



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2331

Admission authority: Hampshire County Council for Fryern Infants School,
Chandler's Ford, Eastleigh

Date of decision: 27 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 Fryern Infants School, Chandler's Ford, Eastleigh for September 2023.

I determine that for September 2023 the published admission number will be reduced from 60 to 45.

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 Fryern Infants School (the school) to the adjudicator. The school is a community school for children aged four to seven in Chandler's Ford, Hampshire.
2. The proposed variation is to reduce the published admission number (PAN) from 60 to 45.

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 evidence and 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 this matter I have had regard to all relevant legislation, and the Code. 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, the school and the Department for Education.

The proposed variation

6. The proposed variation is to reduce the PAN of the school from 60 to 45 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. When an admission authority wants to reduce the PAN at a school before it determines its arrangements, it is required to consult parents and others listed in paragraph

1.44 of the Code for at least six weeks. This allows public scrutiny of the proposed new PAN. Once arrangements have been determined, they may only be varied in limited circumstances. The variation process is set out in paragraph 3.6 of the Code. That process is designed for use when there is a “major change in circumstances” occurring since the arrangements were determined. An example of a major change in circumstance might be where an unanticipated problem occurs with a school building requiring remedial work that temporarily reduces the capacity of the building without leaving time to consult on any necessary changes to admission arrangements. The variation process does not include the wider consultation process. In this case the variation requested is for a reduction in the PAN from 60 to 45 at the school for September 2023 with the intention that the school will know with some certainty the maximum number of children that will be admitted into Year R during the school year commencing September 2023. In September 2024 the school intends to organise Years 1 and 2 into mixed age classes and operate three classes across those year groups instead of the current four classes. I am concerned that parents and others should be able to have their views fully considered when changes are made to admission arrangements whenever possible and as required by the Code.

9. There is one further important point I should make for the avoidance of doubt. The PAN does not apply beyond the year of normal admission, which in this case is Year R. Decisions about whether or not there are places available in the cohort in subsequent years, for example in Year 1, are made by the admission authority and the Code requires that places will be offered if there is space available. The decision about whether or not there is space available is made on the basis of any potential prejudice to the efficient delivery of education or use of resources in the school. For year groups other than Year R, the admission authority could choose to argue that the number of places are limited by the number of classes and the number of children within them to the extent that in order to admit a child it might be necessary to create an additional class in order to comply with the School Admissions (Infant Class Sizes) (England) Regulations 2012 but the school would not receive sufficient budget to be able to fund such an additional class and in consequence refuse to offer a place. In such a circumstance, if an applicant wishes to appeal against a refused application for in-year admission they have the right to do so to the admission authority’s independent appeal panel.

10. Before I consider the proposed variation, I should note that the local authority determined the 2024/25 arrangements, including the PAN, for the school on 21 February 2023. The PAN is 60 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 Year R at the school for 2023. If the local authority and the school wish to vary the arrangements for 2024 there will need to be a further request for a variation submitted.

11. The school is currently operating with a PAN of 60 and there are 6 classes with 2 classes of up to 30 children in each year group. In May 2023 the numbers in the classes were as shown in the following table:

Class	YR	Y1	Y2
1	20	-	-
2	20	-	-
3	-	28	-
4	-	28	-
5	-	-	22
6	-	-	22
Total	40	56	44

12. The table below shows the number of children that are predicted to be in the school from September 2023 based on the offers that have been made. The school intends to continue to operate with two classes in each year group in September 2023. At that point – and subject to any children leaving and joining in year – it will have the following numbers in each year group:

2023	YR	Y1	Y2
-	42	40	56

From September 2024, when the larger Year 2 group of 56 has moved on to junior school the school intends to operate with three mixed age classes across Years 1 and 2 while retaining two classes In Year R.

13. The numbers for Year R in September 2024 will not be known until places are allocated for that year. However, I asked the local authority to provide its forecast numbers for schools in the area for 2024 and 2025 and these figures are set out in the following table:

SCHOOL	2024	2025
Year R Intake		
Chandler's Ford Infant School	49	51
Fryern Infant School	46	34
Hiltingbury Infant School	76	71
Knightwood Primary School	50	39
Otterbourne Church of England Primary School	30	32
Scantabout Primary School	22	20
St Francis C E Primary School	49	39
St Swithun Wells Catholic Voluntary Aided Primary School	16	15
Total	338	301

It will be for the local authority to come to a view about whether or not to seek a further variation for September 2024 and I would urge the local authority to also consider whether it should be consulting on a change in the PAN for September 2025 in the consultation

window later this year so that parents and other interested parties have the opportunity to comment before the arrangements are determined in February 2024.

14. In order to approve this variation, I need to be satisfied that there will be sufficient spare places to meet the needs of the local area and provide places for children moving into the area. There have been 42 places allocated for September 2023 and if I agree that the PAN is reduced to 45 there will be three spare places available. The local authority has said that there are further places in schools less than half a mile from this school and I am satisfied that there are sufficient places in the area to be able to offer children moving into the area a place at a nearby school.

15. A variation can be requested if there has been a major change in circumstances which come after the admission arrangements have been set. In this case the change in circumstance is that the number of children applying for places was fewer than had been anticipated and the school needs to be able to plan to reorganise its classes in order to remain within its budget. I find that the variation is justified by the circumstances and approve the proposed variation.

Determination

16. 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 Fryern Infants School, Chandler's Ford, Eastleigh for September 2023.

17. I determine that for September 2023 the published admission number will be reduced from 60 to 45.

Dated: 27 June 2023

Signed:

Schools adjudicator: David Lennard Jones