in the Hedge End planning area (the local authority planning area within which the school is located) and one school, Burleston infant school which is outside the Hedge End planning area. I have used the figures set out in the table in considering whether the requested reduction of the PAN at the school will result in there being sufficient places at nearby schools to accommodate parental preference for schools in each of the years for which a variation is requested.

	School	Walking distance from Kings Copse (Miles)	PAN 2019,2020 & 2021	Admissions 2019 (+/- PAN)	Forecast Admissions 2020	Forecast admissions 2021 (+/- PAN)
1	Freegrounds Infant	0.54	90	89 (-1)	69 (-21)	91 (+1)
2	Freegrounds Junior No YR	0.61	90	90	90	89 (-1)
3	Shamblehurst Primary	1.23	60	60	60	72 (+12)
4	Kings Copse		45	32 (-13)	34 (-11)*	39 (-6)
5	Wellstead Primary	2.25	60	60	47 (-13)	36 (-24)
6	Berrywood CofE Primary	1.65	90	90	56 (-34)	59 (-31)
7	Botley CofE Primary	2.08 (1.5 Google)	45	45	47 (+2)	63 (+18)
8	St James CofE Primary	?? 2.9 (Google)	90	90	69 (-21)	75 (-15)
9	Boorley Park Primary Academy	2.2	60	24 (-36)	25 (-35)	26 (-34)
10	Total YR (excluding Freegrounds Junior)		540	490 (-50)	407 (-133)	461 (-79)
11	Total with the PAN at Kings Copse reduced by 15		525	490 (-35)	407 (-118)	461 (-64)
12	Burleston Infant School (not in planning area)	2.15				

\*Although 34 is the forecast number 33 offers were made in April 2020 for places in September 2020.

13. The figures in row 11 of the table show that for September 2019, if the PAN for the school had been 30, there would have been 35 spare places in the Hedge End planning area out of a total 525, representing about 6.5 per cent . An excess of 5 per cent is widely accepted as allowing parental preference to be met to a reasonable degree. For 2020 and 2021 the number of excess places is significantly higher, over 22 per cent in 2020 and just

over 12 per cent in 2021. I note that a large proportion of the excess places are at Boorley Park Primary Academy, a new academy which opened in September 2019 with a PAN of 60.

14. I have also considered the position of the school within the planning area. It lies to the south of the built-up area of Hedge End and the other schools in the planning area all lie north of it. I have not been told that there are any other suitable schools situated to the south of the school but the local authority has referred to Burleston Infant School which lies to the west, outside the Hedge End planning area and about 2.15 miles walking distance from the school.

15. The local authority has explained that transport would be provided where the walking distance to school exceeds two miles. However, in my view it is reasonable, in a built-up area with a number of local primary schools, for the journey to school to be two miles or less. Of course I do not have the actual distances children would be required to travel if they did not gain a place at the school as a result of the variation being approved so I have taken a distance of two miles from the school as a reasonable starting point. There are three schools with a Year R intake within 2 miles walking distance of the school; Freegrounds Infant School, Shamblehurst Primary School and Berrywood Church of England Primary School.

16. September 2019 has, of course, already passed and that academic year is almost at an end. The school currently has 32 children in Year R and the effect of agreeing a variation to the PAN for this year would only be to prevent additional intake between now and the end of this summer term. In the unlikely event that there is demand for a place or places within this period there are places available at Boorley Park Primary School and at Burleston Infant School. In the circumstances I consider that there are sufficient places locally in the current academic year and consequently I approve the variation of PAN from 45 to 30 for the academic year commencing in September 2019.

17. For the academic year commencing in September 2020 national offer day was on 16 April 2020. As at 15 May 2020, 33 offers of places at the school had been made. The local authority has confirmed that if the reduction in PAN is approved for 2020 every one of those offers will remain open and no offer already made will be withdrawn. Subject to that assurance I find that overall in the planning area there will be, if the PAN is reduced to 30, 525 places and forecast admissions of 407, giving an estimated 118 surplus places constituting some 22 per cent of the total available. I note in addition that there were 29 first preferences for the school in the current admissions round. For Kings Copse and the three schools within 2 miles walking distance of Kings Copse the combined PAN would (if the variation is approved) be 270. The forecast is that 219 places would be required at those four schools combined. That gives 51 excess places or a little over 23 per cent which is well over the recommended 5 per cent. Consequently, I approve the variation sought for 2020.

18. For 2021 parents will be expressing their preferences for schools by the closing date of 15 January 2021. If the PAN is varied to 30 now, there is ample time for this change to

be promulgated and for the reduced PAN to be featured in the composite prospectus which the local authority must publish by 12 September 2020. All this means that parents can be made aware of the new PAN in good time. For Kings Copse and the three schools within 2 miles walking distance of Kings Copse the combined PAN would (if the variation is approved) be 270. The forecast is that 261 places would be required at those four schools combined. That gives 9 excess places or a little over 3 per cent. This is fewer than would be desirable. However, there are other schools available in the area which are expected to have places and which are little more than 2 miles from the school and as noted above there were only 29 first preferences for the school for entry in September 2020. I also note that the PAN was increased for 2018 in order to provide for a housing development which has not yet led to an increase in demand and would not otherwise have been increased. On balance I approve the variation sought for 2021.

## Determination

19. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Hampshire County Council for Kings Copse Primary School for September 2019, 2020 and 2021.

Dated: 5 June 2020

Signed:

Schools Adjudicator: Tom Brooke