



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2275

Admission authority: Hampshire County Council for Buryfields Infant School, Odiham, Hampshire.

Date of decision: 28 October 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 Buryfields Infant School for September 2022.

I determine that the published admission number for admissions under the 2022 admission arrangements shall be 65.

The referral

1. Hampshire County Council (the local authority) which is the admission authority for Buryfields Infant School has referred a proposal for a variation to the admission arrangements for September 2022 (the arrangements) for Buryfields Infant School (the school) to the adjudicator. The school is a community school for children aged 3 to 7 in Odiham, Hampshire.
2. The proposed variation is that the published admission number (PAN) be reduced from 70 to 65 for admissions to the school under the 2022 admission arrangements.

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, as required. I find that the appropriate procedures were followed, and I am satisfied that the proposed variation is within my jurisdiction.
5. In considering the proposed variation 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 27 September 2022 sent to the Office of the Schools Adjudicator by email on 29 September 2022, supporting documents and further information provided at my request;
 - b. the local authority’s determined arrangements for community and voluntary controlled schools for September 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, the school and the Department for Education.

The proposed variation

7. The proposed variation is that the school’s PAN for 2022 admissions be reduced from 70 to 65.
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 in certain other limited and specified circumstances. It is for the admission authority to determine whether there has been a major change of circumstance. I will consider whether the variation requested is justified by the change in circumstances.

Consideration of the proposed variation

9. The local authority has proposed a variation to the school's PAN for 2022 admissions from 70 to 65. The form of variation request was received on 29 September 2022, after the start of the new school year. It stated that the school currently has 67 children on roll in Reception. It also said that, on national offer day, a total of 290 offers of Reception places were made in respect of schools in the planning area of Hook/Odiham (in which the school is located); however, there are 320 places available within the planning area. Based on these figures, the local authority considers there are sufficient places in local primary schools to accommodate local demand and to accommodate any in-year applicants who are not offered a place the school.

10. The form stated that an application to the adjudicator was made requesting approval for the school to reduce its PAN from 70 to 60 for admissions in September 2021. I am aware that this application was approved. The school's PAN for September 2023 has been set at 60. The form also stated that the PAN of 70 has led to inconsistent recruitment and class structures, which were unaffordable and created budget challenges for the school. The purpose of the 2021 application to the adjudicator for a reduction in PAN was to support a strategic move towards a 6-class structure in the school. The eventual plan is to arrive at such a six class structure.

11. The form states that there are only 57 children in the current Year 1. The purpose of requesting a reduction to the PAN for 2022 is said to be in order to assist the school in managing numbers in Reception and Year 1 in 2022/2023 to a total of 120. The local authority says: "That way the number of children in Years 1 and 2 in 2023/2024 can be accommodated in 4 classes and the school can run 6 classes. The PAN for September 2023 will restrict admissions to 60". As I understand the position, it is hoped that, by the end of this school year, the number of pupils in Year 1 will have reduced to 55 or below. If no more applicants are admitted to Reception, the hope is that the number of pupils will reduce to 65. Next year, therefore, it is hoped that there will be two classes of 30 in Reception (PAN 60); two classes of 30 in Year 1; one class of 30 Year two pupils; and one class comprising (5) Year 1 pupils and (25) Year 2 pupils.

12. The local authority says that the reduction of the PAN to 65 will protect the school from financial difficulties and will enable them to plan their staffing with certainty for future academic years. "The school will aim to work down to the PAN by not offering out spaces to children until their numbers on roll are lower than 65. In this way, parental preference will not be frustrated."

13. This variation approval request has been made at a very late stage in the admissions process for 2022. This has the advantage that, if the PAN reduction is approved, no parents who have made applications to the school in the normal admissions round will be disappointed. For the avoidance of doubt, a reduction in PAN to below the number of children already in the school in Reception does not mean that any of those children would or could be asked to leave the school. On the other hand, there may be a disadvantage to

in-year applicants who will be unable to secure a place. I therefore considered the alternative primary school options available within the local planning area. As mentioned above, there are 320 places available and 290 children in Reception classes in the primary and infant schools located within the planning area, which leaves sufficient 'vacant' places to accommodate applicants who move into the area needing a place in Reception.

