



Office of
the Schools
Adjudicator

Determination

Case reference: VAR1857

Admission authority: Brighton and Hove City Council for Hangleton Primary School

Date of decision: 6 October 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 Brighton and Hove City Council for Hangleton Primary School for September 2020.

I determine that the published admission number shall be reduced from 90 to 60.

The referral

1. Brighton and Hove City Council (the local authority) has referred a proposal for a variation to the admission arrangements for September 2020 for Hangleton Primary School (the school), to the Office of the Schools Adjudicator. The school is a community school for children aged 4 to 11 in Hove.
2. The proposed variation is to reduce the published admissions number (PAN) from 90 to 60.

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 14 September 2020 and supporting documents;
- b. the determined arrangements for 2020 and the proposed variation to those arrangements;
- c. evidence that the governing board for the school has been consulted and the governing board's comments on the proposal;
- d. a map showing the location of the school and other relevant schools;
- e. a copy of the notification to the appropriate bodies about the proposed variation;
- f. my determination ADA3678 made on 12 June 2020 concerning the admission arrangements for 2021; and
- g. determination VAR860 made on 16 July 2019 concerning the school's admission arrangements for 2019.

The proposed variation

7. Paragraph 3.6 of the Code requires that admission arrangements, once determined, may only be changed, that is varied, if there is a major change of circumstance or in certain other limited and specified cases. I will consider below whether the variation requested is justified by the change in circumstances.

8. Paragraph 3.6 of the Code also requires that appropriate bodies in the relevant area are notified of a proposed variation. The local authority has provided me with a copy of its notification of the proposed variation to those bodies. I have seen confirmation from the school's governing board that it supports the request for the variation. I am satisfied that all appropriate bodies have been notified and that views expressed have been taken into consideration. I find that the correct procedures were followed.

Consideration of proposed variation

9. The school is a community primary school in Hove. This is the third time that the PAN for the school has been considered by an adjudicator. On 19 July 2019 a request from

the local authority to reduce the PAN from 90 to 60 for September 2019 was agreed in determination VAR680. Before this the local authority had determined (on 14 January 2019) the arrangements for 2020 which are the subject of this determination; these arrangements include a PAN of 90 for the school. The arrangements for 2021 were determined by the local authority on 13 January 2020; these included a PAN for the school of 60 reflecting the lower level of demand for places at the school in recent years which is expected by the local authority to continue in 2021. The governing board of the school objected to this reduction in its PAN, arguing that the PAN should be set higher; however, this objection was not upheld in determination ADA3678 made on 12 June 2020.

10. This request for a variation to the 2020 arrangements stems from the outcome of the admissions round for September 2020 when just 47 pupils started at the school in the reception year. The school has established two classes for these pupils. There is local concern that, because the local authority could not refuse admission to this year group at the school until the PAN of 90 was reached there is a possibility that a third Reception class could be required and that this would be a strain on the school's budget.

11. For this to happen, applications for more than 13 children would need to be received before the end of the current school year. I think that this would be a very unlikely event. Even if it did occur, there may be other ways in which the school could comply with infant class size legislation without establishing another class. However, setting a PAN of 60 would mean that, should this unlikely event happen, the local authority could refuse admission to the fourteenth child and the school would not be required to take measures to meet class size legislation. Should that occur, then there are currently 14 places available in the year group at the other primary school serving this part of the city.

12. While I am not convinced that the variation will have any practical effect on the admission of children to the school, it will not undermine the provision of places in the area, or the extent to which parental preferences can be met. I see no reason not to approve it.

Determination

13. 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 Hangleton Primary School for September 2020.

14. I determine that the published admission number shall be reduced from 90 to 60.

Dated: 6 October 2020

Signed

Schools Adjudicator: Phil Whiffing