



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2301

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

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 Petersfield Infant School for September 2022.

I determine that the published admission number for September 2022 admissions shall be 90.

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 Petersfield Infant School (the school) to the adjudicator. The school is a community school for children aged 4 to 7 in Petersfield, Hampshire.
2. The proposed variation is that the published admission number (PAN) for the school be reduced from 120 to 90.

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 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 6 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 120 to 90.

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 120 envisages four 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 infant classes of less 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 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 reception year (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 120 to 90. 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 91 pupils on roll in YR.

14. The local authority has proposed the PAN reduction because the school is currently maintaining 12 infant classes, which is proving costly as there are fewer than 30 children in each class in both YR and Y1. The school is hoping that the PAN reduction will enable them to move to an eleven class structure, thus making cost savings.

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

Table 1: The school's current class structure

Class	YR (reception year)	Y1	Y2	Total
1	22			22
2	23			23
3	23			23
4	23			23
5		27		27
6		28		28
7		29		29
8		29		29
9			30	30
10			30	30
11			30	30
12			31	31
Total	91	113	121*	325

16. The local authority says that, as there are 91 children on roll currently, if the PAN reduction is approved, the school will be able to move to an 11-class structure in 2023/24, by not offering further places in the relevant year group should a child leave the school. Agreeing a reduction at this point in time will mean the school can plan its staffing and curriculum with more certainty for September 2023.

17. The authority also says that, if the school is unable to reduce the PAN for the 2022/2023 academic year, it is more likely to continue having to operate the current 12 class organisational structure, as it will be obliged to continue admitting children up to the PAN of 120 whilst also not being permitted to have classes of more than 30 children without employing an additional class teacher. Maintaining the current 12 class structure is said not to be financially viable because the school does not have the pupil numbers to fund this structure.

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 236 places available in the planning area and 192 children on roll, leaving a surplus of 44 places.

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

School name	2019 YR intake	2020 YR intake	2021 YR intake	2022 YR intake	2023 YR intake	2024 YR intake
Buriton Primary School	15	15	15	15	15	15
East Meon Church Of England Primary School	13	13	13	13	13	13
Froxfield Church Of England Primary School	15	15	15	15	15	15
Langrish Primary School	30	30	30	30	30	30
Petersfield Infant School	120	120	120	120	120	120
Sheet Primary School	16	16	16	16	16	16
Steep Church Of England Primary School	15	15	15	15	15	15
West Meon Church Of England Primary School	12	12	12	12	12	12
Total YR PAN	236	236	236	236	236	236
School name	2019 Y3 intake	2020 Y3 intake	2021 Y3 intake	2022 Y3 intake	2023 Y3 intake	2024 Y3 intake
Herne Junior School	120	120	120	120	120	120
Total Y3 PAN	120	120	120	120	120	120

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

School name	2019-2020 YR intake	2020-2021 YR intake	2021-2022 YR intake	2022-2023 YR intake
Buriton Primary School	10	14	12	15
East Meon Church Of England Primary School	7	16	12	10
Froxfield Church Of England Primary School	15	12	12	14
Langrish Primary School	27	30	30	30
Petersfield Infant School	106	120	105	91
Sheet Primary School	15	16	16	13
Steep Church Of England Primary School	12	15	15	15
West Meon Church Of England Primary School	13	7	9	2
Total YR PAN	205	230	211	192
Y3 Intake	2019-2020 Y3 intake	2020-2021 Y3 intake	2021-2022 Y3 intake	2022-2023 Y3 intake
Herne Junior School	117	120	120	115
Total Y3 PAN	117	120	120	115

18. The following schools are said to be within safe walking distance: Sheet Primary School, said to be within 1.05 “direct miles” of the school; and Buriton Primary School, which is said to be within 1.94 “direct miles”. 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 an alternative school. 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 there is at least one alternative school within reasonable safe walking distance which has places available.

19. Although Buriton Primary School does not appear to have any YR places available, there are three places available at Sheet Primary School. It is hoped that there will not be more than three unsuccessful in-year applicants to Petersfield before the end of the school year. As mentioned above, however, there are 44 available YR places within the planning area. If the PAN reduction leads to a situation in which an applicant needs to travel more than two miles to his/her nearest school, the local authority will be obliged to provide or fund transport. The local authority has confirmed that home to school transport assistance will be provided to any child who meets the requirements.

20. 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 replied as follows:

“If the proposal is agreed, we will move forward with 3 classes for our current year r cohort instead of 4. The three classes will be at full capacity. The reduction in PAN will affect this year group only as they move through the school. We currently have 91 on roll, but are expecting one to relocate. Each class will be at full capacity at 30 and the classes will not be mixed.

If we can not move to three classes our budget will be negatively impacted for the next three years. At the last budget revision in November 2022 it was forecast that we would overspend by £140,000 next academic year. The reduction in the number of classes will allow us to save approximately £50,000 for a class teacher and £15,000 for a teaching assistant we will no longer require. This saving in salary costs will go a long way in reducing our overspend. If we are unable to reduce our overspend in this way we will be forced to look at other methods of cost saving which could include a substantial reduction in our support staff hours”.

21. Any PAN reduction for the school will eventually have an effect upon Herne Junior School (the junior school), which is a linked school. An email from the junior school in response to the proposed PAN reduction said:

“We would like to respond in this way:

- We can appreciate the staffing cost implications for Petersfield Infant School colleagues and will not want to stand in the way of them achieving this reduction in order to help them 'balance the books'.
- However, we have huge concerns for our school PAN when this cohort transitions to Herne in 2025 because, whether we retain our current PAN of 120 or reduce our PAN to 90, we will not have the protection of class size limits.
- Please also note that we do take in many pupils from out-of-catchment and have a history of additional pupils joining in Years 5 and 6, so there will be a challenge to manage this when that time comes if we don't have a starting point as high as we currently receive from our infant colleagues.
- Having said all of that, we did agree yesterday that if we were faced with the fall in roll that our infant colleagues have experienced, then we would also need to take similar action.
- For the avoidance of doubt, overall, we are able to agree to this proposal”.

I am sympathetic to the difficulties which the junior school is facing, and I admire the support they have shown in response to the school's financial problems.

22. 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

23. 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 2283 [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 Petersfield. 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

24. 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 Petersfield Infant School for September 2022.

25. I determine that the published admission number for September 2022 admissions shall be 90.

26. 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.

27. 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