



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** VAR2202

**Admission authority:** Hampshire County Council for Elson Junior School, Gosport

**Date of decision:** 24 November 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 Elson Junior School, Gosport.

I determine that for September 2021 the published admission number will be reduced from 90 to 70.

## The referral

1. Hampshire County Council (the local authority) has referred a proposal for a variation to the admission arrangements for September 2021 for Elson Junior School, Gosport (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 70.

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

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 70 for September 2021. This is a junior school and 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. 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.

10. The local authority explains that the number of Year 3 places taken up for September 2021 is 69 and that the school has requested a variation to reduce its PAN to 70. The major change in circumstances is that the governing board has decided to organise this year group into two classes. It would like to ensure that there are no in-year admissions to the year group in Year 3 that would prejudice this organisation and result in having to create one or more unreasonably large classes in the year group, or having to reorganise classes into mixed year groups to spread numbers, or having to create a third class in the year group. 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.

11. 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 to create classes that are larger than 30 children. The school has decided that it does not wish to have more than 35 children in a class or it may have classrooms that cannot easily accommodate more than this, but if this is the case it has not told me. However, there is no legal impediment to larger classes. The school admitted 69 children in Year 3 for September 2021. The school understands that it must admit up to its PAN during the relevant year that the PAN is applicable. There would be one available place if the PAN is reduced as requested and after that the local authority would be able to refuse any further application for a place for in-year admission that might be made during the remainder of the school year until August 2022 if it considered that prejudice would arise from any such admission. I should add that the fact a school is at its PAN does not mean that no child can be admitted. The PAN represents the minimum number who must be offered a place if enough apply and not any maximum. The only grounds for rejecting an application would be if admission would cause prejudice to the efficient provision of education or efficient use of resources. The parent of any child refused admission on this basis would have the right of appeal to an independent appeals panel and it would be for the panel to decide whether or not the child was to be admitted.

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

<b>School</b>	<b>PAN</b>	<b>2018 admissions</b>	<b>2019 admissions</b>	<b>2020 admissions</b>	<b>2021 admissions</b>	<b>2022 forecast</b>	<b>2023 forecast</b>
Alver Valley Infant School	60	51	56	51	59	34	34
Elson Infant School	90	73	87	88	80	99	96
Grange Infant School	75	74	74	72	63	65	55
Peel Common Infant School And Nursery Unit	60	39	45	38	36	46	34

School	PAN	2018 admissions	2019 admissions	2020 admissions	2021 admissions	2022 forecast	2023 forecast
Rowner Infant School	60	56	53	49	54	44	47
Alver Valley Junior School	60	47	54	60	53	57	51
Elson Junior School	90	80	87	82	69	73	79
Grange Junior School	76	72	85	75	80	66	69
Peel Common Junior School	60	60	46	43	35	48	38
Rowner Junior School	64	54	52	56	47	53	47

13. 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 not have to accept more than one child into Year 3 during the course of the school year before it reaches 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.

14. 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.

15. There is one further important point I should make. 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. So, when the current year group which is the subject of this variation progresses to Year 4, the school may choose to argue that it only has two classes in that year group and that creating a third class would be financially unsustainable and that other options for reorganisation of classes to accommodate one or more additional children would be prejudicial to the efficient delivery of education. If an applicant then 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. The appeal panel would hear the arguments from the school and weigh these against the arguments of the parent before deciding whether or not a place should be offered.

16. 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**

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 2021 determined by Hampshire County Council for Elson Junior School, Gosport.

18. I determine that for September 2021 the published admission number will be reduced from 90 to 70.

Dated: 24 November 2021

Signed:

Schools adjudicator: David Lennard Jones