



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2413

Admission authority: Hampshire County Council for Leesland Church of England Controlled Junior School in Gosport

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 Leesland Church of England Controlled Junior School for September 2024.

I determine that the published admission number for admissions to year 3 in September 2024 shall be 68.

The referral

1. Hampshire County Council (the local authority) has referred a proposal for a variation to the admission arrangements (the arrangements) for September 2024 for Leesland Church of England Controlled Junior School (the school) to the adjudicator. The school is a voluntary controlled school for children aged seven to eleven in Gosport, Hampshire. The school has a Church of England religious character and is located in the local authority area of Hampshire and in the Church of England Diocese of Portsmouth (the Diocese). The Diocese is the school's religious body.
2. The proposed variation is that the published admission number (PAN) be reduced from 90 to 68 for admissions to year 3 (Y3) in 2024/25.

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 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 which was received on 19 April 2024, supporting documents and further information provided at my request;
- b. the determined arrangements for 2024 and the proposed variation to those arrangements;
- c. a map showing the location of the school and other relevant schools; and
- d. information available on the websites of the local authority, the school and the Department for Education.

The proposed variation

7. It is proposed to reduce the PAN from 90 to 68 for entry to Y3 in 2024/25.

8. The proposed variation has the support of the governing body and the Diocese. I note here that since the local authority has already determined the admission arrangements for September 2025 with a PAN of 68, my decision about this variation will have an effect on the PAN for 2024 only.

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.

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. 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 and so it is particularly important that the proposed variation is properly scrutinised.

11. The major change in circumstances relied upon by the local authority is set out in the referral, which was received after national offer day for September 2024 admissions (16 April 2024). The referral states:

“The Published Admission Number (PAN) at Leesland Church of England Controlled Junior School for the 2024/2025 academic year is currently 90. On the national notification day for September 2024 admissions the school offered 62 places for Year 3 children.”

“Because the offers for September 2024 are low, failure to reduce the PAN could result in the school needing to operate 11 classes when there are sufficient school places within the planning area and also the local proximity. If the school is unable to reduce their PAN for the 2024/2025 academic year, they may need to continue their 11-class organisation structure, as they will need to continue admitting children up to 90 if applications are made naming the school. This would not be financially viable when the school does not have the pupil numbers or forecast data to support this. For September 2023, the reduction of the PAN to 68 was agreed by the OSA. Also, the PAN for 2025 has been permanently reduced to 68 through the annual consultation process.”

“The reduction of the PAN to 68 will allow the school to operate 10 classes across the school from September 2024. This will protect the school from financial difficulties and will enable them to plan their staffing with certainty for the next academic year.”

12. I have accordingly given careful consideration to the latest available data in order to form a view about the sufficiency of school places in the local area if the PAN is reduced from 90 to 68 for 2024/25. I have also considered the demand for places at the school, the reasons given for the change, the potential effect on parental preference and whether the change is justified in these circumstances.

13. 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 areas each containing a number of schools, for this purpose. The school is one of two junior schools admitting children to Y3 in its planning area, and the local authority has provided me with data to show the numbers now allocated to those schools following national offer day. This is shown in table 1.

Table 1: numbers of school places at junior schools in the planning area and numbers allocated to Y3 for September 2024

| | PAN (prior to proposed variation) | PAN (after proposed variation) | 2024 Offers |
|--------------------------------------|-----------------------------------|--------------------------------|-------------|
| Alverstoke CofE Junior School | 64 | 64 | 63 |
| Leesland CofE Junior School | 90 | 68 | 61 |
| TOTALS | 154 | 132 | 124 |

14. The above data shows that if the proposed variation is approved, there are likely to be seven places available for entry to Y3 at the school in September 2024, and one at the other junior school. In order to gain a broader picture of sufficiency across the planning area as a whole, I therefore asked the local authority about the numbers and classes in current Year 2 (Y2) at the four primary schools in the planning area where Y3 is not a normal year of entry. In response, I received data to show that there are currently 13 places available across these schools, based on class sizes of 30. I am therefore satisfied that there is adequate sufficiency in the planning area for any additional children seeking a Y3 place in 2024/25 who might move into the area.

15. I therefore consider that the proposed variation will have no impact on sufficiency of Y3 places. I also note at this point that the allocation numbers for September 2024 are such that there has been no frustration of parental preference for the school.

16. I now turn to the number of children at the school and the reasons given by the school in support of the variation request, which refers to the governing board's wish to align its staffing and budget to the reducing number of children.

17. The school currently operates with children organised into eleven classes, as follows:

Table 2: current organisation of classes in key stage 2 at the school

| Class | Y3 | Y4 | Y5 | Y6 |
|--------------|-----------|-----------|-----------|-----------|
| 1 | 31 | | | |
| 2 | 31 | | | |
| 3 | | 27 | | |
| 4 | | 26 | | |
| 5 | | 26 | | |
| 6 | | | 27 | |
| 7 | | | 27 | |
| 8 | | | 28 | |
| 9 | | | | 29 |
| 10 | | | | 27 |
| 11 | | | | 27 |
| Total | 62 | 79 | 82 | 82 |

18. If the proposed variation is approved, the school would be able to move from an eleven-class to a ten-class structure in September 2024. This would give the school an immediate financial benefit. If the PAN were to remain at 90, then any in-year applications in the 2024/25 academic year would have to be admitted until at least 90 have been admitted. The school plans to cap Y3 class sizes at 34, so it is likely that any admissions over 68 would create a situation where an extra class would have to be created, at considerable expense.

19. After consideration of all the factors above, I find that the proposed variation is justified by the major change in circumstances and I approve it. The Y3 PAN for 2024/25 will be 68.

Determination

20. 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 Leesland Church of England Controlled Junior School for September 2024.

21. I determine that the published admission number for admissions to year 3 in September 2024 shall be 68.

Dated: 15 May 2024

Signed:

Schools adjudicator: Clive Sentance