



Office of  
the Schools  
Adjudicator

## Determination

**Case reference: VAR2250**

**Admission authority: Hampshire County Council for Sun Hill Infant School, Alresford, Hampshire**

**Date of decision: 16 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 Sun Hill Infant School for September 2022.**

**I determine that the published admission number will be 45.**

## The referral

1. Hampshire County Council (the local authority) for Sun Hill Infant School (the school) has referred a proposal for a variation to the admission arrangements for September 2022 for the school (the arrangements) to the adjudicator. The school is a community school for children aged five to seven in Alresford.
2. The proposed variation is to reduce the published admission number (PAN) from 60 to 45.

## 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. In considering this matter I have had regard to all relevant legislation, and the Code. The information I have considered in reaching my decision includes:

- a. the referral from the local authority dated 25 April 2022, supporting documents and further information provided at my request;
- b. the determined arrangements for 2022 and the proposed variation to those arrangements;
- c. confirmation that the governing board has been consulted and supports the proposed variation;
- d. a map showing the location of the school and other relevant schools;
- e. a previous determination for the school (case references: VAR2128 and VAR2143) published 13 July 2021; and
- f. information available on the websites of the local authority and the Department for Education (DfE).

## The proposed variation

5. The proposed variation is that the PAN is reduced from 60 to 45 for admissions in 2022. The local authority previously requested that the PAN for 2021 and 2022 be reduced to 45 and a fellow adjudicator considered the cases (case references: VAR2128 and VAR2143). She approved the variation to the arrangements for 2021 but did not approve the variation for 2022. In the determination she said, “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... Consequently, I do not approve the proposed reduction in PAN for 2022.”

6. Parents have made their applications for 2022, these have been considered and the local authority has made 30 offers for admissions in 2022.

7. 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 the proposed variation

8. Before I consider the proposed variation, I note that the local authority has now determined the PAN for 2023 and it has been set at 45. Nothing in my determination will affect that PAN.

9. I have scrutinised the data to try to ascertain if there will be sufficient school places in the local area if the PAN is reduced from 60 to 45 for September 2022. I have also considered the demand for places at the school, the reasons given for the change, the potential effect on parental preference and whether the change is justified in these circumstances.

10. The local authority has a duty to make sure that there are sufficient places for the children in its area. To fulfil this duty the local authority assesses the likely future number of places to be needed and plans to meet that need. The local authority uses planning areas, which are geographical groups of schools, for this purpose. The school is one of five schools admitting children to reception year (YR) in the planning area and the school is in a relatively rural area. According to the DfE website, 'Find and compare schools in England', the other schools in the planning area admitting children to YR are between two and six miles from the school. Table 1 below summarises the number of children admitted to the schools in the planning area in recent years.

**Table 1: numbers of school places and numbers of children admitted to YR in schools in the planning area**

	2019	2020	2021	2022
<b>Sum of PANs of schools in the planning area for YR</b>	165	165	150 <sup>1</sup>	165
<b>Number of children admitted</b>	126	151	131	116 as at 25 April 2022

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<sup>1</sup> 150 as the PAN for the school was reduced to 45 for 2021.

	2019	2020	2021	2022
<b>Vacant places</b>	39	14	19	49

11. Table 1 shows that there have been surplus places in YR in the planning area in recent years but the number of them is likely to increase in 2022. If the PAN were reduced by 15 places, so that the sum of the PANs was 150 as in 2021, then, after all applications so far have been taken into account, there would be 34 surplus places across the planning area. This would be around 23 per cent of the whole which is a high proportion. I am conscious, however, that it is a considerable distance from the school to some of the other schools in the planning area and I will consider the demand for the school in table 2 below.

**Table 2: demand for the school in YR**

	2019	2020	2021	2022
<b>PAN for the school</b>	60	60	45	60
<b>Number of children offered or who may be offered a place</b>	32	43	43	30 offers as provided 25 April 2022
<b>Number of vacant places</b>	28	17	2	Potentially 30

12. Table 2 shows that the number of children in YR in recent years has not been more than 45, the proposed PAN. If the PAN were reduced to 45 for 2022 then there would still be 15 vacant places at the school after all on time applications have been taken into account. I am assured that if the PAN were reduced to 45 then there would be places for children for whom late applications were made and parental preference would not be unduly frustrated.

13. I will now consider the reasons for the proposed reduction. The local authority explained in its request that the school currently has a four class structure: one class for YR, one mixed year group for year 1 and year 2, one wholly year 1 class and one year 2 class. The School Admissions (Infant Class Size) (England) Regulations 2012 (the infant class size regulations) 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. The infant class size regulations apply to every class in this infant school.

14. The local authority tells me that the school wants to continue with a four class structure. Schools must admit at least up to PAN if enough children apply and with a PAN of 45 the school can have much greater confidence that it will be able to operate with its desired class structure. The local authority said the ability to know that no more than 45

children will be admitted “will protect the school from financial difficulties and will enable them to plan their staffing with certainty for the next academic year.”

15. This variation only applies to 2022 as the PAN for 2023 has already been set at 45. The evidence shows that if I agree to the PAN reduction that there are sufficient places at the school for those who may make late applications and that it would be helpful to the school if the PAN were reduced so that it can plan with some certainty. I determine that the variation is justified by the circumstances and approve the variation.

## **Determination**

16. 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 Sun Hill Infant School for September 2022.

17. I determine that the published admission number will be 45.

Dated: 16 May 2022

Signed:

Schools adjudicator: Deborah Pritchard