



Office of  
the Schools  
Adjudicator

## Determination

**Case reference: VAR2372**

**Admission authority: Portsmouth City Council for Mayfield School**

**Date of decision: 27 November 2023**

## Determination

**In accordance with section 88E of the School Standards and Framework Act 1998, I do not approve the proposed variation to the admission arrangements for Year 3 determined by Portsmouth City Council for Mayfield School for September 2024.**

**I determine that the published admission number for entry to Year 3 will not be reduced from 30 to zero.**

## The referral

1. Portsmouth City Council (the local authority) has referred a proposal for a variation to the admission arrangements for September 2024 for Mayfield School (the school) to the adjudicator. The school is an all-through community school for children aged 4 to 16 in Portsmouth.
2. The proposed variation was in two parts. Firstly, a reduction of the published admission number (PAN) for Reception from 60 to 30. This part of the referral was withdrawn. For the avoidance of doubt no reduction in the PAN of 60 for Reception in 2024 is approved.
3. The second part is a referral seeking approval to cease admitting external applicants to Year 3 constituting a reduction of the PAN for the intake into Year 3 for 2024 from 30 to zero. It is this aspect of the referral which will be considered in this determination.

## Jurisdiction and procedure

4. 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”.

5. 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.

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

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

- a. the referral from the local authority dated 28 September 2023, supporting documents and further information provided at my request;
- b. the determined arrangements for 2024 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

8. To cease admitting 30 additional children to Year 3 from September 2024.

9. 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

10. There is no formal consultation required for a variation and so parents and others do not have the opportunity to express their views. Once the PAN has been set for a particular year then no body, except the governing board of a community or voluntary controlled school, can object if that PAN remains the same in subsequent years. Clearly it is desirable 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.

11. The local authority has set out the background to this referral and the change of circumstances which gave rise to the proposed variation as follows:

“The school has recently been rebuilt through the DFE priority school building programme. This all through school has been built to accommodate 1420 pupils (420 in primary, 1,000 in secondary). However, the school had been admitting an additional 30 children into Year 3, which means that there will be potentially be 1560 children on a site that was intended for 1420 children.”<sup>1</sup>

And:

“Mayfield school was inspected in November 2022 and judged to be inadequate. The report highlighted a number of concerning issues, including that some pupils felt unsafe due to “disorderly and sometimes aggressive behaviour in school corridors”. An Academy Order has been issued for the school and a preferred Academy Sponsor identified for the school. The Academy Sponsor (the trust), working in partnership with the head teacher who was newly appointed in September 2022, have identified that the large number of pupils on site in buildings where outdoor space continues to be restricted is making it more difficult to maintain the consistently calm and orderly environment that everyone is working towards. The school, the proposed Academy Sponsor and the local authority therefore wish to work together to reduce the number of children on site as quickly as possible.”

12. I understand that the trust originally supported both parts of the proposed variation and now supports the withdrawal of the referral regarding the reduction of PAN for Reception and supports the cessation of an additional intake with a PAN of 30 to Year 3.

13. Since the referral was initially made, and since the extracts set out above were written, the school has written to say “in the light of the reductions we have already seen in primary numbers, the temporary reduction to numbers admitted into Year R is no longer required”. The local authority has confirmed its position “as the school and Trust no longer

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<sup>1</sup> If the school admitted to its full PAN and maintained those numbers in future years I calculate the total number of pupils in the school could potentially be 1540, rather than 1560.

wish to make the change, we will withdraw our proposed request to reduce the PAN for the Reception intake from 60 to 30”.

