



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** VAR2154 and VAR2155

**Admission authority:** Hampshire County Council for Grange Infant School, Gosport

**Date of decision:** 21 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 Grange Infant School, Gosport. By virtue of the same provision, I do not approve the proposed reduction in the published admission number determined by Hampshire County Council for Grange Infant School, Gosport for September 2022.

I determine that for September 2021 the published admission number will be reduced from 75 to 60.

## The referral

1. Hampshire County Council (the local authority) has referred a proposal for variations to the admission arrangements for September 2021 and 2022 for Grange Infant School, Gosport (the school), to the Office of the Schools Adjudicator. The school is a community school for children aged 4 to 7.
2. The proposed variations are to reduce the published admission number (PAN) from 75 to 60 for 2021 and the same for 2022.

## 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 25 June 2021, supporting documents and further information provided at my request;
- b. the determined arrangements for 2021 and 2022 and the proposed variations to those arrangements;
- c. determination VAR897 published in December 2019;
- d. a copy of the local authority's booklet for parents seeking admission to schools in the area in September 2021;
- e. a map showing the location of the school and other relevant schools; and
- f. 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 variations**

7. The proposed variations are to reduce the PAN of the school from 75 to 60 for both September 2021 and September 2022.

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 variations requested are 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 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 variations requested are for reductions in the PAN from 75 to 60 at the school for September 2021 and for September 2022. 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. If I agree to the proposed reduction in PAN for 2021 and for 2022, the local authority as admission authority may continue the PAN at 60 for 2023 without the parents in the area having an opportunity to comment on the PAN reduction, nor would they be able to object to this continued lower PAN as only the governing board of a community school such as this can object to a PAN which is the same as the PAN set for the previous year – including where that PAN was reduced by a variation.

11. The local authority changed the school’s PAN for September 2019 and September 2020 by means of a variation and reduced the PAN for these two years from 90 to 75. Permission for these variations was given in determination VAR897. As I describe in the previous paragraph, the local authority has continued the PAN of 75 to 2021 without the need for consultation. The local authority is now seeking a PAN reduction for a further two years on the grounds that the pupil numbers have fallen more quickly than anticipated. The figures provided for the previous PAN reduction request are very similar to those that are being submitted for this request. However, it is not for me to judge whether or not this is in fact a major change in circumstances. The decision for me is whether the changes proposed are justified by the circumstances described.

12. The local authority explains that the number of Reception places offered for September 2021 is 65 and as a result the school will be struggling to find the budget to establish a third class within the year group as it must to ensure that the class size complies with the Infant Class Size Regulations. It understands that the places have been offered and are within the current PAN so there are no grounds on which to refuse or rescind the offers of places. This means that the school will be establishing three classes for the 65 children but it also takes the view that if numbers permit – because children do not actually take up those offered places or leave once the new school year begins - it could reduce to two classes, while remaining within the requirements of the infant class size regulations.

13. The financial argument is clear and the school's acceptance that it must create a third class for September 2021 is also clear. I can understand the governing board's hope that numbers may fall to 60 so that it can, next year, teach the year group in two classes. The school is committed to establishing the third class for the 2021/2022 school year and so a reduction of PAN to 60 will not affect the budget for this school year. It will however mean that the school does not admit any further pupils in year.

14. The local authority has provided the number of pupils admitted in 2018 – 2020 to schools in the planning area together with the allocations for 2021 and the forecasts for 2021 and 2022. These can be seen in the table below:

| SCHOOL                                     | PAN        | 2018       | 2019       | 2020       | 2021<br>places<br>offered | 2021<br>forecast<br>numbers | 2022<br>forecast<br>numbers |
|--|------------|------------|------------|------------|---------------------------|-----------------------------|-----------------------------|
| Brockhurst Primary School                  | 60         | 57         | 46         | 60         | 48                        | 55                          | 55                          |
| Elson Infant School                        | 90         | 68         | 79         | 87         | 82                        | 105                         | 97                          |
| Grange Infant School                       | 75         | 80         | 68         | 74         | 65                        | 70                          | 71                          |
| Peel Common Infant School And Nursery Unit | 60         | 37         | 48         | 39         | 33                        | 37                          | 46                          |
| Rowner Infant School                       | 60         | 48         | 49         | 51         | 46                        | 47                          | 44                          |
| Alver Valley Infant And Nursery School     | 60         | 50         | 57         | 50         | 60                        | 42                          | 34                          |
| <b>Total YR admissions</b>                 | <b>405</b> | <b>340</b> | <b>347</b> | <b>361</b> | <b>333</b>                | <b>356</b>                  | <b>347</b>                  |

15. It is clear that there are fewer numbers allocated at the school for 2021 (and indeed across the planning area as a whole) than were forecast and although I am sceptical of the local authority's 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 budget difficulty. I also note that the school has committed to taking all the children who have been allocated places so that the PAN reduction simply allows the school to hope that the numbers will reduce sufficiently to be able to form two classes in the Year group for Year1 in 2022. It is clear that there are sufficient spare places within the area of Gosport to be able to accommodate children who might move into the area during the year. I am therefore willing to agree the variation request for September 2021 on the grounds that the change is justified by the circumstances.

16. I now turn to the request to reduce the PAN from 75 to 60 for September 2022. These arrangements were determined in January 2021 and as this was before the application for a variation for 2021 my decision above on the 2021 arrangements will not

have any effect on the PAN for 2022 or subsequent years. As can be seen from the table above, 71 places are forecast to be needed at the school or, to put it another way, there are expected to be 71 children for whom this will be the highest preference school at which a place can be offered. If the PAN for the school is reduced to 60, on the basis of the forecast numbers provided there will be 11 children who will not be able to attend the school and will have to attend a school that was preferred less by their parents. Given my comments above about the absence of consultation with parents in the variation procedure, I do not think that it is appropriate for this process to be applied when the forecast number for the school is so close to the existing PAN. I was reassured in the proposal for a variation in 2021 because the number of applications for places and allocations were known at the time of the application for a variation. I am not therefore willing to approve the request for a variation for 2022 at this time. If the admission numbers justify such an application once places had been allocated in 2022 it would be open to the admissions authority to submit a further request for a variation to the OSA at that time.

17. I would also comment that it would be appropriate for the local authority to consult with parents later in 2021 about the admission arrangements for 2023 before the arrangements are determined in early 2022 in order to establish an appropriate PAN for this school and to consider the impact of the PAN reductions on the linked junior school and consult on any necessary changes to the PAN to reflect the smaller number of children that are progressing through the infant school. I do not therefore approve the request to reduce the PAN in September 2022 from 75 to 60 and it will remain at 75 unless and until a further request for a variation is submitted and approved by the adjudicator.

## Determination

18. 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 Grange Infant School, Gosport. By virtue of the same provision, I do not approve the proposed reduction in the published admission number determined by Hampshire County Council for Grange Infant School, Gosport for September 2022.

19. I determine that for September 2021 the published admission number will be reduced from 75 to 60.

Dated: 21 July 2021

Signed:

Schools adjudicator: David Lennard Jones