



Office of
the Schools
Adjudicator

Determination

Case references: VAR2129 and VAR2130

Admission authority: Hampshire County Council for Heatherside Infant School, Fleet

Date of decision: 4 August 2021

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 Hampshire County Council for Heatherside Infant School for September 2021. By virtue of the same provision, I do not approve the proposed variation to the admission arrangements determined by Hampshire County Council for Heatherside Infant School for September 2022.

I determine that the published admission number for admissions in September 2021 shall be 90.

I determine that the published admission number for admissions in September 2022 shall remain at 100.

The referral

1. Hampshire County Council (the local authority) has referred proposals for variations to the admission arrangements for September 2021 and 2022 for Heatherside Infant School (the school) to the Office of the Schools Adjudicator. The school is a community school for children aged four to seven in Fleet.
2. The proposed variations are that the published admission number (PAN) be reduced from 100 to 90 for both years.

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 variations are 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 30 April 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. evidence that the governing board for the school has been consulted;
- d. a map showing the location of the school and other relevant schools;
- e. a copy of the email dated 16 April 2021 notifying the appropriate bodies about the proposed variation; and
- f. information available on the websites of the local authority and the Department for Education (DfE).

The proposed variations

7. The school is situated in Fleet; the DfE database shows six other schools admitting children to the Reception Year (YR) within two miles from its postcode. The admission arrangements, including a PAN of 100, for each of the school years 2021/22 and 2022/23 were determined by the local authority on 26 February 2020 and 24 February 2021, respectively.

8. 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 certain other limited and specified circumstances. I will consider below whether the requested reduction in PAN to 90 is justified by the change in circumstances.

9. Paragraph 3.6 of the Code also 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 variations. I have seen confirmation from the school's governing board that it supports the request for the variations. I am satisfied that all relevant bodies have been notified. I find that the appropriate procedures were followed.

Consideration of proposed variations

10. 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 100 to 90 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.

11. 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 adjudicator. If I agree to the proposed reduction in PAN for 2022, the local authority as admission authority may continue the PAN at 90 for 2023 and beyond without the parents in the area having an opportunity to comment on the PAN reduction or, indeed, to make an objection to the PAN. As I shall explain below, this is not an issue if I approve the reduction for 2021 alone.

The proposal for 2021

12. The local authority said "For the admissions round in September 2021, the school has 78 [now 77] offers for YR children." The application to reduce the PAN "will allow the school to plan for an admissions intake of 90 with three teachers, protecting the school from financial difficulties and maintaining their organisational structure. It will enable them to plan their staffing with certainty. In the longer term it will allow the school to combine Y1 and Y2 into 3 classes and save the cost of a teacher." As it happens, all this would not follow from a PAN reduction for 2021 only. I noted above that the PAN for 2022 has already been set – quite properly and in line with the statutory timetable. Because the PAN for 2022 has already been set, my approval of a PAN reduction for 2021 would have no effect on the

PAN for 2022 or later years. Thus, a reduction in the PAN would only affect the minimum number of children who must be admitted to YR if enough apply in the academic year beginning 2021.

13. I turn now to the question of the case for a PAN reduction for 2021. I want to consider the impact of the proposed reduction on the number of places in the planning area. The school is located in the Hart district, Fleet/Crookham planning area of twelve schools of which eight, including this school, admit to YR. The local authority has a duty to make sure that there are sufficient places in the local area if the PAN is reduced. The local authority sent me information about the number of places in the planning area, the total number of children admitted in the last three years and the number of offers made in 2021. The tables also include a forecast for 2022 which is relevant to my consideration later in this determination of the case for a PAN reduction in 2022.

Table 1: number of places in the local authority planning area for admission to YR with forecast of demand

	2018	2019	2020	2021	2022
Sum of PANs (based on a PAN of 100 at the school)	600	600	600	600	600
Number of children admitted/offers/forecast	597	600	568	529	506
Number of vacant places	3	0	32	71	94
Number of vacant places as a percentage	0.5%	0%	5%	12%	16%

The sum of PANs does not take account of any reduction in PAN at the school for 2021 and 2022.

Table 2: number of children admitted to the school and forecast of demand

	2018	2019	2020	2021	2022
PAN	100	100	100	100	100
Admitted to YR	100	100	100		
Places allocated				77	
Forecast					99

14. The figures show a marked drop in the numbers of children seeking places at the school for 2021 and this is in the context of a significant fall in demand across the planning area as a whole. With 77 children currently expected to join YR in September, a reduction in the PAN to 90 would still leave 13 places for any child who needed a place in year in YR. I am content to approve the reduction in PAN to 90 for 2021. The governing board supports the proposal to move to a PAN of 90 for 2021 and 2022. In relation to 2021, I was told "With only 78 [now 77] places offered for September instead of the usual 100 this provides a significant problem operationally and financially to the school. By reducing the Pan to 90 it allows us to offer the best child centred provision and solution to the low number by

operating three classes in September. The two year change to our Pan would mean that in September 2022 we would then have no mixed age classes. This would allow us to run three pure classes in each year group saving the cost of a teacher and LSA [Learning Support Assistant].” It is to that longer term issue that I now turn in considering the application for a PAN reduction for 2022.