14. The Ofsted report following the inspection in November 2022 makes repeated reference to behavioural difficulties in the secondary phase. The are summarised in the opening paragraphs of the report under the heading “What is it like to attend this school?”. The paragraphs that follow state:

“Pupils in the senior school are not always protected from bullying and harassment. Many older pupils told inspectors that discriminatory language is used often in the school. A number of pupils and staff feel unsafe due to the disorderly and sometimes aggressive behaviour of some pupils in corridors. The new headteacher has taken action to reduce the most significantly poor behaviour. However, this has not yet had a strong enough impact. Many pupils and staff feel that the approach to managing behaviour is unfair and that expectations are not high enough. Behaviour in the primary phase is mostly positive and respectful. However, sometimes, the behaviour of a small number of younger pupils is not well managed, putting others at risk. Many pupils in the senior school want to learn and achieve well. However, they cannot always do so due to frequent disruption to lessons by pupils who do not want to engage in their learning. Pupils in the primary year groups are focused and follow the routines of the classroom well. Children in the early years make a positive start at the school. The school’s personal development programme has not ensured that all pupils in the senior school show tolerance and respect for one another. Some pupils do not fully understand the impact that discriminatory language has on others. Many pupils accept the use of homophobic and sexist language as ‘normal’.”

15. The Ofsted report does not specifically refer to the number of children being a cause of the behavioural problems. However, there is reference to aggressive behaviour in corridors and I accept that high numbers and hence overcrowding is likely to contribute to these issues.

16. The local authority and the school say that the school’s capacity is for 1420 pupils. This is divided into 420 pupils in the primary phase and 1000 pupils in the secondary phase. For the primary phase this divides evenly into seven year groups of 60 with two classes of 30 pupils in each year. The figure of 1000 pupils in the secondary phase would give 200 pupils per year group. The government website, Get Information About Schools (GIAS), puts the capacity at 1450, which, after deducting 420 for the primary phase would give 1030 for the secondary phase. The local authority tells me that the number given by GIAS is wrong and that the correct capacity number is 1420.

17. The number of pupils on roll throughout the school in November 2023 is set out in the following table.

Mayfield School- Number on roll 3 November 2023
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Year Group	Number On Roll
Year R	60
Year 1	58
Year 2	59
Year 3	76
Year 4	83
Year 5	87
Year 6	88
Year 7	195
Year 8	192
Year 9	197
Year 10	158
Year 11	192
Total	1,445

18. Over the last three years the number entering Reception has been at PAN, the school having been oversubscribed for entry to that year group. The number entering Year 3 over the last three years, and particularly in 2023, has been under the PAN of 30, as follows:

Year of entry	Number admitted
2025 (forecast)	16
2024 (forecast)	15
2023	17
2022	28
2021	27

19. The number of pupils entering Year 3 has been consistently below the PAN of 30 and in 2023 fell to almost half of PAN. This trend is forecast to continue with admissions for 2024 and 2025 remaining at about half of PAN. It is so far unclear whether the Ofsted outcome will cause admissions to fall further in Year 3, and possibly in Reception and Year 7. The Ofsted report was published on 3 February 2023, after the closing date of 15 January 2023 for both Reception and Year 3 so its effect on parental preferences is not yet

fully quantifiable. However, there were 24 first preferences for Year 3 in for September 2023 but only 17 external admissions. The local authority has explained this as follows:

“The closing date for additional admissions to Year 3 via the Junior Transfer process was 15 January 2023. The Ofsted inspection report deeming Mayfield school to be "inadequate" was published on 3 February 2023. The difference in number of first preferences and the number admitted is likely to be because some of the parents who had expressed a first preference for Mayfield changed their minds after the report was published and were able to secure places at alternative schools due to the surplus capacity in the area.”

20. The Ofsted publication date fell well after the deadline for secondary admissions in 2023 and consequently the effect of Ofsted on admissions to the secondary phase for September 2023 is not known. That is, parents would not have been aware of the outcome of the Ofsted inspection prior to submitting applications for entry to the school. There are currently 195 pupils in Year 7. The numbers of applications for Year 7 for September 2024 is as follows:

<b>On time preferences 2024</b>	1st	2nd	3rd	4th	5th	6 <sup>th</sup>	<b>Total</b>
<b>Mayfield School</b>	81	114	79	23	20	12	<b>329</b>

21. The local authority say with regard to the numbers above:

“Please note based on current forecast for year 7 September 2024, the number of on-time applications, we are projecting a surplus of 4 places for Secondary Transfer 2024. So although the number of [first] preferences for Mayfield is lower than the external PAN of 110, we will expect the school to be full on offer day 1<sup>st</sup> March 2024”.

