



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2403

Admission authority: Hampshire County Council for Crofton Anne Dale Infant School in Stubbington, Hampshire

Date of decision: 15 May 2024

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 Crofton Anne Dale Infant School for September 2024.

I determine that the published admission number shall be 60.

The referral

1. Hampshire County Council (the local authority) has referred a proposal for a variation to the admission arrangements for September 2024 (the arrangements) for Crofton Anne Dale Infant School (the school) to the adjudicator. The school is a community school for children aged four to seven in Stubbington.
2. The proposed variation is to reduce the published admission number (PAN) for admission in September 2024 from 90 to 60.

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 (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”.

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.
5. In considering this matter I have had regard to all relevant legislation, and the Code.
6. The information I have considered in reaching my decision includes:
 - a. the referral from the local authority dated 26 March 2024, supporting documents and further information provided at my request;
 - b. the determined arrangements for 2024 and the proposed variation to those arrangements;
 - c. minutes of the governing board’s discussion of the proposed variation and a further letter from the co-chair of governors supporting the proposal;
 - 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

7. The local authority sent in a request on 26 March 2024 that the PAN for the school for September 2024 be reduced from 90 to 60. They stated that there were 59 first preferences for the school at the time of the variation request. In their request they state that:

“The planning area of Crofton Primary has 150 year R spaces, but there are currently only 110 first preference applications naming the schools in the planning area, therefore there are sufficient places to accommodate the parental preference demand in the area even if the reduction was agreed.”

This indicates that there could be 40 vacant reception year (YR) places across the two schools in the planning area.

8. The school's PAN for 2023 was reduced from 90 to 60 via a variation dated 4 May 2023 (VAR 2319). The PAN for 2025 is set at 60 following a statutory consultation.
9. The school is one of two schools in the town of Stubbington that admit children to YR. Both schools are infant schools providing education for children aged four to seven. There are two junior schools linked to the two infant schools which provide education for children aged seven to eleven. The school is linked to Crofton Anne Dale Junior School.
10. The local authority has indicated that the other infant school in the planning area, Crofton Hammond Infant School, has 51 first preferences for 2024 with a PAN of 60. Therefore, they consider that there would therefore still be sufficient surplus capacity of infant places within the planning area if the school's PAN were to be reduced to 60 for September 2024.
11. The map provided by the local authority shows that Stubbington, where these schools are situated, has quite dense housing bordered by rural areas on three sides and the sea on the other. However, there are other schools which admit children to YR less than two miles from the school in the neighbouring towns of Fareham, Gosport and Lee-on-the-Solent.
12. The local authority has explained that the school is currently operating with eight classes; two classes in the current YR and three in each of years one and two. The reduction to two classes in YR followed the reduction of the PAN to 60 in May 2023. The local authority is conscious that the school is one affected by the provisions in the School Admissions (Infant Class Size) (England) Regulations 2012 (the infant class size regulations) which require that infant classes (those where the majority of children will reach the age of five, six or seven during the school year) must not contain more than 30 pupils with a single qualified school teacher except in specific exceptional circumstances. The infant class size regulations therefore apply to YR.
13. The local authority is concerned that, if their request to reduce the PAN at the school to 60 were not granted, the school might have to admit over 60 children but substantially fewer than 90. This would necessitate a third class with a qualified teacher without the school receiving sufficient funding to pay for that teacher. They state that the school was subject to a deficit recovery plan in 2022/23 when this situation had previously arisen and do not wish the school to be placed in a similar situation again.
14. The local authority, as the admission authority for the school, carried out a statutory consultation on a reduction of the PAN from 90 to 60 for 2025 and this is the published admission number determined for that year.
15. 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

16. 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 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.

17. The local authority has a duty to make sure that there are sufficient places for the children in its area. To fulfil this duty, the local authority assesses the likely future number of places to be needed and plans to meet that need. The local authority uses planning areas, which are geographical groups of schools, for this purpose. As described above, there are two schools admitting children to YR in the school's planning area. Table 1 below summarises the number of children admitted to these schools in recent years and the number of offers made for 2024.

Table 1: numbers of school places and numbers of children admitted to, or offered places in, YR in schools in the planning area

	2021	2022	2023	2024
Sum of PANs of schools in the planning area for YR	150	150	120	150
Number of children admitted or offered a place	148	141	112	111
Vacant places	2	9	8	39
Vacant places as a percentage	1.3	6	6.6	26

18. The information provided by the local authority shows that the admission numbers for the two infant schools had been reasonably steady until 2023. There was then a significant drop for the school with only 59 first preferences having been made, giving rise to the request for a variation to reduce the PAN from 90 to 60 for September 2023.

19. The DfE document, "Basic need allocations 2025-26: Explanatory note on methodology", refers to the need for two per cent surplus capacity in the number of school places "to provide an operating margin for local authorities. This helps to support parental choice, pupil population movement, and general manageability of the system". Table 1 indicates that, if the reduction in the PAN was not approved, the percentage of surplus places would significantly exceed that recommended by the DfE.

20. If the PAN for 2024 were to remain at 90, there would be 26 per cent surplus places across the planning area.
21. In the event that the PAN reduction for 2024 was approved, the surplus capacity would be 7.5 percent and so remain well above the figure recommended by the DfE.
22. Table 1 also shows that, based on the current number of offers made, there could be 39 vacancies across the two schools. There have been 52 offers made for Crofton Hammond Infant School, which has a PAN of 60 and 59 offers made for the school. If the PAN for the school were to be reduced to 60 then all of the children for whom offers have been made would be admitted and there would still be 9 vacancies across the two schools. I am therefore satisfied that if the PAN for the school were to be reduced to 60, the local authority could meet its duty to provide sufficient school places.
23. The governing board is concerned that, if the PAN is not reduced to 60, a few more children might seek places, resulting in the year group containing just over 60 children at some point before the end of July 2025 when the relevant year of entry for 2024 would end. This would require considerable adjustments by the school to make sure it met the requirements of the infant class size regulations and would create additional financial pressure. Both the adjustments and the financial pressure could be to the detriment of the children at the school.
24. The reduction of the PAN which has been proposed by the admission authority will allow the school to plan efficiently and will bring the PAN for 2024 in line with that for 2023 and 2025. I can see no evidence that parental preference will be unduly frustrated by the proposed reduction in the PAN. I can also see the benefit to the school and to the children it educates if the PAN were to be reduced to 60 for 2024. For these reasons, I find that the reduction in the PAN is justified by the circumstances and I therefore approve the proposed variation.

Determination

25. 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 Crofton Anne Dale Infant School for September 2024.
26. I determine that the published admission number shall be 60.

Dated: 15 May 2024

Signed:

Schools adjudicator: Tess Gale