



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2237

Admission authority: Hampshire County Council for St John the Baptist Church of England Primary School, Waltham Chase

Date of decision: 04 April 2022

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 St John the Baptist Church of England Primary School for September 2022.

I determine that the published admission number be 30.

The referral

1. Hampshire County Council (the local authority) has referred a proposal for a variation to the admission arrangements for September 2022 (the arrangements) for St John the Baptist Church of England Primary School (the school) to the adjudicator. The school is a voluntary controlled school for children aged four to eleven in Waltham Chase. The school has a Church of England religious character and the faith body is the Diocese of Portsmouth.
2. The proposed variation is that the published admission number (PAN) for the school be reduced from 45 to 30.

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 deals with variations to determined arrangements. Paragraphs 3.6 and 3.7 of the School Admissions Code (the Code) say (in so far as relevant here):

“3.6 Once admission arrangements have been determined for a particular school year, they cannot be revised by the admission authority unless such revision is

necessary to give effect to a mandatory requirement of this Code, admissions law, a determination of the Adjudicator or any misprint in the admission arrangements. Admission authorities may propose other variations where they consider such changes to be necessary in view of a major change in circumstances. Such proposals **must** be referred to the Schools Adjudicator for approval, and the appropriate bodies notified. Where the local authority is the admission authority for a community or voluntary controlled school, it must consult the governing body of the school before making any reference.

3.7 Admission authorities **must** notify the appropriate bodies of all variations”.

4. The local authority has provided me with confirmation that the appropriate bodies have been notified. I have seen confirmation that the school’s governing board 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.
5. In considering this matter I have had regard to all relevant legislation, and the Code.
6. The information I have considered in reaching my decision includes:
 - a. the referral from the local authority dated 17 March 2022, supporting documents and further information provided at my request;
 - b. the determined arrangements for 2022 and the proposed variation to those arrangements;
 - c. comments on the proposed variation from the governing board;
 - d. a map showing the location of the school and other relevant schools;
 - e. a previous determination following requests for variations to the PANs for the school for 2021 and 2022 published 17 May 2021 (case number: VAR2112); and
 - f. information available on the websites of the local authority and the Department for Education.

The proposed variation

7. In March 2021 the local authority requested variations to the PANs set for the school for 2021 and 2022 so that the PANs were reduced from 45 to 30 for both years. The proposed variations were considered by a fellow adjudicator. She approved the variation for 2021 but not for 2022. The adjudicator said, “I consider that it is too early to reduce the PAN at the school until the demand is clearer. Approving the reduction now would mean that the local authority would be able to keep the PAN at 30 in 2023 and afterwards without parents being able to comment on the reduction. Consequently, I do not approve the proposed

reduction in PAN for 2022.” The local authority consulted on reducing the PAN for 2023 and subsequent to the consultation set the PAN at 30 for 2023.

8. The closing date for applications for September 2022 was 15 January 2022. The local authority has therefore now received the on time applications for 2022. National offer day, when parents are offered places for their children in YR, will be 19 April and so most applications have now been made including some late applications. The local authority has proposed that the PAN is reduced to 30 for 2022 as the number of applications is low for the school and that reducing the PAN to 30 for 2022 will “protect the school from financial difficulties and will enable them to plan their staffing with certainty.”

9. Paragraph 3.6 of the Code (as above) requires that admission arrangements, once determined, may only be revised, that is changed or 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

10. In this case the PAN is set for 2023 at 30 so my decision only affects the admissions to reception year (YR) for 2022. I will consider if there are sufficient places to meet demand and the reasons for the proposed variation. The local authority has a duty to make sure that there are sufficient school places for the children in its area. In order to carry out this duty the local authority considers the availability of places and the need for places in planning areas; planning areas are geographical groups of schools. The school is in the Bishop Waltham planning area (the planning area) together with six other schools which admit children to YR.

11. The local authority provided me with information on admissions to YR for the schools in the planning area in recent years and this is shown in table 1 below. The sum of the PANs for 2021 reflects that the PAN for the school was reduced to 30 and that the local authority reduced the PAN of another school, Bishop Waltham Infant School, by 30 for 2021 from 90 to 60. The PAN for Bishop Waltham Infant school had continued to be set at 60 for 2022 and 2023. However, the PAN for the school returned to its original level of 45 as the variation agreed only applied to 2021.

Table 1: Admissions and potential admissions to schools in the planning area

	2019	2020	2021	2022
Sum of the PANs for the schools in the planning area	309	309	264	279
Number of children admitted or applying for a place	257	245	248	221 ¹
Number of vacant places or potential vacant places	52	64	16	58

¹ This is the number of children applying for a place in YR in the planning area as of 29 March 2022.

