



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2362

Admission authority: Hampshire County Council for Peel Common Junior School, Gosport

Date of decision: 27 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 Peel Common Junior School, Gosport for September 2023.

I determine that for September 2023 the published admission number will be 33.

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 Peel Common Junior School (the school) to the adjudicator. The school is a mixed community school for children aged seven to eleven in Gosport.
2. The proposed variation is to reduce the published admission number (PAN) from 60 to 33.

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

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

- a. the referral from the local authority dated 10 July 2023, supporting documents and further information provided at my request;
- b. the determined arrangements for 2023;
- 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 and the Department for Education.

The proposed variation

6. The proposed variation is to reduce the PAN of the school from 60 to 33 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. Before I consider the proposed variation, I should note that the local authority has determined the 2024/25 arrangements, including the PAN, for the school on 21 February 2023. The PAN is reduced to 45 for 2024. The determination was made following a

statutory consultation to which there were no responses (report of the Head of Admissions at the local authority, dated 21 February 2023). As the arrangements have already been determined, my decision on this application will not affect that determination and the PAN for 2024 will remain as determined at 45. My decision affects only admissions to year 3 at the school for 2023.

9. The local authority offered 32 places at the school on National Offer Day. It states the issue in the following terms:

“The school’s current numbers on roll are shown below:

	Key Stage 2				
Class	Y3	Y4	Y5	Y6	Total
1	10	12			22
2	11	12			23
3	10	12			22
4			15	14	29
5			9	17	26
6			15	13	28
TOTAL	31	36	39	44	150
PAN	60	60	60	60	

You will see that the numbers are incredibly low across the school and with the largest year group leaving in summer 2023 the school finds itself in a position whereby it is not recruiting as many students as it is losing when they leave the school.

Without the numbers to support this PAN of 60, the school are faced with a difficult position whereby they cannot financially afford to operate a PAN of 60 when there is no requirement and will therefore need to continue operating mixed year groups across the school.

Other schools in the local area that have capacity for year 3 September 2023 (distance measured in straight line miles):

- Alver Valley Junior School 1.49 miles
- Elson Junior School 1.83 miles
- Grange Junior School 1.01 miles
- Rowner Junior School 0.85 miles

The school have made 36 offers currently but some of these have been allocations and it is presumed that there will be drop out before September. If the PAN reduction to 33 is approved the school will work down to this number and not offer any places until they are below 33.”

10. The school has informed me that as at 21 July 2023, they expected 34 children to be admitted in September this year. If the proposed variation in the PAN is approved, the

school intends to reduce the number of mixed year 3 and year 4 classes from three to two, with 33 pupils in each class. I pause at this point to note that, whatever my decision, none of the places already offered can be withdrawn and all the children currently holding offers have a right to join the school in September this year. The local authority stated:

“Without the variation to the PAN, and without the financial resources to run a third mixed age year 3 and 4 class, there will be little protection for the school around their class sizes. The Governing Body’s preference is for 33 children in each class and are concerned that numbers over that will have a detrimental impact on the provision of education for those in each class.”

11. The local authority has a duty to make sure that there are sufficient school places for the children in its area. If I determine that the PAN reduces to 33 for admission in 2023, I need to consider if there are sufficient places to meet demand in September 2023. The local authority considers the availability of and the need for places in “planning areas”, that is geographical groups of schools. The school is in the Gosport Central planning area (the planning area) which consists of six schools which admit to reception class and five junior schools.

12. The local authority provided me with information about the number of places in the planning area, the number of children admitted in the last three years, the numbers of offers made in 2023 and the forecast for 2024. The local authority states in its referral to the OSA:

“On the national notification day for September 2023 admissions the school offered 32 places for Year 3 children. The planning area of Gosport Central Primary made a total of 267 Year 3 offers, however there are 285 Year 3 places available within that planning area currently. Based on these figures, there are sufficient places to accommodate the demand in the area.”

13. I asked the school for comments on the proposal to reduce the PAN, specifically the impact if the PAN is reduced or if it is not agreed. The Chair of Governors replied:

“... there are only 34 children presently with places for September 2023 in Year 3 and the existing number on roll for Year 4 in September 2023 is 32. The school has used vertical grouping for the last 3 years to address the falling numbers on roll and for this September, there are 2 classes of vertically grouped Year 3 and 4 children giving us class sizes of 33 in each classroom. We are asking to hold the class sizes at 33 for the following reasons.

The Governors are concerned that these large class sizes will have a detrimental effect on both the education of the children and on the wellbeing of the children. The classrooms themselves are not large which will lead to crowding and therefore have an impact on the education should there be more than 33 in a class.

If the proposal is not accepted, there is a risk that the class sizes could increase further.”

14. It is clear that numbers at the school have declined over the last few years: 43 children admitted in 2020; 35 in 2021; 32 in 2022 and now 34 expected to be admitted in 2023. The local authority told me that "... the school ... can no longer afford to run 3 mixed age classes in year 3 and 4, as they have done before as their number of admissions continue to be low, and by running two mixed age classes, the impact on their financial viability will be lessened. It is worth noting the cumulative impact of surplus places on a school's revenue budget, which has had a significant impact here as well."

15. Schools are largely funded by the number of children on roll and one of the highest costs is staffing. Declining pupil numbers could mean financial difficulties for the school and reducing the PAN to 33, which will enable them to reduce the number of classes, for 2023 will enable the governing board to make necessary savings. I am satisfied that there are sufficient vacant places in the planning area if there are further requests for places and that no child will be displaced from the school by the variation. I find that the variation is justified by the circumstances and approve the proposed variation.

16. I have considered whether any child is likely to be displaced by a reduction in the school's PAN, noting that the reduction is to 33 places but as matters stand, 34 pupils have been allocated and have accepted places. As I set out above my decision does not mean that a place could be taken away from one of those children. The local authority have given the following assurance:

"The Local Authority will honour all offers made prior to any variation to the PAN being agreed by the OSA. No child will be declined that has been offered over the proposed new PAN of 33. Rather the school will seek to manage back down to PAN when children leave."

Determination

17. 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 Peel Common Junior School, Gosport for September 2023.

18. I determine that for September 2023 the published admission number will be 33.

Dated: 27 July 2023

Signed:

Schools adjudicator: Helen Jeffrey