



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2319

Admission authority: Hampshire County Council for Crofton Anne Dale Infant School in Stubbington, Hampshire

Date of decision: 04 May 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 Crofton Anne Dale Infant School for September 2023.

I determine that the published admission number is 60.

The referral

1. Hampshire County Council (the local authority) has referred a proposal for a variation to the admission arrangements for September 2023 (the arrangements) for Crofton Anne Dale Infant School (the school) to the adjudicator. The school is a community school for children aged four to seven in Stubbington.
2. The proposed variation is to reduce the published admission number (PAN) for admission in September 2023 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 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.
5. In considering this matter I have had regard to all relevant legislation, and the Code.
6. The information I have considered in reaching my decision is:
 - a. the referral from the governing board dated 14 March 2023, supporting documents and further information provided at my request;
 - b. the determined arrangements for 2023 and the proposed variation to those arrangements;
 - c. records of discussions with and by the governing board for the school considering the proposed variation;
 - d. a map showing the location of the school and other relevant schools; and
 - e. information available on the website of the Department for Education.

The proposed variation

7. The school is one of two schools in the town of Stubbington which admit children to reception year (YR). Both schools are what are known as infant schools as they provide for children aged four to seven. There are two schools linked to the two infant schools which provide for children aged seven to eleven; these schools are known as junior schools. The school is linked to Crofton Anne Dale Junior School.
8. The map provided by the local authority shows that Stubbington, where these schools are situated, has quite dense housing surrounded by either rural areas or the sea. There are, however, other schools which admit children to YR less than two miles from the school in the neighbouring towns of Fareham, Gosport and Lee-on-the-Solent.
9. The local authority made its request for the PAN to be reduced for the school from 90 to 60 on 14 March 2023. Unfortunately, there were delays in the matter being processed for which the Office of the Schools Adjudicator has apologised. The local authority explained in

its referral that 57 first preferences had been made for the school for admissions in 2023, which is much lower than in previous years and 33 places lower than the PAN of 90. There were also only 106 first preferences for the two infant schools; across the two infant schools there are 150 places in YR available. Based on first preferences only, there could be 44 vacant places across the two schools in the planning area.

10. The local authority explained that the school provides three classes for each of its three year groups. The local authority is conscious that the school is one affected by the provisions of the School Admissions (Infant Class Size) (England) Regulations 2012 (the infant class size regulations) which 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 YR.

11. Schools are largely funded by the number of children and one of the highest costs is staffing. I note that the PAN applies for the whole of the admission year. It is therefore possible that fewer than 60 children were expected to be admitted in September 2023 and so the school established two classes for YR. If the PAN remained at 90, more children could be admitted at any point up until July 2024 and the school would have to find a way to accommodate those children and retain classes of 30 or fewer in order to meet the infant class size regulations. This could include the school reorganising its classes to establish a third class with the costs that would entail or by introducing mixed-aged classes. It is therefore to try to support the school's financial wellbeing that the local authority has requested this variation and the governing board supports the proposal.

12. 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 proposed variation

13. Before I consider the proposed variation, I pause to note that the local authority has already determined the PAN for 2024 and has determined it as 90. I am considering the arrangements for 2023 only and my decision will have no effect on the PAN for 2024.

14. There is no formal consultation required for a variation and so parents and others do not have the opportunity to express their views. It is desirable that PAN reductions are made via the process of determination following consultation as the consultation process allows those with an interest to express their views. It also allows for objections to the adjudicator. None of this is afforded by the variation process.

15. 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. As described above, there are two schools admitting children to YR in the school's planning area. Table 1 below summarises the number of children admitted to the schools in the planning area in recent years and the number of offers made for 2023.

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

	2020	2021	2022	2023
Sum of PANs of schools in the planning area for YR	150	150	150	150
Number of children admitted or offered a place	149	148	141	106 offered as at 3 May
Vacant places	1	2	9	Potentially 44

16. The information provided by the local authority shows that the numbers at the two infant schools have been reasonably steady and the two schools full or close to full. However, the local authority explained that in previous years there were children who lived outside the area whose parents made the school a high preference but this had not occurred for 2023. The local authority provided figures on first preferences for schools that it described as being in close proximity to the school and showed that all would have vacant places if only first preferences were taken into account.

17. Table 1 also shows that based on the current number of offers made there could be 44 vacancies across the two schools. There have been 49 offers made for Crofton Hammond Infant School, which has a PAN of 60 and 57 offers made for the school. If the PAN for the school were to be reduced to 60 then these children would be admitted and there would still be 14 vacancies across the two schools. I am therefore satisfied that if the PAN for the school were to be reduced to 60 that the local authority could meet its duty to provide sufficient school places.

18. The governing board is concerned that, if the PAN is not reduced to 60, a few more children might seek places resulting in the year group containing just over 60 children at some point before the end of July 2024 when the relevant year of entry for 2023 would end. This would require considerable adjustments by the school to make sure it met the requirements of the infant class size regulations and would create considerable financial pressure. Both the adjustments and the financial pressure could be to the detriment of the children at the school.

19. If I agree to the PAN reduction, the school will be able to plan efficiently. I can see no evidence that parental preference would be unduly frustrated by the proposed reduction in the PAN. I can also see benefit to the school and the children it educates if the PAN were to be reduced to 60 for 2023. I therefore find that the variation is justified by the circumstances and approve the proposed variation.

Determination

20. 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 Crofton Anne Dale Infant School for September 2023.

21. I determine that the published admission number is 60.

Dated: 04 May 2023

Signed:

Schools adjudicator: Deborah Pritchard