



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2161

Admission authority: Hampshire County Council for Knights Enham Nursery and Infant School, Andover

Date of decision: 05 August 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 September 2021 determined by Hampshire County Council for Knights Enham Nursery and Infant School, Andover.

I determine that for September 2021 the published admission number will be reduced from 60 to 30.

The referral

1. Hampshire County Council (the local authority) has referred a proposal for a variation to the admission arrangements for September 2021 for Knights Enham Nursery and Infant School, Andover (the school), to the Office of the Schools Adjudicator. The school is a community school for children aged 3 to 7.
2. The proposed variation is to reduce the published admission number (PAN) from 60 to 30 for September 2021.

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 2 July 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 60 to 30 for September 2021.

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. 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. The variation process does not include the wider consultation process.

10. The local authority explains that the number of Year R places offered for September 2021 is 29. The school is an infant school and the School Admissions (Infant Class Sizes) (England) Regulations 2012 require the school to keep classes to a maximum of 30 children with a single qualified teacher except in some specified circumstances. The school must offer places to children applying for places for the whole of YR if it has not reached its PAN, which places the school at risk of having just over 30 children in YR if just two more children seek places. The school has the capacity to run two classes but with 29 children it can teach all these children in one class. Two or more additional children would mean that the school has to create an additional class but it would not have sufficient children to generate the necessary budget to achieve this. It is for this reason that the local authority proposed to the school governing board that by changing the PAN for September 2021 from 60 to 30 it would enable all the children who had applied for places to attend while ensuring that the school was not required to admit more than one additional child into YR should they apply.

11. The school governing board is aware that this decision will have an impact on the junior school with which it is linked. The school has supported this PAN proposal on the basis of the available information and considers that if the year group travels through the school as one class instead of two, it will be open to the local authority in two years time to review the junior school’s PAN to reflect a smaller cohort coming up from the infant school.

12. The local authority has provided the following information about pupil numbers admitted to the school and the other schools in the Andover area where the school is located:

SCHOOL	PAN 2021	2018 admissions	2019 admissions	2020 admissions	2021 Offers	2021 forecast	2022 forecast
Andover C E Primary School	30	27	30	30	30	30	35
Anton Infant School	60	56	60	60	60	54	66
Balksbury Infant School	90	81	91	91	76	81	82
Endeavour Primary School	120	97	120	120	120	106	126
Knights Enham Infant School	60	47	51	57	29	40	44
Pilgrims Cross CofE Aided Primary School	60	60	60	60	60	65	58
Portway Infant School	90	87	90	92	90	79	87
Roman Way Primary School	30	30	30	30	22	33	31
Smannell And Enham C E Primary School	15	14	13	18	17	19	20
St John The Baptist Catholic Primary School	30	30	30	30	30	28	29
Vigo Primary School	90	63	70	83	49	69	64
Total YR PAN	675	592	645	671	583	604	642

13. The figures demonstrate that for this school there has been an unexpected reduction in the number of applications for September 2021. The variation request makes temporary organisational and financial sense for the school. If this proposed variation is approved, the school will only be able to accept one additional children into Year R during the course of the school year because after that it will be at its PAN. There will be some spare places in the other schools in the area so I am satisfied that children moving in to the area can be found a school place.

14. The admission authority has already set the school's PAN for 2022 at 60. 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 YR for 2022 remains at 60 unless a reduction is approved by means of a variation approved by the adjudicator.

15. 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 R. Decisions about whether or not there are places available in the cohort in subsequent years, for example in Year 1, 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 R, the admission authority might choose to argue that the creation of a second class would be required in order to comply with the School Admissions (Infant Class Sizes) (England) Regulations 2012 but the school would not receive sufficient budget to be able to fund a second class. 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.

16. The forecast numbers for 2022 suggest that the reduction in numbers for 2021 will not be continued for admissions in 2022 and the PAN of 60 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 60 for 2022 is unaffected.

Determination

17. 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 Knights Enham Nursery and Infant School, Andover.

18. I determine that for September 2021 the published admission number will be reduced from 60 to 30.

Dated: 05 August 2021

Signed:

Schools adjudicator: David Lennard Jones