Number of vacant places as a percentage	17%	21%	6%	21%
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12. Table 1 shows a considerable proportion of vacant places in 2019 and 2020 across the planning area. After the reductions to the PANs for admissions in 2021 to the two schools (the school and Bishop Waltham Infant School) the proportion of vacant places in 2021 fell. Local authorities seek to have a certain proportion of vacant places so that children moving into the area and others requiring a school place can be accommodated and this proportion is normally around five to ten per cent. If I were to agree to the reduction in the PAN at the school so that there were 15 fewer places, then, based on the number of applications already received, there would be 43 vacant places. This would be 16 per cent of the whole which would be a generous proportion. I am aware that there may yet be later applications for 2022 but this gives me assurance that if I were to approve the reduction in PAN to 30 then there would be sufficient places in the area.

13. I will now consider the demand for the school. Table 2 shows the number of parents stating a first preference for the school, the number of children admitted to YR in recent years and the number of vacant places. A first preference is the school that a parent would most like their child to attend. Parents can make up to three preferences for the schools in the local authority's area.

Table 2: the number of parents stating a first preference for the school, the number of children admitted to YR and the number of vacant places

	2020	2021	2022
School PAN	45	30	45
Number of first preferences for the school	33	32	22
Number of children admitted	35	31	Not known

14. The number of first preferences and the number of children admitted were similar in 2020 and 2021. The local authority told me that it honoured all the first preferences made for 2021 even though the variation was agreed to reduce the PAN to 30. As it happened, one parent withdrew their application and 31 children were allocated places. Admission authorities can admit above the PAN for a school. However, changes in numbers can continue to occur and there are currently 30 children in YR and the school has one class for these 30 pupils.

15. Clearly if the number of first preferences continues to be similar to the number of children admitted then there would not be many more than 22 admitted in 2022. I looked at the number of first preferences against the PANs of all the schools admitting to YR in the planning area and the figures showed that in nearly all instances the number of first preferences for each school was the same or lower than the relevant school's PAN. For one school the number of first preferences was two above its PAN. Overall, however, it is

evident that nearly every parent in the area will get their first preference of school and so it is unlikely that many more than 22 children will be offered places at the school. This would be significantly below the proposed PAN of 30.

16. I will now consider the reasons why the school supports the reduction of the PAN to 30. First, I note the School Admissions (Infant Class Size) (England) Regulations 2012 (the infant class size regulations). These require that infant classes (those where the majority of children will reach the age of five, six or seven during the school year) must not contain more than 30 pupils with a single qualified school teacher except in specific exceptional circumstances. Schools are largely funded on the number of children attending and the most substantial cost in any school is staff. The infant class size regulations therefore have significant implications for class organisation and costs.

17. From the figures provided to me by the school I can see that every class, except the current YR which is one group of 30, contains more than one year group. This is a consequence of a PAN of 45 and having admitted between 30 and 45 children in previous years. There are, for example, 34 children in year 1 (Y1) and 32 children in year 2 (Y2). As there are more than 30 children in each year group, the school could not teach Y1 or Y2 with a single class each and therefore in two classes. The school has three classes for Y1 and Y2 children. The three classes vary in size between 21 and 24 children. These are relatively small classes and therefore more expensive. The greater the number of small classes there are in a school, the more difficult it can be to balance the budget.

18. When nearer 45 children were being admitted each year, the class organisation was more cost effective. For example, in year 5 (Y5) there are now 43 children and in year 6 (Y6) there are 45 children. Y5 and Y6 are also taught in three classes, like Y1 and Y2, but there are between 28 and 30 children to a class so this is more affordable.

19. There are 30 children in the current YR who were admitted in 2021. The PAN for 2023 is 30. There is therefore the possibility of the school having a single class of 30 for each year group (setting aside that if only 22 children are admitted that this could also be financially difficult) for future years. If the PAN were to remain at 30, it would be possible, although it seems unlikely on the basis of the figures provided, that more than 30 children would be admitted and the school would have to adjust its class organisation accordingly. This would mean disruption to the classes in order to meet the infant class size regulations and significantly higher costs.

20. In summary, I am assured that if the PAN were to be reduced to 30 that there will be sufficient places for all children seeking a place in the planning area. If the PAN is reduced to 30 then every child for whom the school is a first preference at this point will be offered a place. It also seems likely that nearly all children for whom places have been applied for in the planning area will be allocated their first preference. It is therefore highly unlikely that if the PAN is reduced to 30 that parental preference will be frustrated.

21. The PAN only applies to the year of entry but during that year it is possible that more than 30 children will seek a place in YR at the school and the school would have to adapt its class organisation accordingly. The school recognises that this is unlikely but asks that it is protected from that possibility by the PAN being reduced to 30. If the PAN is 30 the school says that it can plan and use its “resources equitably for all its children” rather than run the risk of having to provide two small classes for this one year group.

22. Therefore, on the basis of the information provided to me, I approve the proposed variation that the PAN is reduced from 45 to 30 for admissions to YR in 2022.

Determination

23. 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 St John the Baptist Church of England School for September 2022.

24. I determine that the published admission number be 30.

Dated: 04 April 2022

Signed:

Schools adjudicator: Deborah Pritchard