



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2438

Admission authority: Hampshire County Council for Foxhills Junior School,
near Southampton

Date of decision: 11 July 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 Foxhills Junior School for September 2024.

I determine that the published admission number be 70.

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 Foxhills Junior School (the school) to the adjudicator. The school is a community school for children aged seven to eleven in Ashurst near Southampton.
2. The proposed variation is that the published admission number (PAN) be reduced from 90 to 70 for September 2024.

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 and that the school’s governing body 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. The information I have considered in reaching my decision includes:

- a. the referral from the local authority, 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 governing body and further information in response to my enquiries;
- 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 DfE).

The proposed variation

6. The local authority has requested that the PAN for the school is reduced from 90 to 70 for admissions to year 3 (Y3) in September 2024. The local authority offered 69 places for Y3 and the governing body wishes to have two classes for Y3 with 34 or 35 pupils to a class. The school is in a federation with Foxhills Infant School (the infant school), which is close by although not on the same site. The infant school and the school have the same headteacher and governing body.

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. 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 body 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. Before I consider the proposed variation, I note that the local authority has determined the 2025 arrangements, including a PAN of 90, for the school. As the arrangements have been determined, my decision affects only admissions to Y3 at the school for 2024. If the local authority wished to vary the arrangements for 2025 there will need to be a further request for a variation submitted.

9. I will first consider the demand for places in the area, then the school and the reasons for the requested variation. Local authorities have a duty to make sure that there are sufficient school places for the children in its area. This requires the local authority to look at demand and potential future demand and the provision of places so it can plan accordingly. This is normally done on the basis of planning areas, these are geographical areas and the schools within them. The school is located to the west of Southampton and is part of a planning area of 13 primary schools. Nine of the primary schools admit children to YR, including six infant schools, and four admit children to Y3 as junior schools.

10. My considerations will focus on the demand and availability of places for Y3 in the junior schools for when children move on from the infant schools. A fellow adjudicator agreed a variation to another junior school in the planning area, Bartley Church of England Junior School (Bartley), so that its PAN was reduced from 96 to 68 for admissions in 2024. That reduction is reflected in the figures below. Table 1 shows the demand for places at the junior schools.

Table 1: the number of places at the junior schools, the number of first preferences and children admitted or offers made for Y3 at the junior schools

	2022	2023	2024
Sum of PANs for junior schools in the planning area	400	400	372
The sum of the first preferences for Y3 in the junior schools	351	341	332
Number of children in Y3 or offered a place in Y3 in the junior schools	360	347	323
Difference between the sum of the PANs and the number of children admitted or offered a place	40	53	49

11. Table 1 illustrates that there have been vacant places in Y3 in the junior schools in 2022 and 2023. The number of vacant places remains high for admissions to Y3 in 2024 even though the overall number of places was reduced by 28 by the variation agreed for

Bartley. The 49 vacant places across the four schools for 2024 admissions are around 13 per cent of the sum of the PANs, which is a high proportion. If I were to agree to the proposed variation, then the number of vacant places in the planning area would reduce to 29. This would still be eight per cent which is a generous proportion to meet the needs of any child requiring a place in Y3 following admissions in September 2024. This assures me that if the PAN were reduced to 70, there would be sufficient places in Y3 in the area for those moving into the area.

12. I will now consider the demand for places at the school. Table 2 shows a slight reduction in the number of first preferences and the number admitted (or offered a place) between 2022 and 2024.

Table 2: Admissions to the school

PAN: 90	2022	2023	2024
Number of first preferences	71	69	68
Number admitted or offered a place	74	72	68
Number of vacant places known or anticipated	16	21	22

13. There were 72 admissions to Y3 in 2023. Such a number gave the school a choice of two classes of 36, three classes of 24 or combining year groups, say with year 4. The school chose to provide three classes. The local authority explained that the governing body was at risk of a financial deficit. This relates to schools largely being funded on the basis of the number of pupils. The greatest expense to schools is staffing and so the ratio of staff to pupils is crucial to a governing body balancing its budget. If there are a low number of pupils to a class, this is an expensive model. Table 3 below shows the current organisation of classes at the school. Classes of around 30 are financially efficient and this has been arranged for years 5 and 6 (Y6). Of course, Y6 will be leaving at the end of this summer term and the incoming Y3 for September 2024 has far fewer children; probably a maximum of 68 compared to 87.

