



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** VAR2335

**Admission authority:** Hampshire County Council for Chalk Ridge Primary School, Basingstoke

**Date of decision:** 21 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 Chalk Ridge Primary School, Basingstoke for September 2023.

I determine that the Published Admission Number for September 2023 is to be 30.

### The referral

1. Hampshire County Council (the local authority (LA)), the admission authority for Chalk Ridge Primary School in Basingstoke (the school), has referred a proposal for a variation to the admission arrangements for September 2023 (the arrangements) for the school to the adjudicator.
2. The school is a community school for children aged 4 to 11 in Basingstoke, Hampshire. The school was judged to be 'Good' by Ofsted in 2019.
3. The variation requested is a reduction in the current Published Admission Number (PAN) for YR from 60 to 30 for September 2023.
4. Parties to the request are the LA and the school.

### Jurisdiction and procedure

5. 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 (insofar as is 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”.

6. The LA has provided me with confirmation that:

- 6.1. the arrangements for 2023/24 were determined in accordance with paragraph 1.49 of the Code (the arrangements were determined on 28 February 2022);
- 6.2. the appropriate bodies have been notified and that no comments were received by the LA from those bodies in respect of that notification; and
- 6.3. 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.

7. In considering this request I have had regard to all relevant legislation, and the Code.

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

- a. the referral from the LA dated 19 May 2023, supporting documents and further information provided at my request;
- b. the determined arrangements for 2023/24 and the proposed variation to those arrangements;
- c. comments on the proposed variation from the school;
- d. information available on the websites of the local authority, the school, the Department for Education (DfE) and Ofsted; and
- e. a copy of a previous determination for the school (case reference number VAR2269), which agreed to a reduction of the school’s PAN from 60 to 30 for the academic year 2022/23.

9. I note here that the arrangements for 2024/25 have been determined by the LA and published on the LA’s website (with the PAN for that year being 60). This means that any variation to the arrangements for 2023/24 will only apply to that year and will have no effect on the years that follow; I am not therefore required to look at the effects of agreeing to the variation on years beyond 2023/24. Additionally, this variation request has been made after primary National Offer Day (17 April 2023) and can be evaluated in the context of the number of offers made for places in September 2023.

10. I note here that there is no formal consultation required for a variation and so parents and others do not have the opportunity to express their views. However, I make the point that it is preferable 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.

## Consideration of proposed variation

11. 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.

12. The LA has a duty to make sure that there are sufficient places for the children in its area. To fulfil this duty the LA assesses the likely future number of places to be needed and plans to meet that need. The LA uses planning areas, which are geographical groups of schools, for this purpose. The school is one of nine schools in the LA’s Basingstoke Primary – Area E – Planning Area (the planning area), one of which (Hounsome Fields New School) will not open until at least 2025. Out of the remaining eight schools, the school is one of five that admit to YR (the other three are junior schools admitting from Year 3). I will only concern myself with the schools admitting to YR. The number of places for YR for the planning area is shown in Table 1 for the current and next academic year.

**Table 1: Number of places in the planning area (for admission into YR) for the current and next academic year**

<b>Schools in the planning area admitting to YR</b>	<b>PANs 2022/23</b>	<b>PANs 2023/24</b>
Chalk Ridge Primary School	30 *	60
Hatch Warren Infant School	90	90
Kempshott Infant School	90	90
Manor Field Infant School	60	60
St Mark's Church of England Primary School	90	90
<b>Total YR places:</b>	<b>360</b>	<b>390</b>

\* reduced from a PAN of 60 by the adjudicator (see case reference VAR2269)

13. If I agree to the variation requested for the school, this would reduce the number of places for admission into YR in the planning area in September 2023 to 360. I now turn to look at whether there will be a sufficient number of places in the planning area in September 2023 if I agree to reduce the PAN at the school. The LA has provided data showing the number of offers made for places in the five schools admitting to YR in the planning area for September 2023, which I have put into Table 2.

**Table 2: Number of children offered places in YR for 2023/24 in the planning area**

<b>Schools in the planning area admitting to YR</b>	<b>Placed offered 2023/24</b>
Chalk Ridge Primary School	34
Hatch Warren Infant School	64
Kempshott Infant School	90
Manor Field Infant School	43
St Mark's Church of England Primary School	89
<b>Total offers for places in YR:</b>	<b>320</b>

14. Comparing the data for 2023/24 from both Tables 1 and 2 shows that there will be a surplus of 70 places (18 per cent). This mirrors the trend of decline in the numbers of children of school starting age across the country. If I agree to the requested variation to the PAN at the school, this will still leave a surplus of 40 places (11 per cent).

15. I raised with the LA the fact that the PAN reduction requested would be four less than the number of children currently offered places at the school. Paragraph 2.13 of the Code is clear that (in part): “An admission authority **must** not withdraw an offer unless it has been offered in error, a parent has not responded within a reasonable period of time, or it is established that the offer was obtained through a fraudulent or intentionally misleading application. [...]” In its response, the LA said:

“The LA will honour all offers made over 30, and parents would not be forced to give up any place they held. If the variation to 30 were agreed then no offers would be withdrawn, rather the LA would seek to manage back down to 30 if or when other parents declined. There are no plans to frustrate parental preference or use 2.13 of the code incorrectly.”

