Office of the Schools Adjudicator

Determination

Case reference: **VAR2332**

Admission authority: **Hampshire County Council for Leesland Church of England Junior School, Gosport**

Date of decision: **22 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 the local authority for Leesland Church of England Junior School, Gosport for September 2003.

I determine that the Published Admission Number for September 2023 is to be 68.

I have also considered the arrangements under section 88I(5) of the Act and find that they do not comply with requirements relating to admission arrangements in the way set out in this determination.

By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within one month of the date of the determination.

The referral

1. Hampshire County Council (the local authority (LA)), the admission authority for Leesland Church of England Junior School (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 voluntary controlled school for children aged 7 to 11 in Gosport, Hampshire. It has a Church of England religious character and the religious authority for the school is the Diocese of Portsmouth (the diocese). The school is part of the Leesland Schools Federation (the federation) along with the Leesland Church of England Controlled

Infant School which is 0.04 miles away on a site adjoining the school's own. The school was judged to be 'Good' by Ofsted in 2018.

3. The variation requested is a reduction of the Published Admission Number (PAN) for Year 3 from 90 to 68 for September 2023.

4. Parties to the request are the LA, the school and the diocese.

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 (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".

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

7. I am also satisfied that it is within my jurisdiction to consider the determined arrangements in accordance with my power under section 88I of the Act as they have come to my attention and determine whether or not they conform with the requirements relating to admissions and if not in what ways they do not so conform. I will refer to these as 'other

matters' and these are covered in the section entitled 'Consideration of the arrangements', later in this determination.

8. In considering the proposed variation and the 'other matters', I have had regard to all relevant legislation, and the Code.

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

a. the referral from LA dated 19 May 2023, supporting documents and further information provided at my request;

b. proof of notification by the LA of the school's governing body and appropriate bodies about the proposed variation;

c. the determined arrangements for 2023/24 and the proposed variation to those arrangements;

d. the determined arrangements for 2024/25;

e. comments on the proposed variation from the school and diocese;

f. the diocesan guidance to schools and accompanying model admissions policy and supplemental information form; and

g. information available on the websites of the LA, the school, the Department for Education (DfE) and Ofsted.

10. I had sight of the determination (case reference number VAR1500), which dealt with a request for a change to the school's faith-based oversubscription criteria for September 2021. That determination has no bearing on this variation request.

11. I note here that the arrangements for 2024/25 have been determined by the LA and have been published on the LA's website (with the PAN for that year being 90). 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.

12. 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

13. 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.

14. 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. Along with its namesake infant school in the federation, the school is one of eight schools in the LA's Gosport South East Planning Area (the planning area). Out of those eight schools, the school is one of two that admit to Year 3 (the others are either infant or primary schools admitting to YR). The number of places for those schools that only admit to Year 3 in the planning area is shown in Table 1 for the current and next academic year. I will not consider the Year 3 places in the four primary schools in the planning area as that is not the normal year of entry for those schools.

Table 1: Number of places in those schools that only admit to Year 3 in the planning area for the current and next academic year

Schools in the planning area admitting to Year 3	PANs 2022/23	PANs 2023/24
Alverstoke Church of England Controlled Junior School	64	64
Leesland Church of England Aided Junior School	90	90
Total Year 3 PAN:	**154**	**154**

15. If I agree to the variation requested for the school, this would reduce the number of places for admission into Year 3 in the planning area to 132 (a reduction of 22 places). I now turn to look at the 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 two 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

Schools in the planning area admitting to Year 3	Places offered 2023/24
Alverstoke Church of England Controlled Junior School	61
Leesland Church of England Aided Junior School	61
Total offers for places in Year 3:	**122**

16. Comparing the data for 2023/24 from both Tables 1 and 2 shows that there will be a surplus of 32 places (21 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 leave a surplus of 10 places (7.5 per cent).

17. Turning now to look at the situation for the school, the LA believes that demand for school places has reduced since the determination of the arrangements in February 2022, and has made the request for the PAN to be reduced to 68. The LA stated:

> "The reduction of the PAN to 68 will allow the school to operate 11 classes across the school from September 2023. This will protect the school from financial difficulties and will enable them to plan their staffing with certainty for the next academic year."

18. 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

Class	Year 3	Year 4	Year 5	Year 6
1	25	-	-	-
2	27	-	-	-
3	27	-	-	-
4	-	29	-	-
5	-	29	-	-
6	-	27	-	-
7	-	-	27	-
8	-	-	30	-
9	-	-	26	-
10	-	-	-	30
11	-	-	-	30
12	-	-	-	28
Totals:	**79**	**85**	**83**	**88**

19. If I approve the PAN variation requested by the LA, it told me that the school would run an 11-class structure across the school from September 2023.