I take this to mean that the local authority expects there to be four surplus places across all relevant secondary schools and that consequently all secondary schools, including Mayfield School, will be full or almost full in Year 7 in September 2024.

22. The projected overall number of pupils in the school for the next two years, if the variation is or is not agreed, is shown in the following table. For joiners in Reception and Year 3 this is based on forecast numbers provided by the local authority. I have allowed for a maximum number in Year 7 which is a combination of those moving up from Year 6 and external applications amounting to a total of 200 pupils starting Year 7 at the school. I have assumed that class numbers will remain the same as the cohort move up a year. I am aware that forecasts may be wrong and there may be leavers and joiners from time to time throughout the relevant years.

	If the variation is agreed				If variation is not agreed			
Year	Leaving Year 11	Joining YR	Joining Y7 from elsewhere	Total in school	Joining Y3	Moving to Y4	Total in school	
2023				1445				
2024	(192)	60	112	1425	15		1440	
2025	(158)	60	113	1440	16	15	1471	

23. If I approve the variation for 2024 there will be, if the forecast is correct, 20 fewer pupils in the school in the 2024-2025 academic year. It would also mean that fifteen pupils whose parents wish them to attend the school from Year 3 onwards, probably until Year 11, will be displaced. Although some of these may secure Year 7 places in due course, it is quite possible that this would in turn displace others who wish to attend the school.

24. I accept that there will be places available in other local schools for any displaced pupils at Year 3. Every child living in the catchment area for the school will also live in the catchment area for another local school. Nevertheless, this would have a significant impact on parental preference.

25. I do not find it likely that a fall in overall numbers in the school of fifteen pupils, particularly fifteen pupils who are at this stage in the primary phase, will have any great impact on the behavioural issues identified in the Ofsted report.

26. The school have said, in support of a variation to the PAN for Year 3 (but not for Reception):

“The reasons for this decision is that it is still essential that the school PAN reduce to the school capacity of 1420. The additional intake of pupils into year 3 (30 children) continues to put pressure on the space available to deliver the appropriate curriculum and intervention for our primary pupils and this would be a need for the school. Additionally, increasing pupil numbers in year 3 continues to significantly disrupt the dynamic of a settled year group, most of which have been attending Mayfield since year R.”

27. I have taken this into account. The school has been admitting pupils to Year 3 for some years and this issue was not considered sufficiently pressing for the local authority to have consulted on changing the Year 3 PAN prior to determining the admission arrangements for 2024. On balance I do not consider the possible prejudice to the school in admitting the forecast 15 pupils to Year 3 in 2024 to outweigh the prejudice to parental preference. In addition this will avoid what is likely to be a permanent cessation of external admissions to Year 3 without consultation and without a right to refer an objection to those changed admission arrangements to the adjudicator.

28. From the table above it will be seen that the current Year 10 has only 158 pupils. Those pupils will leave at end of the 2024/2025 school year and, if the Year 3 entry remains, the total number of pupils in the school may rise to 1471. However, the admission arrangements for 2025 have not yet been determined. There is still time to consult on changes, including a change to the Year 3 PAN for 2025 entry. The requirements for consultation are set out in paragraphs 1.45 to 1.47 of the Code and the minimum period for consultation is six weeks ending, at the latest, on 31 January 2024. The local authority, the school and any academy trust can then make a decision with the benefit of all relevant stakeholders' views. Following consultation, if a change is made when the admission arrangements for 2025 are determined, then the right to object to the adjudicator could be exercised.

29. I find that the variation is not justified by the circumstances and do not approve the proposed variation.

## **Determination**

30. In accordance with section 88E of the School Standards and Framework Act 1998, I do not approve the proposed variation to the admission arrangements for Year 3 determined by Portsmouth City Council for Mayfield School for September 2024.

31. I determine that the published admission number for entry to Year 3 will not be reduced from 30 to zero.

Dated: 27 November 2023

Signed:

Schools adjudicator: Mr Thomas Brooke