



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2300

Admission authority: Hampshire County Council for Denmead Infant School, Hampshire

Date of decision: 8 February 2023

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 Denmead Infant School for September 2022.

I determine that the published admission number shall be 75.

I have also considered Hampshire County Council's September 2022 admission arrangements under section 88I(5) of the Act and find that some aspects of the arrangements do not conform with requirements in the School Admissions Code.

Hampshire County Council has agreed to make any necessary revisions to the arrangements under paragraph 3.6 of the School Admissions Code before 28 February 2023.

The referral

1. Hampshire County Council has referred a proposal for a variation to the admission arrangements determined for the school year beginning September 2022 (the arrangements) for Denmead Infant School (Denmead, the school) to the adjudicator. The school is a community school for children aged 4 to 7 in Denmead, Hampshire.
2. The proposed variation is that the published admission number (PAN) for the school be reduced from 90 to 75.

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, and I have also seen confirmation that the school’s governing board has been consulted on the proposed variation. I find that the required procedures were followed, and I am satisfied that the proposed variation is within my jurisdiction. I am also satisfied that it is within my jurisdiction to consider the arrangements under section 88I of the Act as they have come to my attention and to determine whether or not they conform with the requirements relating to admissions and, if not, in what ways they do not so conform.

5. In considering these matters 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 3 January 2023, supporting documents and further information provided at my request;
- b. the determined arrangements 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 in the planning area; 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 PAN set out in the arrangements be reduced from 90 to 75.

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. It is a matter for the admission authority to identify that there has been a major change of circumstances. I will consider below whether the variation requested is justified by the change in circumstances.

Consideration of proposed variation

9. By way of background, this application for a PAN reduction is linked to the requirements of The School Admissions (Infant Class Sizes) (England) Regulations 2012 (the 2012 Regulations). These provide that no infant class may contain more than 30 pupils while an ordinary teaching session is conducted by a single teacher. The school's PAN of 90 envisages three infant classes of no more than 30 children each in each year group. The 2012 Regulations apply to Reception (YR), Year 1 (Y1) and Year 2 (Y2), and have implications for class organisation and school finance. In a situation such as the one facing the school where there are infant classes of fewer than 30 children which all need to be staffed by a teacher and possibly a teaching assistant, this can cause financial difficulties. This is because schools are largely funded on the number of pupils attending and staffing is normally the greatest expense in a school's budget. It follows that classes are likely to be financially efficient if they contain numbers as close to 30 as possible. If classes are much smaller than 30 pupils, the cost of funding the class may exceed the income generated by the number of pupils in that class. Admission authorities will always wish to manage their organisational structure so that each class will have as close to 30 pupils as possible. In some circumstances, reducing the PAN will help to achieve this objective.

10. Paragraph 1.4 of the Code says, "The PAN...applies to the relevant age group. This means that admission authorities may not refuse admission to other age groups on the grounds that they have reached their PAN. They may, however, refuse admission where the admission of an additional child would prejudice the provision of efficient education or efficient use of resources". The current YR, those admitted in September 2022, remains the relevant age group for the whole of the academic year which began in September 2022, therefore the PAN applies for the whole of that year, that is until the end of the 2023 summer term in July 2023.

11. I have set this out because I wasn't sure that the parties understood that the PAN for 2022 is only relevant for the children in YR whilst they remain in YR. Once this year group moves up to Y1, it will be necessary to demonstrate prejudice in order to refuse admission. However, one of the ways in which such prejudice can arise is due to the requirements of the 2012 Regulations described above. It would be possible for the local authority, as the admission authority, to refuse additional admissions to Y1 and Y2 not because the PAN

(which does not exist for these groups) would be exceeded, but because such an admission would either be prejudicial to the efficient use of resources (where an additional class needs to be created) or contrary to the requirements of the 2012 Regulations (where the admission leads to there being more than 30 pupils in a class).

12. The local authority has applied for approval of a proposed variation to the arrangements to reduce the PAN from 90 to 75. Since the allocation of places under these arrangements took place in April 2022, and children were admitted to Reception in September 2022, any PAN reduction will only affect in-year applicants who apply for places after the date of this determination. Accordingly, it is not anticipated that there will be many (if any) children and parents who will be disappointed if the proposed variation is approved. As at 3 February 2023 there were 73 pupils on roll in Reception.