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

> "Agreement to reduce the Published Admissions Number from 90 to 68 would enable the school to operate 2 classes in Year 3 rather than 3 classes. There are currently 61 pupils expected to join Year 3 in September 2023. This would leave 7 places for in-year applications whilst providing the school with the security of knowing there will not be children joining above this number, meaning that we do not need to have a 'spare teacher' available which the budget cannot accommodate. Having liaised with the local authority, we are confident that there are enough school places both at Leesland and at other local schools for local children in this cohort to be able to attend a local school and to provide for parental preference."

21. 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:

> "There is currently a teacher […] whose fixed term contract comes to an end on 31st August 2023. This teacher is fully aware that their contract is not likely to be renewed and they are not looking to remain working at the school in September 2023. This is how we will be able to make the necessary staffing changes at this late stage in the school year. The school is currently struggling to recruit members of support staff (Learning Support Assistants) so there will not be a surplus of support staff in September 2023."

22. 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.

23. 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 LA did not consider a reduction to 60 to be appropriate during the consultation and determination process as 68 children were originally admitted to the current year 2 cohort in September 2020 when they were year R. Whilst children have since left the cohort, at the first census point, the cohort had 70 children on roll, and at the time that PANs were being considered in Autumn 2021, numbers still remained over 60 in the then year 1 cohort. Therefore, at this point, there was a danger that a PAN reduction to 60 would frustrate local catchment demand, and furthermore, create possible transition difficulties for children already attending the linked infant school. Whilst it is accepted a PAN reduction to 75 could have been safely considered without frustrating catchment demand, or the linked school children transferring, the school's preferred organisational structure is discrete year groups to support their school improvement, curricular and financial priorities, so 75 was not considered to be a helpful reduction for the school at that time.
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> In February 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 three small classes in the year 3 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, by giving them security to only run two classes in the cohort."

24. The diocese told me that:

> "[…] having considered the case put forward by the school, we support the request to reduce the PAN for Year 3 for 2023 intake."

25. Schools are largely funded by the number of children and one of the highest costs is staffing. The drop in pupil numbers over the last few years, in line with a general decline in birth rate nationally, has meant financial difficulties for the school but the reduction in PAN to 68 will enable them to plan their staffing with more certainty. The variation leaves some spaces in Year 3 and the data from the LA show that there are sufficient vacant places in the planning area if there are further requests for places.

26. I find that the variation requested is justified by the circumstances and approve the proposed reduction in PAN to 68 for the school for September 2023.

Consideration of the arrangements

27. Having considered the arrangements as a whole it appeared to me that the following matter does not conform with the requirements of the Code and so I brought it to the attention of the LA and, as the issue I raised originates from the school's website, the school. I have listed this matter below setting out the relevant paragraphs of the Code and where the arrangements do not conform to requirements.

27.1. The LA has published the school's admission arrangements on its website (including those for 2024/25 and as such has met the requirements of paragraph 1.50 of the Code). However, the school has admission pages on its website through which parents may choose to access admission information. In doing so, parents will find that:

- the admission pages of the school's website have links only to the arrangements for 2022/23;
- the admission arrangements for 2023/24 are not linked to (or referred to) on the admissions pages (though can be found on the school policies page if parents know to look there or use the search function of the site); and
- there is no link to the arrangements for 2024/25 on the school's website.

Although the school is not the admission authority, there is an issue for the LA in that the admissions process is not clear for those parents who are accessing information through the website of the school for which it is the admission authority (paragraphs 14 and 1.8 of the Code).

28. The LA and school have both told me that they are working together to address this matter, as permitted by paragraph 3.6 of the Code, which is welcomed. The LA also sought to reassure me that:

> "The LA can confirm that the consultation and determination of the school's admission arrangements was in line with the requirements in the School Admissions Code, with the arrangements for 2024/25 determined on 21 February 2023, made available shortly after that date for schools to add to their websites and published on the County Council's website by the deadline of 15 March 2023."

29. As it is accepted that changes are required, I will not discuss them further other than to make clear that the Code requires that the arrangements be amended to address the points set out here.

30. The deadline for this to be addressed is within one month of the date of this determination. This does not, of course, affect the requested variation which comes into force immediately.

Determination

31. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by the local authority for Leesland Church of England Junior School, Gosport for September 2003.

32. I determine that the PAN for September 2023 is to be 68.

33. I have also considered the arrangements under section 88I(5) of the Act and find that they do not comply with requirements relating to admission arrangements in the way set out in this determination.

34. By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within one month of the date of the determination.

Dated: 22 June 2023

Signed:

Schools adjudicator: Dr Robert Cawley