16. Turning now to look at the situation for the school, the LA told me in its application the reason for the variation request:

“An application to vary the PAN for 2022 admissions at Chalk Ridge Primary School (VAR 2269) was approved on 31/08/2022. [...] Unfortunately, the school finds itself in a similar situation again this year where the admission numbers are low and therefore the school wish to reduce their PAN to 30 for September 2023 admissions. [...] The reduction of the PAN [...] will protect the school from financial difficulties and will enable them to plan their staffing with certainty for future academic years.”

17. The LA sent me details of the current class structure at the school, which I have put into Table 3 below.

**Table 3: Current class structure at the school**

<b>Class</b>	<b>YR</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>	<b>Year 6</b>
<b>1</b>	30	-	-	-	-	-	-
<b>2</b>	-	29	-	-	-	-	-
<b>3</b>	-	30	-	-	-	-	-
<b>4</b>	-	-	29	-	-	-	-
<b>5</b>	-	-	30	-	-	-	-
<b>6</b>	-	-	-	24	-	-	-
<b>7</b>	-	-	-	24	-	-	-
<b>8</b>	-	-	-	-	23	-	-
<b>9</b>	-	-	-	-	22	-	-
<b>10</b>	-	-	-	-	-	25	-
<b>11</b>	-	-	-	-	-	28	-
<b>12</b>	-	-	-	-	-	-	23
<b>13</b>	-	-	-	-	-	-	23
<b>Totals:</b>	<b>31</b>	<b>59</b>	<b>59</b>	<b>48</b>	<b>45</b>	<b>53</b>	<b>46</b>

18. If I approve the PAN variation requested by the LA, it told me that the school would run a 12-class structure across the school from September 2023.

19. The governing board told me that it is supportive of the variation requested by the LA for the following reasons:

“Governors believe that the variation being agreed will protect the school from significant budget difficulties by allowing it to properly plan and manage school staffing and facilities with a high degree of certainty. It will also have benefits in terms of allowing a proper, planned engagement with staff and parents, together with minimising disruption to our children.

Unfortunately, we consider that the converse is true should the variation be refused, and it is for this reason that Governors took this extremely challenging decision.”

20. I raised two matters with the school about the proposed variation:

20.1. Given that this request has been made late in the academic year prior to the admission year to which it relates, the resignation date for teachers under School Teachers Pay and Conditions has passed. I asked the school to explain how it intends to make the necessary staffing changes at this late stage in the school year to enable a reduction in the PAN to have the desired effect on the school’s finances.

The school told me that they have not looked to recruit to replace a member of staff who will leave at the end of the academic year and this help with the school's staffing allocation and planned in-year deficit budget.

- 20.2. Rather than reducing the PAN, a solution that could be employed is to organise children into mixed-age classes. There are advantages and disadvantages to working in mixed-age classes, which are well documented in education research literature. Maintained schools in England tend to structure classes to deliver the age-based national curriculum, making mixed-age classes less popular with schools and sometimes with parents. The school were asked to confirm whether they have considered this option.

The school responded that it has considered employing mixed-age classes. It told me that it would not release a teacher who is qualified and experienced to teach in the Early Years, and it would also create more than 30 in the mixed classes which is not permitted or ideal for the children.

21. Whether I determine to reduce the PAN or not, the situation with reducing the number of children admitted to the school will result in a reduction in the school's finances. The LA has requested a reduction in PAN to address the issue.

22. I challenged the LA in respect of the fact that the fall in demand for places in YR in the planning area would appear to have been obvious in enough time for what has been requested to have been dealt with through the consultation process prior to determination of the arrangements. The LA responded thus:

"The LA carries out regular meetings to consider school forecasts. In this case, during those meetings, the forecast is regularly looked at. Currently, the forecast suggests that 37 children will be admitted. However, at the time when consideration would have been made as to whether a PAN reduction would be appropriate, the year R forecast for September 2023 was for 45 children. So a PAN reduction to 30 was not one the LA would look to include in the consultation in those circumstances, as there was a danger that a PAN reduction to 30 would frustrate catchment demand and parental preference. Furthermore, a reduction to 45 would not help the school, as the numbers in other years groups would not allow the school to easily run mixed age classes, and any benefit for the school would not be realised, as they would still need to run two small classes that would not be financially viable.

In January 2023, the school contacted the LA to advise that based on initial preference data, the low numbers of children would create financial difficulties for the school in September 2023, particularly if the school was required to run two small classes in the year R cohort, and following the low number of subsequent offers on offer day, the LA was supportive of an application for a PAN reduction being made to support the school's financial viability, but also recognised that the offers over 30

would still need to be honoured and could not be withdrawn, which the school are aware of.”

23. Schools are largely funded by the number of children and one of the highest costs is staffing. If the number of children in YR is over 30, even by one child, then the school may decide for educational reasons to establish a second class with the costs that this would entail. By the PAN being changed so that it is 30 then the governing board can plan on that basis which is why it supports the proposal by the LA. The drop in the number of children of YR age has meant financial difficulties for the school. The reduction in PAN to 30 will enable the school to plan staffing and budgets with more certainty. I am also assured that there are sufficient vacant places in the planning area if there are further requests for places.

24. I find that the variation requested is justified by the circumstances and approve the proposed reduction in PAN to 30 for the school for September 2023.

## **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 Chalk Ridge Primary School, Basingstoke for September 2023.

26. I determine that the Published Admission Number for September 2023 is to be 30.

Dated: 21 June 2023

Signed:

Schools adjudicator: Dr Robert Cawley