14. The school has considered the possibility of addressing the dilemma by introducing classes with more than one year group (mixed aged classes). This would give more flexibility in class sizes. For example, two year groups of 70 children would make 140 children for five classes of 28 to a class, which would be an economical model. The school said,

- “The federation is in place to secure continuity. We cannot have mono age classes in KS1 and mixed in KS2.
- We feel it may deter parents from choosing our school because, even above 30, mono age classes are more favourable.
- Mixed classes would not enable the juniors to fully implement our curriculum with fidelity to our vision and aims (we have mapped our curriculum year by

year to ensure knowledge can build sequentially and overtime and to combine year groups would compromise this).

- In my mind, there is no justifiable rationale for mixing children (we do not ability set, I am not prepared to discriminate against age, there would not a clear rational for placement) so it would be indefensible decision making.”

15. The school explained that it has an in-year deficit of £130,103 using its current class structure with 12 classes with three to each year group as shown in table 3. The in-year deficit will be met by school’s reserves, but this is not a financially sustainable situation.

Table 3: class organisation at the school

Class	Y3	Y4	Y5	Y6	Total
Birch	24				24
Lime	24				24
Willow	22				22
Cedar		23			23
Hawthorn		28			28
Hazel		27			27
Elder			31		31
Oak			29		29
Redwood			29		29
Beech				29	29
Elm				28	28
Maple				30	30
Total	70	78	89	87	324
PAN	90	90	90	90	360

16. In September 2024 there will be around 70 children in Y4 (the present Y3), and the school intends to provide two classes for Y4 with 35 to a class.

17. If the PAN were to be set at 70 for admissions in September 2024, then the school could also plan two classes for Y3 in the knowledge that no more than 70 would be admitted. If the PAN were to remain at 90 then there remains the possibility of up to that number being admitted. The risk would continue that just over 70 would be admitted and the school would either have two very large classes or create a third class with the attendant disruption to class organisation and the costs of three teachers plus other staff.

18. The school said,

“If we reduce to two classes in years three and four...our in- year deficit will reduce to £55,217 (£74,886 saving).”

19. Clearly the school needs to take measures to avoid financial deficit while maintaining educational standards. I asked the school to provide me with more information on its class organisation and the possible educational implications of 35 pupils to a class. The school explained,

“To ensure teachers can meet all children's emotional and social needs in a larger than average class size, [the headteacher has] deployed additional staff to each year group- two teaching assistants as opposed to one- to increase capacity to support children. This means each class will have three adults as often as possible. From September, leaders will be working closely with teachers to ensure that all children's academic needs are met through quality first teaching: teaching in response to a clear understanding of what children need now and next so they will not be disadvantaged by being in a larger class: they will still have learning matched to need to ensure they can make progress. For children who require pre-teaching or over learning, so they can keep up, the use of the third adult will ensure they are appropriately supported to fully access our curriculum. [The headteacher] expect[s] all teachers to plan learning responsively, based on daily assessment for learning. These principles apply regardless of class size as they are the best way to ensure that learning is appropriately pitched and matches children's pedagogical content understanding. Even in a class of 35, the teacher will be engaging in this process and children will still receive learning tasks that are right for them. Time is given to teachers to ensure they can do this and, from September, in recognition of increased class sizes, we have reduced directed time commitments to enable teachers to prioritise teaching and learning. To ensure these class sizes work for us, we will move this cohort into larger classrooms to ensure all children can safely and comfortably be accommodated, and to ensure that carpet space and reading areas are not compromised by additional seating.”

20. The school is therefore taking the steps that it believes will mitigate the effects of classes of up to 35 pupils. It is the school's decision to decide how it organises its classes and clearly it has implications in this case, which it has demonstrated that it has seriously considered. The local authority has demonstrated that there would be sufficient places in the area if the PAN is reduced to from 90 to 70. The school has provided evidence that it needs to take steps to address the in-year financial deficit and prevent it from becoming an overall deficit. There is no evidence that parental preference will be frustrated because all applications for September 2024 have been met. I therefore find that the variation is justified by the circumstances and approve the proposed variation.

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 Foxhills Junior School for September 2024.

22. I determine that the published admission number be 70.

Dated: 11 July 2024

Signed:

Schools adjudicator: Deborah Pritchard