



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2344

Admission authority: Hampshire County Council for Northern Infant School, Portchester

Date of decision: 14 July 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 Northern Infant School, Portchester for September 2023.

I determine that the Published Admission Number for September 2023 is to be 45.

The referral

1. Hampshire County Council (the local authority (LA)), the admission authority for Northern Infant School, Portchester (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 five to seven in Portchester, Hampshire. The school is part of the Federation of Northern Infant and Junior Schools.
3. The variation requested is a reduction in the current Published Admission Number (PAN) for reception year (YR) from 60 to 45 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 (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);
- 6.2. the appropriate bodies were notified on 2 June 2023 and no comments were received 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 30 May 2023, and supporting documents;
- b. the determined arrangements for 2023/24 and the proposed variation to those arrangements;
- c. comments on the proposed variation from the school; and
- d. information available on the websites of the local authority, the school and the Department for Education (DfE).

9. I note 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.

Consideration of proposed variation

10. 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 five schools in the LA's Portchester Primary Planning Area (the planning area). The school is one of four that admit to YR (the other is the junior school in the same federation that admits to 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

Schools in the planning area admitting to YR	PANs 2022/23	PANs 2023/24
Castle Primary School	60	60
Northern Infant School	60	60
Red Barn Community Primary School	30	30
Wicor Primary School	60	60
Total YR places:	210	210

11. 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 195. 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 four schools as follows:

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

Schools in the planning area admitting to YR	Placed offered 2023/24
Castle Primary School	43
Northern Infant School	38
Red Barn Community Primary School	30
Wicor Primary School	60
Total offers for places in YR:	171

12. Comparing the data for 2023/24 in Tables 1 and 2 shows that there will be a surplus of 39 places (18%). 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 24 places (12%) across the planning area and seven places at the school.

13. The LA has told me that the school is currently operating six discrete classes with two classes in each year group:

Class	YR	Y1	Y2
1	20	-	-
2	19	-	-
3	-	24	-
4	-	27	-
5	-	-	30
6	-	-	30
TOTAL	40	52	60

14. I note from the minutes of the meeting of the governing body of the Federation on 18 May 2023 that the school has a projected financial deficit as a result of falling numbers on roll. If no change is made to the staffing structure, the projected deficit for 2024/25 is £193,980. If the change is made, the school has an opportunity to significantly reduce staffing costs for the next academic year as a result of “natural savings” arising from “teachers on maternity leave returning to job share and non-renewal of a fixed term LSA [learning support assistant] contract that ends at the end of this academic year”. In that case, the projected deficit will be reduced to £77,723, which can be met through surpluses carried forward from previous years.

15. If the proposed variation is approved and PAN is reduced, the proposed class structure for September 2023 would be two YR classes and three mixed Year 1/2 classes, reducing the number of classes to five for academic year 2023/24. The executive headteacher and chair of governors confirmed, in response to my request for their comments on the LA’s proposal “... if we continue to run 6 claseses with the birth rates and projected pupil numbers reducing we will need to restructure which will result in potential staff redundancy in 2024/25.”

16. It is important to note here, however, that the LA predicts rising numbers of children for admission in 2024 and 2025:

Table 3: forecast numbers of pupils for the planning area for the next three years

SCHOOL	2023	2024	2025
YR Intake			
Castle Primary School	43	40	57
Northern Infant School	35	52	49
Red Barn Community Primary School	30	27	32
Wicor Primary School	68	52	53
YR Total	176	171	191

17. The school has therefore committed to keeping the sixth classroom as a teaching space for the time being, should pupil numbers increase in line with the forecast.

18. The drop in the number of children of YR age in recent years has meant financial difficulties for the school. The reduction in PAN to 45 for 2023/24 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 and indeed there will be vacant places at the school if there are further requests for places.

19. I find that the variation requested is justified by the circumstances and approve the proposed reduction in PAN to 45 for the school for September 2023.

20. However, I pause here to note there is no formal consultation required for a variation and so parents and others do not have the opportunity to express their views. It is generally 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.

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 Northern Infants School, Portchester for September 2023.

22. I determine that the Published Admission Number for September 2023 is 45.

Dated: 14 July 2023

Signed:

Schools adjudicator: Helen Jeffrey