



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2329

Admission authority: Brighton and Hove City Council for Hertford Junior School in Brighton

Date of decision: 07 June 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 Brighton and Hove City Council for Hertford Junior School for 2023.

I determine that the published admission number will be 32.

The referral

1. Brighton and Hove City Council (the local authority) has referred a proposal for a variation to the admission arrangements for September 2023 (the arrangements) for Hertford Junior School (the school) to the adjudicator. The school is a community school for children aged seven to eleven in Brighton.
2. The proposed variation is that the published admission number (PAN) be reduced from 60 to 32.

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 and supports it. 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 includes:
 - a. the referral from the local authority dated 17 May 2023 and supporting documents;
 - b. the determined arrangements for 2023 and the proposed variation to those arrangements;
 - c. comments on the proposed variation from the governing board;
 - d. a map showing the location of the school and other relevant schools; and
 - e. information available on the websites of the local authority and the Department for Education (the DfE).

The proposed variation

7. The local authority explained in its referral that there is a continuing decrease in the number of children requiring a primary school place in the local authority’s area. One implication has been that there have been only 31 offers made for the 60 places at the school for 2023. The local authority explained, “The school is at risk of being required to open and maintain a second class [for this year group] and employ a further teacher should any additional applications be received to take them above then number of pupils they can teach in one class. This is likely to put a significant strain upon the school’s budget in the coming year and for future years.”
8. The local authority further explained that the school and its linked infant school (Hertford Infant School) work together in a federation with one governing board. It is the intention that these two schools should, following due process, become one school for children aged four to eleven with a PAN of 30. I am also considering proposed variations to

reduce the PANs of other schools in the local authority's area including the linked infant school. Each case is considered on its merits and no case sets a precedent for another.

9. 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

10. There is no formal consultation required for a variation and so parents and others do not have the opportunity to express their views. Clearly 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. The local authority has already set the PAN for 2024 at 60 so my decision only affects the admissions to year 3 (Y3), which is the year of entry to the school, in 2023.

11. The school is located in an urban area and there are, according to the DfE website 'Find and compare schools in England', eight schools which provide for children in the whole primary age range (four to eleven) within one mile of the school and three other junior schools within two miles which admit children to Y3. 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; one other school in the planning area has Y3 as a normal admission year. The majority of children in the planning area will continue in the school which they joined in reception year. This means that when planning places for admission to Y3, there are only two schools to be considered, the school and another junior school. Table 1 below summarises the number of children admitted to the two junior schools in the planning area in recent years and those offered places for admission in September 2023.

Table 1: number of school places available at the two junior schools in the relevant planning area, the number of children admitted to Y3 in the two junior schools in recent years, and the number of children offered a place for 2023

	2020	2021	2022	2023
Sum of PANs of schools in the planning area for Y3	188	188	188	188
Number of children admitted or offered a place	147	158	168	154 offered as at 18 May
Vacant places	41	30	20	Potentially 34

12. The information provided by the local authority shows that there was an increase in demand from 2020 until 2022 and a decrease for 2023, although not to the level of 2020. However, I am satisfied that if the PAN for the school were to reduce by 28 to 32 then there would be sufficient capacity in the area to meet demand. Table 2 shows the numbers of children admitted to the school.

Table 2: the number of children admitted to the school in recent years or offered a place for 2023

	2020	2021	2022	2023
The PAN for the school	60	60	60	60
Number of children admitted or offered a place	29	32	40	31 offered as at 18 May
Vacant places	31	28	20	Potentially 29

13. Table 2 shows that the number of children joining Y3 at the school has been around 30 in 2020 and 2021, and looks likely to be around 30 for 2023. I also note that the other junior school in the planning area has five vacancies for September 2023 at this time. I am therefore satisfied that if the PAN were to be reduced to 32, that parental preference is unlikely to be frustrated.

14. I understand that the school wishes to teach with single year groups to a class. If the school were to establish one class for Y3, it would not want, for educational reasons, to have more than 32 to a class. If the PAN were to remain at 60, then it remains possible, until July 2024, that anything up to that number of children could be admitted to Y3 and the admission authority would have no power to refuse them admission. In this situation the school would have to make other arrangements which might include creating an additional class with the costs that could entail or reorganising its other classes so that there would be more than one age group to a class.

15. The governing board wishes to avoid this disruption and potential cost. Schools are largely funded by the number of children and one of the highest costs is staffing. By the PAN being changed so that it is 32, then the governing board can plan on that basis which is why it supports the proposed variation.

16. The evidence indicates parental preference will not be frustrated if I agree that the PAN is reduced to 32 as all applications have been considered and 31 offers have been made. If the PAN were reduced to 32 then the governing board can plan ahead and organise on that basis. I therefore have decided that the variation is justified by the change in circumstances and approve the variation.

Determination

17. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Brighton and Hove City Council for Hertford Junior School for 2023.

18. I determine that the published admission number will be 32.

Dated: 07 June 2023

Signed:

Schools adjudicator: Deborah Pritchard