



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2336

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

Date of decision: 12 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 Denmead Infant School for September 2023.

I determine that the published admission number shall be 75.

The referral

1. Hampshire County Council has referred a proposal for a variation to the admission arrangements for September 2023 (the arrangements) for Denmead Infant School (the school) to the adjudicator. The school is a community school for children aged 4 to 7 in Denmead, Hampshire.
2. The proposed variation is that the published admission number (PAN) for the school be reduced from 90 to 75.

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. I find that the appropriate procedures were followed, and I am also satisfied that the proposed variation is within my jurisdiction.

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 22 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;
- e. determination of a variation to the school’s PAN for 2022 (VAR2300) dated 8 February 2023; and
- f. information available on the websites of the local authority, the school and the Department for Education.

The proposed variation

7. The Published Admission Number (PAN) at Denmead Infant School for the 2023/2024 academic year is currently 90. The local authority says that, on the National Offer Day for September 2023 admissions, 77 Reception places were offered. The school is located within the Cowplain Planning Area. A total of 358 offers were made for Reception places within the planning area, however there are 405 places available. Based on this data, the local authority considers that there are sufficient places to accommodate the demand for places.

8. 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 90 envisages three infant classes of no more than 30 children each 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 likely to be infant classes of fewer than 30 children in September 2023 which all need to be staffed by a teacher and possibly a teaching assistant, this can cause financial difficulties.

9. This is because schools are largely funded on the number of pupils attending and staffing is normally the greatest expense in a school's budget. It follows that 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.

10. The school's current class structure is set out in the table below.

Table 1 The school's current class structure

Class	YR	Y1	Y2
1	25		
2	25		
3	25		
4		24	
5		26	
6		27	
7			30
8			29
9			28
Total	75	77	87
PAN	75	90	90

11. The local authority says that, historically almost a third of the children admitted to the school have come from out of catchment as other schools in the planning area have been full. However other schools in the area are no longer oversubscribed, and so the number of out of catchment applications to the school has fallen. For the September 2023 academic year, the school is planning to operate 3 Reception classes and 5 mixed year 1 & 2 classes. To date, 77 offers of places have been made, and the local authority has confirmed that none of these offers will be withdrawn. If the PAN reduction to 75 is approved, the school will “manage the numbers” and as children leave, they will not be replaced until there are fewer than 75 pupils in Reception.

12. The school is said to have “an operational admissions number in the current Reception class of 75”, meaning that the PAN for that year group is 75 (having been reduced from 90 in February 2023 by an approved variation (VAR2300). The school is aware of 2 children who will be leaving that year group which will allow the school to operate 3 classes of mixed year 1 & 2 children from September 2023. The reduction of the 2023 PAN to 75 and the future reduction to 60 in 2024 will allow the school to begin working towards an eventual 6 class structure by September 2027.

13. The local authority says that the decline in pupil numbers is creating financial difficulties for the school as school funding is primarily based upon pupil numbers. Table 2 below lists the infant, junior and primary schools in the local planning area and sets out the PANs for each of these schools. Table 3 sets out the number of children on roll at the schools.

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

Year R

School	2020	2021	2022	2023	2024
Berewood Primary Academy	45	45	60	60	60
Denmead Infant School	90	90	75	90	60
Hambledon Primary School	15	15	15	15	15
Hart Plain Infant School	60	60	60	60	60
Padnell Infant School	90	90	90	90	90
Queens Inclosure Primary School	60	60	60	60	60
Woodcroft Primary School	30	30	30	30	30
Total Year R PAN	390	390	390	405	375

Year 3

School	2020	2021	2022	2023	2024
Denmead Junior School	90	90	90	90	90
Hart Plain Junior School	90	60	60	60	60
Padnell Junior School	90	90	90	90	90
Total Year 3 PAN	270	240	240	240	240

Table 3 The number of children on roll at the schools in the planning area

Year R

School	2020-2021	2021-2022	2022-2023
Berewood Primary Academy	61	60	57
Denmead Infant School	82	77	71
Hambledon Primary School	21	17	12
Hart Plain Infant School	41	40	29
Padnell Infant School	88	80	85
Queens Inclosure Primary School	60	59	53
Woodcroft Primary School	26	29	25
Total Year R	379	362	332

Year 3

School	2020-2021	2021-2022	2022-2023
Denmead Junior School	81	87	91
Hart Plain Junior School	48	59	54
Padnell Junior School	90	90	90
Total Year 3	219	236	235

14. Other schools which will have vacant places in September 2023 in the local area are (distance measured in straight line miles):

Hart Plain Infant School 1.47 miles

Woodcroft Primary School 1.55 miles

Hambledon Primary School 2.43 miles

15. The local authority has informed me that, it does not envisage any adverse environmental implications or additional burdens on local public transport systems if applicants who would have been offered places at the school need to travel to these alternative schools. The authority says that the reduction of the PAN to 75 will protect the school from financial difficulties and will enable them to plan their staffing with certainty for future academic years.

16. I asked the school what the effect would if the proposed variation were not approved. The school explained that, if the PAN had to remain at 90, this would risk preventing the school from being able to move to a seven class structure in September 2024. "If the number in year R for 2023-2024 is above 75 at the end of the school year, we would be in a position where in order to comply with infant school size regulations we have to run eight classes. The school is forecasting a small deficit budget for the financial year 2024-2025, (£15,502) and a much more significant budget for the financial year 2025-2026 (£96,042). Running this eighth class from September 2024 would lead to a forecast of a much more significant budget deficit, and governing bodies are not able to set deficit budgets".

17. 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

18. It has become apparent that the school will not admit 90 children in September 2023. A reduction in the PAN to 75 will enable the school to develop a cost-effective class number and structure, which will create certainty in terms of financial planning and will ameliorate the financial difficulties which the school is facing. There are sufficient places available at alternative schools within a reasonable distance, so that even if there are further applications for places at the school which are refused, no child will be forced to face a lengthy school journey each day. It follows that there are unlikely to be any adverse environmental implications or additional burdens on the local public transport systems. I have seen no evidence of any potential adverse implications for other local schools, and indeed no comments were made in response to the notifications of the proposal.

19. There is no formal consultation required for a variation and so parents and others do not have the opportunity to express their views. Once the PAN has been set for a particular year then nobody, except the governing board of a community or voluntary controlled school, can object if that PAN remains the same in subsequent years. 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. However, I accept that the local authority and the school wished to delay reducing the PAN for 2023 until the number of applications to the school and the pattern of applications for schools in the planning area was more certain. The PAN for September 2024 admissions has already been set at 60, so this determination will not have any impact on future admissions.

20. Having taken into account all of the above, I find that the variation is justified by the circumstances and I approve the proposed variation.

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 Denmead Infant School for September 2023.

22. I determine that the published admission number shall be 75.

Dated: 12 June 2023

Signed:

Schools adjudicator: Dr Marisa Vallely