



Office of
the Schools
Adjudicator

DETERMINATION

Case reference: VAR730

Admission Authority: Hampshire County Council for Merton Infant School, Basingstoke.

Date of decision: 9 October 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 Hampshire County Council for Merton Infant School, Basingstoke.

I determine that for admissions in September 2017 the published admission number (PAN) shall be 60.

The referral

1. Hampshire County Council (the local authority) has referred a variation to the Adjudicator about the admission arrangements (the arrangements) for Merton Infant School (the school), a community school, for September 2017. The variation is a reduction to 60 from the determined PAN of 90.

Jurisdiction

2. 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”.

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

Procedure

3. In considering this matter I have had regard to all relevant legislation, guidance and the School Admissions Code (the Code).
4. The documents I have considered in reaching my decision include:
 - (i) the local authority's email and form of referral of 1 August 2017 and supporting documents;
 - (ii) the determined arrangements for September 2017 and the proposed variation to those arrangements;
 - (iii) a copy of the local authority's booklet for parents seeking admission to schools in the area in September 2017;
 - (iv) a copy of the letter notifying the appropriate bodies about the proposed variation and one response; and
 - (v) evidence that the local authority had consulted the governing body of the school before making the variation request.

Background and consideration of factors

5. In January 2016 the local authority determined its admission arrangements for the 2017/18 academic year, including the PAN for all community and voluntary controlled schools in Hampshire. The PAN for Merton Infant School, which is in the town of Basingstoke, was set at 90.
6. The school has the capacity to admit three forms of entry, that is, 90 pupils each year. It has not been fully subscribed in recent years. In 2015, 76 pupils were admitted and in 2016, 71 pupils were admitted. 59 pupils were allocated places for admission in September 2017. The head teacher reports that, in fact, only 55 pupils were actually admitted. The school has accordingly made arrangements to have only two classes for its youngest pupils, rather than three.
7. In making its request for a variation to the school's PAN, the local authority stated:

"The school has shared their serious concerns about their budget and the affordability of employing a third teacher when there are only two classes worth of pupils expected."

It regards these concerns as a "*major change of circumstances*" that justifies a variation in the school's admission arrangements. It says that an immediate reduction in PAN to 60 will enable the school to operate with only two classes containing children in the Reception Year, as further applicants can be refused admission. This will enable the governing body to "*put firm financial plans in place*" as it will not be necessary to employ an additional teacher. Regulations require that infant classes (those where the majority of children will reach the age of

five, six or seven during the school year) **must not** contain more than 30 pupils with a single teacher.

8. The local authority is not seeking a reduction to the PAN in its determined arrangements for September 2018, as it anticipates that more than 60 places will be required at the school. It reports that there are two housing development projects currently taking place – one within the catchment area of the school and the other just beyond it. It expects there will be an increase in pupil numbers as a result of the new dwellings. Initially, the increase will be modest. My reading of figures supplied by the local authority is that, over the next 12 months, it is forecasting a net increase of two pupils in the group admitted to the reception year at the school in September 2017. If the forecast proves to be correct, it would mean that the number of children in this year group would grow from 55 to 57 by September 2018, that is, when they move into year one. However, it is impossible to make absolutely precise forecasts of this nature; the number may prove to be a little greater or smaller than 57.
9. In response to an enquiry I made, the local authority informed me that the nearest school to Merton Infant School that also has places available is Winklebury Infant School. Winklebury Infant is approximately 1.8 miles away from Merton Infant School; from some addresses in Merton's catchment area, it is considerably further. If the increase in the number of pupils seeking places is greater than the local authority is forecasting, it is possible that a reduction in the PAN of Merton Infant School to 60 would mean that for some pupils who move into the area, there would not be a school place within a reasonable distance from their home. In these circumstances, the local authority may regard such pupils as "*excepted pupils*." The Regulations (summarised in paragraph 2.15 of the Code) allow the infant class size limit of 30 to be exceeded by excepted pupils. One category of excepted pupils is:

"children who move into the area outside the normal admissions round for whom there is no other available school within a reasonable distance."
10. I have considered this potential outcome but have concluded that the importance of a greater degree of certainty in the school's financial planning outweighs any need to keep places available that, on the balance of probabilities, will not be required. If the demand for places does significantly exceed the local authority's forecasts, it will have to make appropriate arrangements.
11. In accordance with paragraph 3.6 of the School Admissions Code, the local authority informed the appropriate bodies of its proposal to reduce the PAN, including the governing bodies of schools in the area. The only response received was from Merton Junior School, which is located on the same site as Merton Infant School and linked to it for admissions purposes. The head teacher of the Junior School questioned why the number of pupils allocated places at the Infant

School in September 2017 was so low, when local schools had recently been expanded. She emphasised the effect that this would have on the budget and staffing structure at the Junior School in future years.

12. The local authority recognises that the numbers of children requiring places in the reception year from this area of Basingstoke is lower than it anticipated. This is clearly a source of frustration and concern for head teachers and governors. It is unfortunate that there will be an impact on the Junior School but as pupil numbers at the moment only justify two classes at the Infant School, again it does not seem to me wise to run the risk of further financial difficulties there, by maintaining a PAN that could theoretically require it to establish a third class that it cannot afford.

Conclusion

13. The reduction in the PAN of the school from 90 to 60 for 2017/18 will allow the school to operate with two classes for the youngest children for this academic year. This will avoid any requirement to employ a third teacher for this year group, which the school and the local authority believe will help to address the financial pressures that the school faces. Some new housing in the school's catchment area may increase the number of pupils in the year group, but the local authority does not expect the total to exceed 60. For these reasons I approve the variation requested.

Determination

14. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by Hampshire County Council for Merton Infant School, Basingstoke.
15. I determine that for admissions in September 2017 the published admission number (PAN) shall be 60.

Dated: 9 October 2017

Signed:

Schools Adjudicator: Peter Goringe