



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2333

Admission authority: Hampshire County Council for Peel Common Infant School and Nursery Unit, Gosport

Date of decision: 13 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 Hampshire County Council for Peel Common Infant and Nursery Unit, Gosport for September 2023.

I determine that for September 2023 the published admission number will be 30.

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 Peel Common Infant School and Nursery Unit (the school) to the adjudicator. The school is a community school for children aged three to seven in Gosport.
2. The proposed variation is to reduce the published admission number (PAN) from 60 to 30.

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:

“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. I find that the appropriate procedures were followed, and I am also satisfied that the proposed variation is within my jurisdiction. In considering this matter I have had regard to all relevant legislation, and the Code.

5. The information I have considered in reaching my decision includes:

- a. the referral from the local authority dated 19 May 2023, supporting documents and further information provided at my request;
- b. the determined arrangements for 2023 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, and the Department for Education.

The proposed variation

6. The proposed variation is to reduce the PAN of the school from 60 to 30 for September 2023. The arrangements for the school for 2023/24 were determined by the local authority on 28 February 2022.

7. 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

8. Before I consider the proposed variation, I should note that the local authority has determined the 2024/25 arrangements, including the PAN, for the school on 21 February 2023. The PAN is 30 for 2024. As the arrangements have already been determined, my

decision on this application will not affect that determination. My decision affects only admissions to the Reception Year (YR) at the school for 2023.

9. The local authority offered 30 places on National Offer Day. It states the issue in the following terms:

“The school’s current numbers on roll are shown below:

	Foundation	Key Stage 1	
Class	YR	Y1	Y2
1	21		
2		28	
3			20
4			19
Total	21	28	39

[It will be seen] ... that the numbers are incredibly low across the school and with the largest year group leaving in summer 2023 the school finds itself in a position whereby it is not recruiting as many students as it is losing when they transition to junior school.

Based on the offers made and the numbers at the school currently, the school has no requirement to run a second class in year R September 2023. Without the numbers to support this PAN of 60, the school are faced with a difficult position whereby they cannot financially afford to operate a PAN of 60 when there is no requirement.

Other schools in the local area that have capacity for year R September 2023 (distance measured in straight line miles):

- Alver Valley Infant School 1.43 miles
- Brockhurst Primary School 1.82 miles
- Elson Infant School 1.83 miles
- Grange Infant School 0.96 miles
- Rowner Infant School 0.82 miles.”

10. If I determine that the PAN reduces to 30 for admission in 2023, I need to consider if there are sufficient places to meet demand across the planning area. The local authority has a duty to make sure that there are sufficient school places for the children in its area. The local authority must therefore consider the availability of places and the need for places in planning areas which are geographical groups of schools. The school is in the Gosport

Central planning area (the planning area) which consists of six schools which admit to YR and five junior schools.

11. The local authority provided me with information about the number of places in the planning area, the number of children admitted in the last three years, the numbers of offers made in 2023 and the forecast for 2024. The local authority states in its referral to the OSA

“The Published Admission Number (PAN) at Peel Common Infant School for the 2023/2024 academic year is currently 60. On the national notification day for September 2023 admissions the school offered 30 places for Year R children. The planning area of Gosport Central Primary made a total of 319 Year R offers, however there are 390 Year R places available within that planning area currently. Based on these figures, there are sufficient places to accommodate the demand in the area.”

12. The local authority referred a very similar proposal for a variation in the PAN for the school last year. The adjudicator’s decision was dealt with under case reference VAR2256. The adjudicator approved a reduction in PAN for 2022/23 from 60 to 30. At the time of the referral, the authority had made offers of 26 places at the school. I note that the school currently has only 21 pupils in YR. I am also mindful that, following consultation, the PAN has been reduced to 30 for 2024/25 and no responses were received to consultation on that proposed change (report of Nick Sadler, Head of Admissions Hampshire County Council dated 21 February 2023)

13. Based on the information provided by the local authority, it would appear that despite reductions in the available places in the planning area between 2020 and 2024, there is likely to remain a significant level of vacant or potentially vacant places.

Table 1: Admissions and potential admissions to schools which admit to YR in the planning area

	2020	2021	2022	2023	2024
Sum of the PANs for schools in the planning area	420	405	405	390	360
Number of children admitted (offers for 2023 and forecast for 2024)	358	330	326	319	305
Number of vacant places or potential vacant places	62	75	79	71	55
Number of vacant places as a percentage	15%	18.5%	9.5%	18.2%	15%

14. I asked the school for comments on the proposal to reduce the PAN, specifically the impact if the PAN is reduced or if it is not agreed. The headteacher and the Chair of Governors replied that the governing board:

“... recognises that if the variation is approved, limiting the admission numbers to 30 in 2023-2024 will give the school significant control over its staffing needs and improve security over the school budget. This will also ensure that the staffing needs

are controlled effectively without the concern of new children applying for Year R places that may cause the school's costs to rise over and above the budget set.

We currently have 29 children offered Year R places. With this reduction, we will still be able to allow additional children places who may move into the area over the coming year.

If the variation remains at 60, then the school runs the risk of going over the infant class size regulations if more children seek to take places, and therefore may have to employ another teacher to cover potentially a minimal number of children; the school will lose its effectiveness in financial planning. This will mean we cannot accurately plan for the year ahead. Therefore, the governing body believes that lowering the PAN will significantly benefit the school."

15. It is clear that numbers at the school have declined over the last few years: 38 children admitted in 2020; 35 in 2021; 22 in 2022 and now 29 offers made for 2023. The local authority told me that a reduction in PAN to 30 "... will protect the school from financial difficulties and will enable them to plan their staffing with certainty for future academic years." Schools are largely funded by the number of children on roll and one of the highest costs is staffing.

16. Declining pupil numbers could mean financial difficulties for the school and reducing the PAN to 30 for 2023 (with it already determined at 30 for 2024) will enable them to plan their staffing with more certainty. I am satisfied that there are sufficient vacant places in the planning area if there are further requests for places. I find that the variation is justified by the circumstances and approve the proposed 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 Hampshire County Council for Peel Common Infant School and Nursery Unit, Gosport for September 2023.

18. I determine that for September 2023 the published admission number will be 30.

Dated: 13 June 2023

Signed:

Schools adjudicator: Helen Jeffrey