



Office of  
the Schools  
Adjudicator

## Determination

**Case reference: VAR2244**

**Admission authority: Hampshire County Council for Heatherside Infant School in Fleet**

**Date of decision: 10 May 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 Heatherside Infant School for September 2022.**

**I determine that the published admission number for 2022 will be 90.**

## The referral

1. Hampshire County Council (the local authority (LA)) has referred a proposal for a variation to the admission arrangements for September 2022 (the arrangements) for Heatherside Infant School (the school) to the Office of the Schools Adjudicator (the adjudicator). The school is a community school for children aged 4 to 7 in Fleet and the LA is its admission authority.
2. The proposed variation is that the published admission number (PAN) be reduced from 100 to 90 for September 2022.

## 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 (insofar 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 LA 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 LA dated 28 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;
  - e. information available on the websites of the LA, the school and the Department for Education (DfE); and
  - f. Appendix 6 of the ‘Hampshire School Places Plan 2022 – 2026’.
7. Although forecast data for admission from 2023 to 2026 will be included in this determination, my jurisdiction is only for the arrangements for September 2022. As I explain later, the PAN for 2023 has already been determined at 90.
8. I raise the fact here that the arrangements for the school were subject to determination by another adjudicator on 4 August 2021. The determination covered two variation requests under case reference numbers VAR2129 and VAR2130. Of most relevance, VAR2130 was a determination made in respect of a previous variation request from the LA to the adjudicator for a reduction in the PAN at the school from 100 to 90 for September 2022. The adjudicator determining that request refused it, stating the following:

“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.

[...] 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.”

I have taken into account that determination, but make clear that the outcome at that time does not bind my decision in relation to the current variation requested. I have approached the matter afresh, considering the arrangements on their merits against the requirements set out in legislation and the Code and in the context of the current circumstances.

## Consideration of proposed variation

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, in this section, whether the variation requested is justified by the change in circumstances.

10. The DfE website ‘Get Information About Schools’ (GIAS) shows six other schools admitting children to Reception (YR) within two miles from its postcode (including Fleet Infant School, Tavistock Infant School, Crookham Church of England Aided Infant School, Tweseldown Infant School, Elvetham Heath Primary School, and Dogmersfield Church of England Primary School). The school is considered by Ofsted to be ‘Outstanding’.

11. I will deal with the request in relation to the school in due course. First, I turn to look at the wider context. The LA organises its schools into planning areas. The school is in the Fleet / Crookham planning area (the planning area), which includes eight schools for primary-aged pupils (including all of the schools listed above as being within two miles from the school’s postcode, along with Crondall Primary School which, according to GIAS, is 3.24 miles away from the school). Table 1 shows the number of places for children in YR in the schools in the planning area between 2019 and 2023.

Table 1 – YR places in the planning area between 2019 and 2023

Planning Area Schools (with YR intake)	2019	2020	2021	2022	2023
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Cron dall Primary School	30	30	30	30	30
Crookham Church of England Aided Infant School	60	60	60	60	60
Dogmersfield Church of England Primary School	20	20	20	20	20
Elvetham Heath Primary School	90	90	90	90	90
Fleet Infant School	90	90	90	90	90
Heatherside Infant School	100	100	90	100	90
Tavistock Infant School	90	90	90	90	60
Tweseldown Infant School	120	120	120	120	120
<b>Total YR places</b>	<b>600</b>	<b>600</b>	<b>590</b>	<b>600</b>	<b>560</b>

The data show that there are 600 YR places in the planning area in 2022. If I agree to the variation requested, this would reduce to 590 (as it did in 2021 when the school's PAN was reduced to 90 as a result of the outcome of the determination VAR2129). The number of places further reduces to 560 in 2023 as a result of the school's PAN for that year already being reduced to 90 (after a consultation) and the PAN for Tavistock Infant School being reduced by one form of entry to 60 from 90 pupils.

12. The LA provided admission figures which show that the numbers of pupils admitted to YR in the planning area are declining. These figures are shown in Table 2.

Table 2 – YR admissions in the planning area between 2019 and 2021

<b>Planning Area Schools (with YR intake)</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
Cron dall Primary School	30	26	20
Crookham Church of England Aided Infant School	60	47	58
Dogmersfield Church of England Primary School	20	18	18
Elvetham Heath Primary School	89	90	90
Fleet Infant School	90	90	86
Heatherside Infant School	99	100	86
Tavistock Infant School	83	78	67
Tweseldown Infant School	121	114	119
<b>Total</b>	<b>592</b>	<b>563</b>	<b>544</b>

The data show that between 2019 and 2021, the number of pupils admitted into YR in the schools in the planning area has decreased by 48. In the variation request form in March 2022, the LA reported that schools in the planning area received 506 on-time first preference applications. This indicates that admissions into YR in 2022 are likely to be fewer than in 2021 (though this figure does not take into account any other places allocated to second or third preferences) and therefore the downward trend in admissions appears as if it will continue.

