



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2304

Admission authority: Hampshire County Council for Petersgate Infant School, Waterlooville

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 Petersgate Infant School for September 2022.

I determine that the published admission number for September 2022 admissions shall be 60.

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 Petersgate Infant School (the school) to the adjudicator. The school is a community school for children aged 4 to 7 in Waterlooville, Hampshire.
2. The proposed variation is that the published admission number (PAN) for the school 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, and I have 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 determined arrangements in accordance with my power 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 dated 20 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; 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, which was determined as part of the arrangements, be reduced from 90 to 60.

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 proposed 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 current PAN of 90 envisages three infant classes of 30 children 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 fewer classes than is envisaged by the PAN, and the admission of further pupils risks leading to a situation where the school will need to create and fund an additional class staffed by a teacher and possibly a teaching assistant, there is a risk of financial difficulties. This is because schools are largely funded on the number of pupils attending, and staffing is normally the greatest expense to a school's budget.

10. 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.

11. 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.

12. 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 would be exceeded (there is no PAN), 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).

13. The local authority has applied for approval of a proposed variation to the arrangements to reduce the PAN from 90 to 60. Since the allocation of places under these arrangements took place in April 2022, and children were admitted to YR 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 children and parents who will be disappointed if the proposed variation is approved. As at 31 January 2023 there were 55 pupils on roll in YR.

14. The local authority has proposed the PAN reduction because the school is currently maintaining only two classes in YR, however if the number on roll exceeds 60, this will necessitate the provision and funding of an additional class. For all of the reasons described above, this is likely to cause financial problems. The authority has helpfully set out the figures in a table. Table 1 sets out the number of children on roll in each class.

Table 1

Number of Classes and pupils on roll in each class

Class	YR	Y1	Y2	Total
1	28			28
2	27			27
3		26		26
4		25		25
5		27		27
6			29	29
7			30	30
8			30	30
Total	55	78	89	222
PAN	90	90	90	

15. Table 2 below sets out the PANs for each of the infant, junior and primary schools in the local planning area. Table 3 sets out the number of children on roll at the schools. It can be seen from the data that there are 240 YR places available in the planning area and 199 children on roll, leaving a surplus of 41 places.

Table 2

Published Admission Numbers for Schools in the Planning Area

<u>School</u>	2019	2020	2021	2022	2023	2024
YR Intake						
Catherington Church Of England Infant School	30	30	30	30	30	30
Horndean Infant School	90	90	90	90	90	90
Petersgate Infant School	90	90	90	90	90	90
Rowlands Castle St John's Church Of England Primary School	30	30	30	30	30	30
Total YR PAN	240	240	240	240	240	240
Y3 Intake						
Clanfield Junior School	90	90	90	90	90	90
Horndean Church Of England Junior School	128	128	128	128	128	128
Total Y3 PAN	218	218	218	218	218	218

Table 3

Number of Children on Roll at Schools within the Planning Area

School	2019	2020	2021	2022
YR Intake				
Catherington Church Of England Infant School	20	30	29	30
Horndean Infant School	89	90	72	84
Petersgate Infant School	88	83	76	55

School	2019	2020	2021	2022
Rowlands Castle St John's Church Of England Primary School	29	30	28	30
Total YR PAN	226	233	205	199
Y3 Intake				
Clanfield Junior School	88	81	62	75
Horndean Church Of England Junior School	129	128	126	127
Total Y3 PAN	217	209	188	202

16. I checked with the local authority whether the proposed PAN reduction might result in difficult or lengthy journeys to school for applicants who are unsuccessful and need to apply to alternative schools. The local authority informed me that the following schools have available places in the current year R cohort:

Horndean Infant School (1.65 miles)

Catherington Church of England Infant School (1.05 miles).

The local authority said that both of these schools are deemed as being within reasonable distance from Petersgate Infant School, and that home to school transport assistance will be provided to any child who meets the necessary requirements.

17. The local authority set out maps of the safe walking routes for each school, which gave different mileage to that referred to in the previous paragraph: Horndean 2.14 miles, time 41 minutes; Catherington 3.38 miles, time 65 minutes. The latter journey, in particular, would be a long distance for a 4 - 5 year old to walk twice a day. I wondered therefore whether walking to either of these schools would be a realistic possibility, therefore I considered the possibility that parents might need to drive their child to school or travel by public transport. There remain five vacant places in YR at the school and there is no evidence to suggest that a PAN of 60 is likely to be exceeded by any significant number. The aim of the proposed PAN reduction is to obviate the risk of having (say) 61 or 62 pupils on roll, and the adverse effects this would cause, but there is no evidence to suggest that there will necessarily be an additional six or seven applications for admissions to the school before the end of the year. Accordingly, my view is that the PAN reduction will have minimal effect, and for this reason it is unlikely that there will be any adverse environmental implications, for example a noticeable increase in car journeys, traffic congestion or additional burdens on the public transport system, should the PAN be reduced.

18. I 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 confirmed that, if the PAN reduction is not implemented and the pupil numbers were to rise above 60, it would be necessary to employ an additional qualified teacher whilst not receiving the income to support this. The school says it is already facing a deficit budget in the next financial year and is undergoing a full school restructure because of this.

19. Having considered all of the information received, my conclusion is that the variation is justified by the change of circumstances and I approve the proposed variation.

Consideration of the arrangements

20. 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 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1081233/2022-09-27-Appleshaw-St-Peters-CofE-Primary-School-Admission-Arrangements-Decision.pdf).

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

21. 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 Petersgate Infant School for September 2022.

22. I determine that the published admission number for September 2022 admissions shall be 60.

23. 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.

24. 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