



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** VAR2242

**Admission authority:** Hampshire County Council for Freegrounds Infant School, Southampton

**Date of decision:** 14 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 Freegrounds Infant School for September 2022.

I determine that the school's Published Admission Number for admissions in September 2022 shall be 60.

## 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 Freegrounds Infant School (the school) to the adjudicator. The school is a community school for children aged four to seven in the Hedge End area of Southampton.
2. The proposed variation is that the published admission number (PAN) be reduced from 90 to 60.

## 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 24 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 school;
- d. a map showing the location of the school and other relevant schools; and
- e. information available on the websites of the local authority and the Department for Education.

## The proposed variation

7. The local authority has requested that the PAN be reduced from 90 to 60 for admission in September 2022. It says there has been a reduction in demand for places at the school, greater than was forecast. A reduction in the PAN will, it says, allow the school to operate with fewer classes. This “will protect them from any financial difficulties and will enable them to plan their staffing with certainty for the next academic year.”

8. 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

9. The school currently operates with three classes in each of its three year groups. The numbers in each year group are shown in Table One below.

**Table One: Number of pupils in each year group at Freegrounds Infant School**

Year Group	R	1	2	TOTAL
Number of pupils	90	69	90	249

10. Table One shows that the number of pupils in year one (Y1) is significantly lower than in the other two year groups, which contain the maximum for which three classes are sufficient in order to maintain compliance with regulations that limit the infant class sizes to 30. On behalf of the school, the chair of governors explains that the lower intake into what is now Y1 was the result of being “directly impacted by a temporary increase in admission numbers in a neighbouring school.”

11. The local authority forecasts indicated that 74 pupils would be admitted to the school in September 2022. In fact, only 50 first preference applications were received. In response to my enquiring, the local authority told me that it expects a further four places to be allocated to children whose parents made the school a lower preference but whose higher preference(s) could not be met. This number of children could be accommodated in two classes, but the chair of governors expresses concern that “if no action was taken, we might end up with just over 60 children, which would mean having to keep a third class open or again having to consider having split classes.”

12. I recognise the difficulty that the school faces. If the school’s PAN were to remain at 90, it is possible, as the chair of governors suggests, that as a result of late or in-year applications, the number of children in the reception year (YR) may exceed 60. This would require there to be either three classes for that year group or a re-structuring of the class arrangements so that some children in YR are in a class with children in Y1 and some children in Y1 are in a class with children in Y2, which in September 2022 will have only 69 pupils.

13. The former option will be financially challenging for the school, given the reduced number of pupils on roll from September 2022. The latter option has been considered by the governing board and rejected. As the chair explains,

“Our staff Governor was also part of these discussions and was in full agreement with the request to reduce the PAN rather than have split classes. As many of the Primary Schools in the immediate area (we are the only Infants) already operate split year group classes it was also felt that this should be highlighted as providing an important option for parents.”

14. I agree with the reasons for the reduction of the PAN that the school and the local authority have put forward, but I need to address two potential concerns. First, there is no formal consultation required for a variation request, such as this one, so parents and others

have not had the opportunity to express their views. Once the PAN has been set for a particular year then no body, except the governing board of a community or voluntary controlled school, can object if that PAN remains the same in subsequent years. Clearly it is desirable that PAN reductions are made via the process of determination following consultation as the consultation process allows those with an interest to express their views. It also allows for objections to the adjudicator. None of this is afforded by the variation process.

15. Second, if additional children sought admission to the school for September 2022 or during the academic year that begins then and a reduced PAN of 60 were to be reached, an alternative school would need to be allocated to those who could not be offered places at Freegrounds Infant. It would be unfair if this required parents and children to make an unacceptably long journey to school.

16. My first concern is addressed by the fact that the local authority has determined a PAN of 90 for admission in September 2023. For the avoidance of doubt, my determination has effect in relation to 2022 only and does not change the PAN of 90 determined for 2023. The local authority says it is discussing with the school “whether or not to consult on reducing to 60 for September 2024.”

17. With regard to my second concern, the local authority reports that for all of the schools within the planning area in which Freegrounds Infant is located, there were 475 on time first preference applications. If the PAN at the school were to be reduced to 60, the total of the schools’ PANs would be 508. This is an urban area and the schools are relatively close together. The nearest school to Freegrounds Infant School, Kings Copse Primary School, is only half a mile away. The local authority expects to allocate 35 places at this school; its PAN is 45. On current figures, there would therefore be ten more places available at Kings Copse for admission to YR in September 2022, as well as places at other schools in the planning area. Therefore, I am satisfied that no family would face an unacceptably long journey to an alternative school as a result of the requested reduction in PAN at Freegrounds Infant School.

18. I consider that the request for a variation is appropriate in the circumstances in which the school now finds itself. The reduction in PAN is very unlikely to cause any unfairness to any parents whose children will not be able to attend the school of their preference. I approve the proposed variation.

## **Determination**

19. 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 Freegrounds Infant School for September 2022.

20. I determine that the school’s Published Admission Number for admissions in September 2022 shall be 60.

Dated: 14 April 2022

Signed:

Schools adjudicator: Peter Goringe