13. To test whether this was the case, I looked at Appendix 6 of the 'Hampshire School Places Plan 2022 – 2026' and include an extract of the chart on page 21 in Table 3.

Table 3 – Forecast surplus pupil numbers in the planning area in 2026

<b>Primary Planning Area</b>	<b>Number of Infant / Primary Schools</b>	<b>Year R: Total PANs Oct 2021</b>	<b>Year R: Number on Roll Oct 2021</b>	<b>Year R: % surplus Oct 2021</b>	<b>Year R: Proposed PANs Oct 2026</b>	<b>Year R: Forecast No. on Roll Oct 2026</b>	<b>Year R: Forecast % surplus Oct 2026</b>
Fleet / Crookham	14	590	542	8%	650	541	17%

I note that there is a plan to open a new two form entry (60 places) primary school in the planning area in 2025 as part of the new Hartland Village housing estate currently under construction. This explains the increase in the number of places in the planning area to 650 on Table 5. This raises questions for me around the need for such a school in the context of declining pupil numbers and increasing surplus spaces in existing infant and primary schools and it is recorded in Appendix 6 that “The impact of new housing on the secondary sector is kept under constant review but any additional demand can currently be met by the existing schools”.

14. The LA provided the following further context to the data in Table 3:

“The Fleet/Crookham area has, over the past 20 years been an area that has seen significant new house building in some large developments. To meet peak levels of demand the authority has expanded provision and built a new school. Further new school provision is planned for another new development, Hartland Village, as mentioned in the school places plan. This approach is in keeping with wanting to children to attend local schools that they can walk to. The background demographic in more established areas of Fleet/Crookham currently shows a reduction in demand for school places. It is appropriate for the Heatherside Infant School PAN to reduce to 90 both from the point of view of planning school places and for the curriculum organisation within the school. The PAN of the linked junior school, Heatherside Junior School, is also based on a 3 FE intake.”

As my focus is for 2022, I have not pursued any further information from the LA on this plan. However, should future variations be requested by the LA in the run up to or after opening a new school in the context of significantly declining pupil numbers, then it may be the case that an adjudicator looking at that variation will want to pursue with the LA answers to questions that this raises.

15. The LA said of the forecast numbers for this period that:

“[...] forecasts indicate that the number of children living in the area is falling to between 541 – 572 [in 2026]. Based on historic participation rates the forecast

number of children potentially seeking a school place will therefore be between 491 – 524. This represents a significant drop in the number of children seeking a place in the [planning area] since 2018/19.”

Adjusting the data in Table 3 to take out the impact of the new two form entry school (removing 60 places from the total forecast PANs in 2026 and, assuming YR in that school will be full, removing 60 pupils from the forecast number on roll) would leave 590 places for a forecast number of 481 pupils. This means that the number of surplus places will increase from 8 per cent in 2021 to 18 per cent in 2026. It is clear that there is forecast to be a consistent fall in the numbers of YR pupils up to 2026 in the planning area.

16. As National Offer Day (NOD) (19 April 2022) has now passed, I requested offer data from the LA for the schools in the planning area. Table 4 shows the offers made along with a calculation of the number of surplus places.

Table 4 – Offers made for September 2022 for each school in the planning area and resulting surplus places:

<b>Planning Area Schools (with YR intake)</b>	<b>Offered</b>	<b>PAN</b>	<b>Surplus</b>
Cron dall Primary School	25	30	5
Crookham Church of England Aided Infant School	60	60	0
Dogmersfield Church of England Primary School	4	20	16
Elvetham Heath Primary School	90	90	0
Fleet Infant School	74	90	16
Heatherside Infant School	76	100	24
Tavistock Infant School	62	90	28
Tweseldown Infant School	113	120	7
<b>Total</b>	<b>504</b>	<b>600</b>	<b>96</b>

17. The number of offers made for admission in September 2022 is 40 pupils fewer than in 2021 (the number admitted in 2021 was 544 – as shown on Table 2), notwithstanding any changes to offers that take place between now and September, and evidences the continuing trend downward of pupil places in YR in the planning area. This demonstrates very clearly why the LA would wish to take action. I must now consider the specific action it proposes in relation to the school, which is the focus of this determination.