13. The local authority has proposed the PAN reduction because the school is currently maintaining nine infant classes, which is proving costly as there are fewer than 30 children in each class in YR and Y1. The school is hoping that the PAN reduction will enable them to limit the number of children joining in YR and therefore move to an eight class structure next year, thus making cost savings.

14. The authority has helpfully set out the figures in a table.

Table 1: The school’s current class structure

Class	YR	Y1	Y2
1	25		
2	23		
3	25		
4		26	
5		26	
6		26	
7			30
8			30
9			29
Total	73	78	89

15. The local authority says that the low number of pupils in YR and Y1 is creating financial difficulties for the school. As explained above, school funding is primarily based upon pupil numbers. The reduction in the number of admissions to the school over the last two years is said to be because historically almost one third of applications came from outside the school's catchment as other local schools were full. However these other schools are no longer oversubscribed, therefore the number of out of catchment applications has fallen. Table 2 below lists the infant, junior and primary schools in the local planning area and sets out the PANs for each of these schools. Table 3 sets out the number of children on roll at the schools. It can be seen from the data that there are 405 places available in the planning area and 345 children on roll in the various schools, leaving a surplus of 60 places. If the PAN for the school is reduced, there will still be a surplus of 45 places.

Table 2: Published Admission Numbers for Schools in the Planning Area

YR Intake

SCHOOL	2019	2020	2021	2022	2023	2024
Berewood Primary Academy	45	45	45	60	60	60
Denmead Infant School	90	90	90	90	90	60
Hambledon Primary School	15	15	15	15	15	15
Hart Plain Infant School	60	60	60	60	60	60
Padnell Infant School	90	90	90	90	90	90
Queens Inclosure Primary School	60	60	60	60	60	60
Woodcroft Primary School	30	30	30	30	30	30
Total YR PAN	390	390	390	405	405	375

Y3 Intake

SCHOOL	2019	2020	2021	2022	2023	2024
Denmead Junior School	90	90	90	90	90	90
Hart Plain Junior School	90	90	60	60	60	60
Padnell Junior School	90	90	90	90	90	90
Total Y3 PAN	270	270	240	240	240	240

Table 3: Number of Children on Roll at Schools within the Planning Area

YR Intake

SCHOOL	2019-2020	2020-2021	2021-2022	2022-2023
Berewood Primary Academy	61	61	60	59
Denmead Infant School	88	82	77	73
Hambledon Primary School	14	21	17	15
Hart Plain Infant School	49	41	40	29
Padnell Infant School	88	88	80	86
Queens Inclosure Primary School	61	60	59	54
Woodcroft Primary School	23	26	29	29
Total YR PAN	384	379	362	345

Y3 Intake

SCHOOL	2019-2020	2020-2021	2021-2022	2022-2023
Denmead Junior School	91	81	87	92
Hart Plain Junior School	58	48	59	55
Padnell Junior School	90	90	90	90
Total Y3 PAN	239	219	236	237

16. The local authority states: "In current year R, there are places available at Hart Plain Infant School, Padnell Infant School and Queens Inclosure Primary School, all of which are schools in the planning area.

Hart Plain Infant School = 1.47 direct miles

Padnell Infant School = 2.23 direct miles

Queens Inclosure Primary School = 2.38 direct miles

If the PAN reduction is approved, the school are proposing to operate an 8 class structure from 2022 with mixed classes”.

17. I asked the local authority whether the proposed PAN reduction might result in difficult or lengthy journeys to school for applicants who apply for a place, are unsuccessful and therefore need to apply to alternative schools. The local authority went to some trouble to explain why this would not be the case, and I am grateful for the detailed information provided. The authority has also demonstrated that there are unlikely to be any adverse environmental implications, for example an increase in car journeys, traffic congestion or additional burdens on the public transport system, should the PAN be reduced. This is because Hart Plain Infant School is within reasonable safe walking distance, and I can see from the data provided that there are 31 YR places available. It is unlikely that any unsuccessful in-year applicants to Denmead would need to travel further to Padnell Infant School, which is the next nearest school.

18. I asked the school to describe to me the staffing arrangements in place; 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 that its financial difficulties have arisen as a result of a decline in the number of infant school age children living locally. It is currently engaged in a staff restructure which will mean making one teacher redundant and cutting the hours of the teaching assistants. I was told that the restructure will take place whether or not the PAN reduction is approved, however the proposed PAN reduction will enable the school to put in place a more efficient organisational structure of classes containing children of mixed ages. The plan is for the school to have eight classes in September 2023 and seven classes in September 2024. Without the restructure the school says that its budget will have a £56,242 deficit by the end of the 2023/24 financial year, rising to £202,825 by the end of the financial year 2024/25.