14. The PANs for infant and primary schools in the Odiham/Hook planning area are set out in Table 1 below. I noticed from the map of the planning area that Mayhill Junior School is located close to the school, so it seems likely that the majority of pupils at the school will transfer to Mayfield Junior School upon completion of Key Stage 1. The PAN for that school is set at 65 for 2022 and 2023, having previously been set at 70.

Table 1.

PANs	2019	2020	2021	2022	2023
Buryfields Infant School	70	70	60	70	60
Hook Infant School	120	120	120	120	120
Long Sutton Church of England Primary School	20	20	20	20	20
Oakwood Infant School	90	90	90	90	60
Whitewater Church of England Primary School	20	20	20	20	20
Total Year R PAN	320	320	310	320	280

15. The number of children admitted to the schools in the planning area at the normal point of entry for the last four years is set out in Table 2. I note that the number of pupils admitted to Mayhill Junior School for the same years was 50 (2019/20); 53 (2020/21); and 65 (2021/22).

Table 2.

School Intake	2019/20	2020/21	2021/2022	2022/23
Buryfields Infant School	56	66	61	67
Hook Infant School	120	111	120	105
Long Sutton Church of England Primary School	21	11	16	18
Oakwood Infant School	81	77	79	83
Whitewater Church of England Primary School	14	14	15	16
Total	292	279	291	290

16. The number of children forecast to be admitted to the schools in the planning area at the normal point of entry next year is set out in Table 3. I note that the number of pupils forecast to be admitted to the school in 2023 is 73, which is higher than the PAN now set at

60. I also note that there are insufficient places available in the planning area to meet the demand forecast, with only 280 places and a predicted intake of 301. This is not a matter for me, as I have only been requested to consider a PAN reduction for the school's 2022 intake; however, it appears likely that the local authority may need to increase the PAN for one of the schools in the planning area next year, which it is able to do without reference to the adjudicator. Mayhill Junior School is forecast to admit 59 pupils.

Table 3.

	School Intake Forecast for September 2023	PAN
Buryfields Infant School	73	60
Hook Infant School	136	120
Long Sutton Church of England Primary School	19	20
Oakwood Infant School	58	60
Whitewater Church of England Primary School	15	15
Total	301	280

17. I asked the local authority why it wasn't proposing to reduce the school's PAN for 2022 to 60, as opposed to 65, given that the stated objective is to move to a six class structure. The local authority explained that it had agreed to support a reduction to 65, as a reduction to 60 was considered to be unattainable, given that 67 children were on roll at the time of the application to the adjudicator.

“With the published admission number determined at 60 for September 2023, were the PAN to be varied to 65, this would support the following organisation in September 2023:

Year R – 60, Year 1 – 65, Year 2 – 55

Such an approach would allow the school to run an affordable structure of six classes with mixed year 1 and 2 classes to comply with the infant class size limit. The school will run an operational admission limit of 55 in the current year 1 to support this planned structure. A variation to 60 would be supported by the LA, but it was felt the OSA would not wish to make this variation, due to the difference between the number of offers and a PAN of 60.

In order to support the school with maintaining 6 classes, an operational admission limit of 60 would be agreed with the school when the cohort move into year 1, and then into year 2, and the school would manage numbers down to 60 when children left the school. It is recognised that if numbers on roll were to remain at 65, then the planned organisation would not be possible”.

18. I have taken the phrase “operational admission limit” to mean that, given the particular circumstances of the school, it will be judged prejudicial to the efficient provision of education and efficient use of resources to admit more than 55 children to the current Year 1. Although the PAN was set for this year group in Reception at 60, the PAN only applies for the normal year of entry, therefore the argument is that it would be open to the admission authority to decide that it would be prejudicial to admit fewer children than would bring the total to 60 children because this would either lead to infant children being taught in a class of more than 30 children (which is not permitted), or the need to employ an additional full-time teacher.

19. I asked the local authority what the available alternative schools would be for parents who apply in-year for places in Reception and have their application declined. I could see that there are surplus places within the relevant planning area, but I wondered how practical the alternative options would be for parents moving into the immediate area in which the school is located, make an in-year application and are not offered a place at the school. The local authority told me that there are surplus places available in Reception at Hook Infant School, Oakwood Infant School, Long Sutton CE Primary School and one place at Whitewater CE Primary School. Buryfields Infant School is said to be approximately 3 miles from Hook Infant School and 3.5 miles from Long Sutton CE Primary School. I asked whether there are there any likely adverse environmental consequences if in-year applicants (who would have been offered a place at the school if the PAN remained at 70) are needing to travel further to school than they would otherwise have done. The local authority did not answer this question.