18. The admission arrangements, including a PAN of 100, were determined by the LA on 26 February 2021. The request is for the PAN to be reduced to 90 for September 2022. In VAR2129, the adjudicator approved a reduction in the PAN for September 2021 to 90 from 100. Additionally, the LA undertook a statutory consultation in 2021, which included the proposal to reduce the PAN from 100 to 90 for September 2023 (now in place). The change in circumstances which have occurred since the arrangements were determined was detailed by the LA in the variation request form. The LA stated the reasons for the request for September 2022 to be:

“The PAN for September 2021 admissions was varied by the OSA in summer 2021, and was 90 which means that the school is currently organised with a 10-class structure, that includes 3 discrete year R classes, 3 discrete year 1 classes, 1 mixed year 1/2 class and 3 discrete year 2 classes.

If the school are unable to reduce their PAN for September 2022, they may be unable to continue operating the 10<sup>th</sup> class organisation they currently have. This is not financially viable when the school does not have the pupil numbers to support this. Based on the actual pupil numbers at the school and future growth projections for the catchment area, it is unlikely that the PAN of 100 will be filled. [...]

This will protect the school from financial difficulties and will enable them to plan their staffing with certainty for the next academic year. Alongside the consultation process, this reduction will also support the school to move to a more viable 9-class structure from September 2023.”

19. Table 4 shows that the number of offers made for YR at the school in September 2022 is 76, leaving a surplus of 24 places (just under a quarter) at the current PAN of 100. Table 5 looks at how the number of offers / the surplus of places has changed from 2019 to 2022 at the school and shows the numbers admitted to have been decreasing since 2020.

Table 5 – Surplus places at the school 2019 to 2022:

	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
<b>Number on roll (or offered in 2022)</b>	99	100	86	76
<b>PAN</b>	100	100	90	100
<b>Percentage surplus</b>	1	0	4	24

20. The school explained the reason for its support of the variation request made by the LA:

“Not reducing our PAN to 90 this year would result in a year of 100 being sandwiched between two years of 90, a PAN of 100 would mean running mixed classes with capacity when our NoR [number on roll] would not necessitate [sic] it. This significantly increases the operational complexity of delivering the best education for our children.

If we have a PAN reduction to 90 this September and with the permanent reduction in 2023 we will have 90 children in all 3 years from September 2023 and be able to operate 9 classes rather than 10. Not reducing the PAN this year would delay us moving from 10 to 9 classes; the financial impact of this on the school would be very significant.”

21. Whether I determine to reduce the PAN or not, the situation with reducing pupil numbers will result in a reduction in the school’s finances over the next five years. The LA has requested a reduction in PAN to begin to address the issue. However, it is not the only

way to do so. It is possible for the school to run mixed-age classes, and this might be a solution to reduce costs as income declines as a result of falling pupil numbers. There are advantages and disadvantages to working in mixed-age classes, which are well documented in education research literature. However, maintained schools in England tend to structure classes to deliver the age-based national curriculum, making mixed-age classes less popular with schools and sometimes with parents. The LA indicated that the school runs one Y1/2 mixed-age class in their current 10 class structure to reduce costs already. I note that the school wishes to move to a nine class structure in 2023, which would mean three classes in each of YR, Y1 and Y2. This would be more financially sustainable in the coming years as pupil numbers fall, as well as being well aligned with the delivery of an age-based curriculum.

22. There is no formal consultation required for a variation and so parents and others do not have the opportunity to express their views. Once the PAN has been set for a particular year then nobody, except the governing board of a community or voluntary controlled school, can object if that PAN remains the same in subsequent years. However, in this instance, the LA has already consulted on setting the PAN at 90 for the school for admission in 2023. The LA confirmed that the consultation took place from 15 November until 31 December 2021. 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. Therefore, the reduction to the PAN for 2023 being made as a result of the LA's consultation process is welcomed.

23. Taking into account the circumstances and evidence presented to me in relation to this case, I am of the view that the LA has made a compelling case for reducing the PAN at the school to 90 in 2022. The data show a significant drop in the number of applications / offers for places at the school which is forecast to be sustained for a period of years after 2022. I have checked the DfE's School Financial Benchmarking website, and the school's financial data for 2020/21 show a healthy budget. However, the decrease in the number of pupils will impact on the school's budget later on if action is not taken to address the issue now. Although the school's financial position is good at this time, the LA is proactively seeking to reduce the impact that the reduced budget will have on the school in the future. There is evidence that there will remain a sizeable surplus of pupil places in YR across the planning area after the reduction of the school's PAN (86 places will still be available if the PAN for the school is reduced to 90), and so this will not affect parents getting a place at a school in the area. I also note that all of the other schools in the planning area are rated either 'Good' or 'Outstanding' by Ofsted.

24. For the reasons set out above I have decided to approve the proposed reduction in the PAN from 100 to 90 for September 2022.



## Determination

25. 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 2022.

26. I determine that the published admission number for 2022 will be 90.

Dated: 10 May 2022

Signed:

Schools adjudicator: Dr Robert Cawley