19. With effect from September 2023, the school hopes to run three Y2 classes and five classes across YR and Y1. If the PAN for YR is reduced to 75, this should ensure that no more than 75 children will need to be admitted before September. The predicted YR intake for September 2023 is 68, therefore after places have been allocated, the local authority would be asked by the school to request a PAN reduction for September 2023. This will mean there will be 143 children across five classes (seven classes in total) which will leave some capacity for admitting late applicants without needing to create an additional class. This flexibility will be necessary because the PAN for admissions in September 2023 is 90, therefore the proposed class structure will allow room for additional pupils to be admitted without any class exceeding 30 pupils.

20. Since any PAN reduction for the school will eventually have an effect upon Denmead Junior School (the junior school), which is a linked school, I considered the contents of a letter from the junior school in response to the proposed PAN reduction which said:

“Although I understand the need to reduce PAN based on predicted numbers and on the financial and operational difficulties caused by 'not being full', a PAN of 75 does

not alleviate those pressures. It would mean for us that we would have to populate our year 3 when they arrive with us, with 3 classes that are far from full. This would place extremely difficult pressures on us both financially and operationally. Having recently only just come out of a 4 year budget deficit and with current pressures on school budgets, the need to be full has never been more important.

Reducing to a PAN of 60 would be understandable, especially given predicted numbers within the catchment moving forward being around the 60 mark. Reducing to a PAN of 60 we could potentially support with the sufficient time to plan.

I and my governors, could not support a decision to reduce to 75 as it makes no financial and operational sense”.

21. I am sympathetic to the difficulties which the junior school is facing, but I cannot see how refusing to approve the proposed PAN reduction will alleviate those difficulties. If the proposed variation is not approved, the PAN remains at 90, however the fact remains that there are only 73 pupils on roll at the school in YR. There is no evidence to suggest that there will be many more children joining in Y1 or Y2, therefore it is highly unlikely that 90 children would transfer to the junior school at the end of Y2 even if the PAN were to remain at 90. However, reducing the PAN to 75 will enable the school to re-structure and reduce the number of classes next year.

22. There is also no evidence to suggest that 13 pupils will leave before the end of Y2, which would be necessary in order for the junior school to have two classes of 30 children. Given that it seems unlikely that there will be as few as 60 pupils on roll at the point when they transfer to the junior school, I cannot see any reasonable argument for the junior school having a PAN of 60. The 2012 Regulations do not apply to the junior school. Some (possibly most) of the children on roll at the school will transfer to the junior school in September 2025. Although there is no reason to suspect that the cohort of children transferring to the junior school would exceed 75 even if the YR PAN were not reduced, the assurance that no more than 75 children will be on roll at the end of YR will enable planning for fewer classes with mixed age groups moving forward.

23. For the reasons set out above, I find that the proposed variation is justified by the change of circumstances and approve the variation as proposed.

Consideration of the arrangements

24. I drew the local authority’s attention to the findings of the Chief Adjudicator in the case of Appleshaw St Peter’s Church of England Primary School, VAR2277 and VAR2283 [VAR2277 and VAR2283 Appleshaw St Peters CofE Primary School \(publishing.service.gov.uk\)](#). This was because some of the matters identified by the Chief Adjudicator in that case, and which she concluded did not comply with the requirements relating to admissions, are also present in the admission arrangements for Denmead. Following a helpful response from the

local authority, I am pleased to learn that in respect of each of the matters identified one of the following applies. The local authority's arrangements:

- a) are different to those which were operated by Appleshaw St Peter's CofE Primary School and do not need to be revised;
- b) have already been revised; or
- c) are due to be revised before 28 February 2023.

I am grateful to the local authority for its detailed explanation and for its cooperation in these matters.

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 Denmead Infant School for September 2022.

26. I determine that the published admission number shall be 75.

27. I have also considered Hampshire County Council's September 2022 admission arrangements under section 88I(5) of the Act and find that some aspects of the arrangements do not conform with requirements in the School Admissions Code.

28. Hampshire County Council has agreed to make any necessary revisions to the arrangements under paragraph 3.6 of the School Admissions Code before 28 February 2023.

Dated: 8 February 2023

Signed:

Schools adjudicator: Marisa Vallely