



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** VAR2324

**Admission authority:** Hampshire County Council for Freegrounds Junior School

**Date of decision:** 20 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 Freegrounds Junior School for September 2023.**

**I determine that the Published Admission Number will reduce from 90 to 64.**

## 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 Freegrounds Junior School (the school) to the adjudicator. The school is a community school for children aged 7 to 11, located in Southampton, Hampshire.
2. The proposed variation is to reduce the Published Admission Number (PAN) from 90 to 64.

## 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, which is the admission authority for the school, has provided me with confirmation that the appropriate bodies have been notified. I have also seen confirmation that the school’s governing board has been consulted on the proposed variation, including a copy of an extraordinary meeting of the governing board dated 26 April 2023, indicating the board’s unanimous support for the requested variation. I find that the appropriate procedures were followed.

5. I am satisfied that the proposed variation is within my jurisdiction. I note from the local authority’s website that arrangements for the school for September 2023 were determined by the local authority on 28 February 2022. I note from the copy of the arrangements that have been provided to me that the arrangements were revised on 28 February 2023 following a relevant determination by an adjudicator (OSA case reference numbers VAR2277 and VAR2283).

6. In considering this matter I have had regard to all relevant legislation and the Code.

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

- a. the request from the local authority dated 12 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, the school and the Department for Education.

## The proposed variation

8. The proposed variation is to reduce the PAN for the school for September 2023 from 90 to 64.

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. The major change in circumstances relied upon by the local authority is a sharp dip in the demand for Year 3 places at the school for September 2023, as compared with the previous year (2022) and as compared with projected demand for the following year (2024).

11. The admission numbers for the Year 3 intake for the school in the last three years were as follows:

Year	Pupils admitted to Year 3
2020	90
2021	89
2022	89

12. However, the local authority has explained that for September 2023 the school only received 68 first preference applications, four second preference applications and one third preference application for Year 3. It has made 68 offers and expects this to be the number of pupils it admits in 2023. Therefore, a sharp reduction from 89 to 68 is expected – that is, 21 fewer pupils than the previous year.

13. The local authority has explained that the demand for Year 3 places at the school is strongly linked to the number of pupils in the relevant cohort at the feeder school, Freegrounds Infant School. The current Year 2 cohort at the feeder school is 68. However, the current Year 1 cohort at the feeder school is much higher and therefore the projected demand for Year 3 places at the school for 2024 is 89.

14. Given that the school would have known about the smaller than usual cohort moving up through the feeder school, I asked the school why it waited until now to request a reduction to the PAN rather than considering the matter at an earlier juncture when a consultation could have been held to hear the views of families. The school explained that it considered the appropriate course of action was to wait until now in order to see how many applications it received for Year 3 places, in case the relevant cohort in the feeder school were to grow over time. The local authority stressed that it considered an earlier PAN reduction of 60 but discounted that option because it did not want to risk frustrating demand for places from the feeder school where the relevant cohort was above 60, at 68 pupils.

15. The school has stated that the admission of 68 pupils but maintaining a PAN of 90 would cause the school financial difficulties because it would mean running three Year 3

classes which would each need a qualified teacher but with lower per pupil income to support those three classes than would cover the associated expenditure. The school's proposal is to reduce the PAN to 64 and, if and when any pupils leave the relevant cohort, those pupils would not be replaced with new pupils. At a certain point, the school would take the decision to reduce the three classes to two classes, thereby reducing their expenditure on qualified teachers.

16. The school is concerned that if the PAN were to remain at 90, there is a possibility that it could receive in-year applications during this academic year which would push its number of pupils in Year 3 a little higher, but nowhere near to the 90 pupils it would need to be financially feasible to run three Year 3 classes. This would make it even more difficult to reduce down to two classes for this cohort in the future.

17. If permitted to reduce its Year 3 PAN to 64, the school has confirmed that it would ask the local authority to honour all of the 68 offers already made.