The proposal for 2022

15. The proposal for 2022 requires in my view, more careful scrutiny. There are two main reasons for this. First, as I have already outlined, if I approve the reduction so that a PAN of 90 is set for 2022, the admission authority may set the PAN for 2023 and subsequent years at that level. There would have been no public consultation and because it is not possible for anybody, other than the school’s governing body, to object where a PAN remains the same, there would be no scope for parents or others to object to this. The second and related issue is that until this year, the school was fully subscribed. While the numbers seeking a place at the school have fallen dramatically for 2021, the local authority’s own forecast – shown in the tables above - is that 99 children will seek a place at the school in September 2022. The local authority said that the forecast for 2022 will reduce when the new data for 2021 admissions is taken into account. This may be the case but the number they have provided to me is 99 as shown above.

16. In the notification to appropriate bodies, the local authority said that the school “currently has a PAN of 100, organised across a 10 class structure. The continued operation of a 10th class is presenting significant financial challenges for the school, and based on the actual pupil numbers at the school and the future growth projections for the catchment area, it is unlikely that a PAN of 100 will be filled. The recommendation is to reduce the School’s PAN to 90 for 2021/22 and 2022/23.”

17. The school has admitted to its PAN of 100 for the last three years and, given the infant class regulations, it has needed to run some mixed age classes which they have commented are not popular with parents. A move to a PAN of 90 would lead, in the longer term, to nine classes instead of the ten the school currently operates, thus “saving the cost of a teacher and LSA [Learning Support Assistant].” The local authority commented that the 77 offers made “represents a significant drop and the school are looking to protect their budget by ensuring they only run 3 classes in 2021 and 2022.” The governing board, at its meeting on 18 March 2021, were told that for 2021/22 “the number of children needing school places is considerably reduced in Fleet.”

18. With an intake of 77 for September 2021 but with 100 children in both Y1 and Y2, the school will still need to run ten classes in 2021 but with a small decrease in class sizes. The reduction in PAN to 90 in 2021 would reduce the risk of more than 90 children being admitted which would lead to a change in class sizes and mixed age classes for YR. The reduced intake of 77 will affect the school’s budget the following year given the weight placed in the calculation of the budget on pupil numbers.

19. I now turn to the request to reduce the PAN from 100 to 90 for September 2022. As I have explained, the 2022 PAN remains at 100 unless it too is reduced by means of a variation approved by the adjudicator. I can see that a reduction in PAN in 2022 is an important step towards the school's longer term aim to have no mixed age classes. I can also understand why it would wish to be able to organise on this basis. However, given my comments above about the absence of consultation with parents in the variation procedure combined with the school's levels of subscription in recent years and the lack of forecast data showing a sustained fall in demand for places, I do not think that it is appropriate for this process to be applied at this stage. I was reassured in the case of 2021 above because the number of applications for places and allocations were known at the time of the application for a variation.

20. The local authority has not offered any explanation about the drop in applications to the school although as noted earlier, there has been a reduction in demand across Fleet as a whole. The local authority did not consult on a lower PAN for the school for 2022 and has submitted this variation request which means that parents have not had the opportunity to comment on the proposal.

21. The number of places applied for at the school will be known early in 2022 and places will be offered in mid-April 2022. The school will have until the end of May 2022 to set its staffing levels based on the number of children that it expects to have on roll. If at that time, there is a need to adjust the PAN then an application could be made, and a decision taken based on the circumstances at the time. Furthermore, there would be an opportunity for the local authority to undertake a full consultation with parents and others later in 2021 about the admission arrangements for 2023 before the arrangements are determined early in 2022. Consequently, I do not approve the request to reduce the PAN in September 2022 from 100 to 90 and it will remain at 100 unless and until a further request for a variation is submitted and approved by the adjudicator.

Determination

22. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Hampshire County Council for Heatherside Infant School for September 2021. By virtue of the same provision, I do not approve the proposed variation to the admission arrangements determined by Hampshire County Council for Heatherside Infant School for September 2022.

23. I determine that the published admission number for admissions in September 2021 shall be 90.

24. I determine that the published admission number for admissions in September 2022 shall remain at 100.

Dated: 4 August 2021

Signed:

Schools Adjudicator: Lorraine Chapman