



Determination

Case reference:	VAR867
Admission authority:	Brighton and Hove City Council for West Hove Infant School
Date of decision:	19 July 2019

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 Brighton and Hove City Council for West Hove Infant School for September 2019.

I determine that for admissions in September 2019 the published admission number shall be 180.

The referral

1. Brighton and Hove City Council (the local authority) has referred a proposal for a variation to the admission arrangements for West Hove Infant School (the school) for September 2019 to the Office of the Schools Adjudicator (OSA). The school is a community infant school for children aged 5 to 7 in Hove.
2. The proposed variation is that the published admission number (PAN) is reduced from 210 to 180 for admissions in September 2019 only.

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:

- the referral from the local authority, supporting documents and further information provided at my request;
- the determined arrangements for 2019 and the proposed variation to those arrangements;
- a copy of the local authority's booklet for parents seeking admission to schools in the area in September 2019;
- evidence that the local authority has consulted the governing board of the school; and
- a copy of the letter notifying the appropriate bodies about the proposed variation.

The proposed variation

7. The local authority determined the arrangements for the 2019/20 academic year, including the PAN for all community schools in Brighton and Hove, on 15 January 2018. The PAN for the school was set at 210. The local authority wrote:

“West Hove Infant School has two sites. In total there are 210 [Reception Year] places split across the two sites with 120 on the School Road site and 90 places at the Connaught Road site. On National Offer Day there were 181 places allocated and 154 first preferences met. The Connaught Road site had an initial allocation of 61 pupils on National Offer Day (46 first preferences) and currently the number of accepted offers is 59 pupils for September 2019. As a result the school has 31 surplus places.”

8. Paragraph 3.7 of the Code requires that relevant parties be notified of a proposed variation. The local authority has provided me with a copy of its notification of the proposed variation and information on the schools and other bodies to which the notification was sent. I find that the appropriate procedures were followed and the relevant parties notified. The local authority reported no responses to the notification.

Background and consideration of the case

9. The local authority has proposed variations to the arrangements of four community primary and infant schools admitting children to reception year (YR) in its area for 2019 and all four proposals are that the relevant PAN is reduced. This determination is solely for the variation proposed for the school but I have taken into consideration this wider context. West Hove Infant School is located on two sites - Connaught Road and Portland Road - but there is no provision in law or the Code for PANs to be set for school sites. The proposed variation is for a reduction in PAN for the whole school. It is

entirely a matter for the local authority to decide how many children are to be accommodated at each site if the variation is approved.

10. The school has a PAN of 210 across the two sites. There are a number of different ways to organise where children attend school with two sites. Some schools arrange for all the children in some year groups to be at one site and all the children in other year groups at the other site. In this case, parallel provision is made so that 90 children attend YR at the Connaught Road site and 120 children attend YR at the Portland Road site. Given that this is an infant school and thus caters for only three year groups in total and the children are very young and it is therefore most desirable that they attend provision as near to their homes as possible, it is entirely understandable why the local authority and school have organised the provision in this way. The number of pupils proposed for the Connaught Road site for YR was 120 pupils for many years but the local authority agreed at its meeting on 15 January 2018 to reduce that number to 90 pupils. The Portland Road site has 120 pupils due to start YR in September 2019 but the Connaught Road site has 59 pupils with 31 surplus places. First preference applications and places allocated have reduced in 2019 compared to previous years. The local authority was concerned about the number of pupils at the Connaught Road site as it might have been necessary to employ a third teacher for the reception year which would have had a significant financial impact; admitting more than 60 pupils would have required three teachers in order to comply with the regulations relating to the size of infant classes. The local authority wrote: *“The school is therefore at risk of being required to open a third class on its Connaught Road site following the reduction in offers accepted and maintain the employment of a further teacher for a total number of pupils that is likely to be a significant strain upon the school’s budget during 2019/20 and 2020/21 financial years.”*

11. The local authority sent me the following information about the number of pupils allocated to the school in the last few years.

September	Published Admission Number	Number of first preferences	Number of places allocated
2015	240	234	240
2016	240	202	240
2017	240	193	216
2018	240	177	216
2019	210	154	181

12. The Executive Headteacher of the school wrote to the OSA on 4 June 2019:

“The drop in pupil numbers across Brighton and Hove is proving to be a real issue for many schools including us. The school closest to our Connaught Road site is St Andrew's Primary, which is approximately 100 meters away. As an infant school, parents have to get siblings to an attached junior school which is over a mile away. Many prospective parents state that this is just not feasible for them and as a result, they have chosen another school. This 'choice' has not been possible in the past when

numbers were high across the city. Reducing the PAN to 60 for the academic year 2019/20, would provide us with greater financial stability.

We have not seen a drop of numbers at our Portland Road site since the attached junior school is 30 meters away, so for all intent and purposes, is considered a Primary school from a parents point of view.”

13. I asked the local authority for more information about other schools to ensure that there were sufficient places in the area for local children. The school is located in the local authority's Planning Area 2. The local authority commented: *“Whilst the complete planning area which includes the school shows a shortfall of spaces in the coming years the pattern of preference and the proximity to the Hangleton and Hove Park planning area where there are expected to be the following numbers of surplus places: 2019 – 76, 2020 – 68, 2021 – 97. Whilst variations have been proposed for various other schools in the city the council remains confident that it can ensure sufficient school places in the area.”*
14. I am satisfied that the proposed variation will not adversely affect the supply of places or the satisfaction of parental preference in the area. I am accordingly content to approve the variation.

Summary

15. The local authority has proposed a variation to the admission arrangements for the academic year commencing September 2019, which is that the PAN should be reduced from 210 to 180. This is supported by the governing board for the school. There have been no concerns raised by those notified. In the light of the number of places that have been offered, and the number of vacancies in other local schools, I am assured that the variation will address the major change in circumstances.

Determination

16. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Brighton and Hove City Council for West Hove Infant School for September 2019.
17. I determine that for admissions in September 2019 the published admission number shall be 180.

Dated: 19 July 2019

Signed:

Schools Adjudicator: Lorraine Chapman