18. The school has stated that its current organisation would make it difficult to respond to the reduced numbers in September 2023's Year 3 cohort by arranging mixed year group teaching across the school. The school currently operates 12 single year group classes as follows:

<b>Class</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>	<b>Year 6</b>	<b>Total</b>
<b>Ash</b>	30				30
<b>Elm</b>	29				29
<b>Oak</b>	30				30
<b>Beech</b>		30			30
<b>Maple</b>		30			30
<b>Pine</b>		30			30
<b>Cedar</b>			30		30
<b>Larch</b>			30		30
<b>Willow</b>			30		30
<b>Hawthorn</b>				31	31
<b>Juniper</b>				31	31
<b>Sycamore</b>				31	31
<b>Total</b>	<b>89</b>	<b>90</b>	<b>90</b>	<b>93</b>	<b>362</b>

19. I note from the figures provided that the school is running three classes of very close to 30 pupils in every year group, including its current Year 3 cohort. I accept, therefore, the school's assertion that its current numbers would not easily lend themselves to introducing mixed year group teaching across next year's Year 3 and Year 4 cohorts.

20. The school is located in the Hedge End / West End Planning area. The school is the only school in the planning area with a Year 3 intake. The normal year of entry at all of the

other schools in the planning area is Reception Year, because they are either infant schools or all-through primary schools.

21. The local authority has stated that, in the event that the proposed PAN reduction were to be approved, there would be sufficient Year 3 places available in the planning area to accommodate demand for places.

22. The local authority has provided admission numbers for each of the schools in the Hedge End / West End Planning area for the past three years, along with the projections for the next two years.

School	2020	2021	2022	2023 (projection)	2024 (projection)
<b>Reception Year</b>					
<b>Berrywood Primary School</b>	70	74	89	61	70
<b>Boorly Park Primary Academy</b>	43	52	60	72	78
<b>Botley Church of England (Controlled) Primary School</b>	45	59	44	64	60
<b>Freegrounds Infant School</b>	64	90	58	76	57
<b>Kings Copse Primary School</b>	33	30	34	31	31
<b>Saint James' Church of England Primary School, West End</b>	71	84	80	92	72
<b>Shamblehurst Primary School</b>	60	60	57	53	50
<b>Wellstead Primary School</b>	60	57	53	54	41
<b>Total Reception Year</b>	<b>446</b>	<b>506</b>	<b>475</b>	<b>503</b>	<b>459</b>
<b>Year 3</b>					
<b>Freegrounds Junior School</b>	90	89	89	65	89
<b>Total Year 3</b>	<b>90</b>	<b>89</b>	<b>89</b>	<b>65</b>	<b>89</b>

23. Although the school is the only school in the planning area to have a Year 3 intake, I accept the local authority's assertion that were the PAN reduction request to be approved, there would remain sufficient places to satisfy demand for Year 3 places in the planning area. This is because the first round of applications for and offers of Year 3 places for September 2023 has already been completed. That has demonstrated that demand for Year 3 places in the planning area is 68. This is slightly above what the local authority had anticipated – it had projected a demand of 65. It is also slightly above what the new PAN for the school would be, if approved – at 64. However, because the school has confirmed that it would ask the local authority to honour the offers made, and there is no indication of likely further demand for Year 3 places in the planning area for the remainder of the academic

year, I am satisfied that the PAN reduction would not put the local authority in the position of failing to meet its duty to provide sufficient school places.

24. For the reasons set out above, I approve the request for a reduction in the PAN from 90 to 64 for September 2023. I should make clear that the PAN relates only to the normal year of admission, that is Year 3 in the case of this school. Therefore, for the school's Years 4, 5 and 6, the PAN applied in Year 3 is not relevant. The decision as to whether a child can be admitted in those years depends only on whether such admission would cause prejudice to the efficient use of resources or efficient provision of education. Furthermore, my decision in relation to the PAN for Year 3 for September 2023 has no bearing on the PAN for Year 3 for September 2024, which I note from the local authority's website was determined on 21 February 2023 as 90.

## **Determination**

25. **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 Freegrounds Junior School for September 2023.**

26. **I determine that the Published Admission Number will reduce from 90 to 64.**

Dated: 20 June 2023

Signed:

Schools adjudicator: Jane Kilgannon