



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2153

Admission authority: Hampshire County Council for Greenfields Junior School, Hartley Wintney, Hook

Date of decision: 29 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 Greenfields Junior School, Hartley Wintney.

I determine that for September 2021 the published admission number will be reduced from 90 to 64.

The referral

1. Hampshire County Council (the local authority) has referred a proposal for a variation to the admission arrangements for September 2021 for Greenfields Junior School, Hartley Wintney (the school), to the Office of the Schools Adjudicator. The school is a community school for children aged 8 to 11.
2. The proposed variation is to reduce the published admission number (PAN) from 90 to 64.

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 22 June 2021, supporting documents and further information provided at my request;
- b. the determined arrangements for 2021 and the proposed variation to those arrangements;
- c. a copy of the local authority's booklet for parents seeking admission to schools in the area in September 2021;
- d. a map showing the location of the school and other relevant schools; and
- e. 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 variation

7. The proposed variation is to reduce the PAN of the school from 90 to 64 for September 2021. As this is a junior school the PAN relates to Year 3 as that is the school year at which children normally join the school.

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 variation requested is 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 change in 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 variation requested is for a reduction in the PAN from 90 to 64 at the school for September 2021. 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.

11. The local authority explains that the number of Year 3 places offered for September 2021 is 65 and that the school will have a budget difficulty if it has to create more than two classes for the year group.

12. The financial argument is apparent and it is understandable that the governing board would like to organise this year group into two classes. The governing board would also like to ensure that there are no in-year admissions to the year group in Year 3 that would prejudice this organisation and to avoid having to create one or more unreasonably large classes in the year group, reorganise classes into mixed year groups to spread numbers, or create a third class in the year group if more children were admitted. The first two options would be educationally disruptive for children affected and the third would create a financial difficulty with expenditure exceeding the available budget.

13. This is a junior school, so unlike admission into Reception at Year R, the requirement in the School Admissions (Infant Class Sizes) (England) Regulations 2012 not to have more than 30 children in a class does not apply here. This in turn means that the school can choose how large a class to create. The school may not wish to have more than 32 children in a class or, may have classrooms that cannot easily accommodate more than this, but if so it has not told me. However, there is no legal impediment to larger classes. 65 children have actually accepted places in Year 3 for September 2021. The school understands that they must all be admitted. A PAN of 64 is requested. Initially the school would organise with a class of 32 and one of 33 but if a child were to leave the year group, the school would be able to reduce the size of the larger class without the potential of another child filling the space created.

14. The local authority has provided the following information about pupil numbers admitted to the school and its feeder infant school, Oakwood Infant School together with the projections for the other junior schools in the area.

| SCHOOL | PAN | 2018 | 2019 | 2020 | 2021 Places allocated | 2021 forecast | 2022 forecast |
|---------------------------|-----|------|------|------|-----------------------------|------------------|------------------|
| Oakwood Infant School | 90 | 79 | 81 | 77 | 81 | 78 | 76 |
| Greenfields Junior School | 90 | 71 | 77 | 74 | 64 | 61 | 76 |
| Hook Junior School | 120 | 104 | 121 | 113 | 117 | 121 | 131 |
| Mayhill Junior School | 70 | 65 | 51 | 52 | 64 | 60 | 50 |

15. While I am unconvinced by the assertion that there has been a major change in circumstance, I am able to see that the variation request makes temporary organisational and financial sense for the school. If this proposed variation is approved, the school will be unable to accept any children into Year 3 during the course of the school year because it will be at its PAN. There will be some spare places in the other junior schools in the area so I am satisfied that children moving in to the area can be found a school place.

16. The admission authority has already set the school's PAN for 2022 at 90. The approval of the variation for 2021 does not affect the PAN for 2022 because the requested variation has come after the determination of the 2022 arrangements. For the avoidance of doubt this means that the school's PAN for Y3 for 2022 remains at 90 unless a reduction is approved by means of a variation approved by the adjudicator.

17. There is one further important point I should make for the avoidance of doubt. The PAN does not apply beyond the year of normal admission, which in this case is Year 3. Decisions about whether or not there are places available in the cohort in subsequent years, for example in Year 4, are made by the admission authority and it is assumed that places will be offered if there is space available. The decision about whether or not there is space available is made on the basis of any potential prejudice to the efficient delivery of education or use of resources in the school. For year groups other than Year 3, there may or may not be an argument about the creation of a third class being financially unsustainable. If an applicant wishes to appeal against a refused application for in year admission they have the right to do so to the admission authority's independent appeal panel.

18. The numbers progressing through the feeder infant school suggest that the reduction in numbers for 2021 will not be continued for admissions in 2022 and the PAN of 90 that has already been determined will be appropriate. Against this background, I am willing to agree the variation request for September 2021 on the grounds that the change is justified by the circumstances for this particular year and in the knowledge that the PAN of 90 for 2022 is unaffected.

Determination

19. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed reduction in the published admission number for September 2021 determined by Hampshire County Council for Greenfields Junior School, Hartley Wintney.

20. I determine that for September 2021 the published admission number will be reduced from 90 to 64.

Dated: 29 July 2021

Signed:

Schools adjudicator: David Lennard Jones