20. I also asked the local authority to describe the change of circumstances which has arisen since the admission arrangements for September 2022 were determined and which has necessitated the need for a PAN reduction. The local authority’s response was that it has only recently established with sufficient certainty that the number of admissions to the school this year is fewer than 70. “The school does not have the finances to continue running seven classes in 2023. Financial forecasts suggest the school will now be in significant financial difficulty, with a significant deficit budget were they required to continue running 7 classes from September 2023. The school’s PAN has been reduced for September 2023 to 60 via the consultation process and was reduced to 60 via an OSA application for year R in September 2021”.

21. I could see that, in view of the requirements of the School Admissions (Infant Class Sizes) (England) Regulations 2012, having to run seven classes is proving to be costly for the school. This is because the Regulations provide that no infant class may contain more than 30 pupils while an ordinary teaching session is conducted by a single school teacher. The governing board wishes to move to a six class structure and is in “unanimous support” of the local authority’s proposed PAN reduction.

22. I asked the school to explain to me the current structure of the classes in each year group; how many children are in each class; and what the staffing arrangements are. I also asked the school to explain the cost savings that would be made if the proposed variation is

approved, and what the financial consequences would be of not approving the variation. The school explained the financial difficulties it is facing as a result of running seven classes with only 180 pupils in total:

“For the financial year 2023-24 – with a six class structure – we already have forecast a £33,600 in-year deficit but with a carry forward of £13,400. If we are required to run 7 classes for 2023-24 we will have an in-year deficit of £71,000 which will leave us with a cumulative deficit of £24,000.

The only way in which a deficit of this size could hope to be reduced would – given all of the paring back we have already done in order not to be at a deficit with six classes - be through a drastic reduction in staff, impacting provision of interventions (funded by our pupil premium and supplementary grant funding), quality first teaching and ultimately the academic and personal progress of children. Should the variation be approved, we can ensure that children who need it have access to vital interventions (such as those required by the Systematic Synthetic Phonics programme) as well as quality first teaching in class.

If the PAN is reduced this will allow us to run four classes in 2023-24 in KS1 which will comprise two classes of Year 1 children, one class of Year 2 children and one mixed class of Y1 and Y2 children. Having had a PAN of 70 for many years we are quite used to operating with a mixed class structure; although it is not ideal, we have in the past been able to ensure that all children are accessing learning appropriate for their age and ability”.

23. In light of the information I have received from the local authority and the school, I have concluded that there are available places at local primary schools. These are accessible to any in-year applicants local to the school who are unable to secure a place at the school however, they are not within ‘reasonable walking distance’ for any child living in the area adjacent to the school. This is prescribed as two miles from the child’s home in the case of an infant aged child. If a child moves into the area for whom Buryfields is his/her nearest suitable school and a place is refused, the local authority will be obliged to provide free transport to enable the child in question to travel to one of the alternative schools. However, since there is nothing to suggest that there will be anything more than a handful of in-year applicants, it does not appear likely that there will be any adverse impact in terms of increased traffic congestion or additional burdens on public transport. Neither does it appear likely that there will be any adverse impact upon other local schools. I have not been provided with any indication that any of the local schools notified have expressed concerns.

24. I find that the variation is justified by the change of circumstances which has been identified by the local authority. Both the local authority and the school consider that reducing the PAN to 65 at this stage in the admissions process will provide the correct balance between providing a workable class structure at the school going forward and not disappointing parents who want their children to attend the school. Therefore I approve the

proposed variation. The PAN for 2022 admissions to the school will be 65. The variation requested is for 2022 only. The PAN for 2023 admissions has already been determined, therefore this determination will not affect it.

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 Buryfields Infant School for September 2022.

26. I determine that the published admission number for admissions under the 2022 admission arrangements shall be 65.

Dated: 28 October 2022

Signed:

Schools adjudicator: Marisa Vallely