



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2437

Admission authority: Hampshire County Council for St Thomas' Church of England Infant School, Woolton Hill

Date of decision: 31 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 St Thomas' Church of England Infant School, Woolton Hill for September 2024.

I determine that the published admission number for admissions to the reception year in 2024 shall be 30.

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 St Thomas' Church of England Infant School (the school) to the adjudicator. The school is a voluntary controlled school for children aged five to seven in Woolton Hill, Newbury, Berkshire, with a Church of England religious character. The local authority is the admission authority for the school and the Diocese of Winchester (the diocese) is the faith body.
2. The proposed variation is that the published admission number (PAN) be reduced from 45 to 30 for admissions to reception year (Year R) in 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. I have seen confirmation that the school’s governing body 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 dated 14 June 2024, supporting documents and further information provided at my request;
- b. the determined arrangements for 2024 and the proposed variation to those arrangements; and
- c. information available on the websites of the local authority, the school and the Department for Education.

7. The proposed variation is for a reduction in the school's PAN. In the interests of dealing speedily with this and the many other requests for variations along the same or similar lines for schools in Hampshire, adjudicators have not been considering other aspects of the admission arrangements. Therefore, nothing in this determination (or in previous determinations) should be taken as indicating that other aspects of the arrangements do or do not conform with the requirements relating to admissions.

The proposed variation

8. It is proposed to reduce the PAN from 45 to 30 for entry to Year R in 2024. This proposed variation has the support of the governing body, which includes a foundation governor appointed by the diocese.

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. I note here that the PAN for 2025 has already been determined to be 45, and so my decision will have an effect on the PAN for 2024 only.

11. The major change in circumstances relied upon by the local authority is set out in the referral, which states:

“The Published Admission Number (PAN) at St Thomas' CE Infant School for the 2024/2025 academic year is currently 45.

On the national notification day for September 2024 admissions the school offered 27 places for Year R children. The planning area of Kingsclere/Burghclere made a total of 111 Year R offers, however there are 162 Year R places available within that planning area currently. Based on these figures, there are sufficient places to accommodate the demand in the area.”

12. A letter from the school adds:

“We respectfully request that you approve our application, due to our need to protect the sustainability of our school's budget. Due to low pupil numbers, the school is looking to run a four class structure in 2024/25.

Given the Infant Class size rule of no classes larger than 30, failure to reduce the PAN could result in the school needing to operate another class when there are already 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 admitting children up to 45 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.”

13. I have 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 45 to 30 for 2024. 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 taking into account all relevant circumstances.

14. 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 based in the planning area of Kingsclere/Burghclere. I have considered the data that the local authority has provided for that area, in which there are seven schools (including the school) which admit pupils to Year R. This data shows the numbers of pupils allocated to the schools following national offer day (16 April 2024) and is set out in table 1 below.

Table 1: School places in the planning area, and allocations to YR for September 2024

	2022	2023	2024
Sum of PANs for Year R of schools in the planning area	172	167	162
Number of children admitted or projected to be offered a place	130	125	118
Vacant places	42	42	44
Vacant places as a percentage	24 per cent	25 per cent	27 per cent
Sum of PANs if variation approved			147
Vacant places if variation approved			29
Vacant places as a percentage if variation approved			20 per cent

15. The Department for Education document, “Basic need allocations 2025-26: Explanatory note on methodology”, refers to the need for two per cent surplus capacity “to provide an operating margin for local authorities. This helps to support parental choice, pupil population movement, and general manageability of the system”. From the data above I am satisfied that if the PAN of the school were to be reduced to 30 for 2024, there would be sufficient places left in the planning area for any children who might be seeking a Year R place. I also note that other data provided by the local authority shows that only two schools in the planning area were, on national offer day, allocated a number of children equal to their PAN. Any parents who still require a place for their child, or who do so over the course of the coming school year, currently have a choice of five schools in the area which have vacant places.

16. I turn now to the number of children at the school and the reasons given by the school in support of the variation request. I note at this point that 27 children were offered places at the school for September 2024 on national offer day, and the local authority expects that 29 children will be admitted. This confirms that there has been no frustration of parental preference.

17. For the sake of completeness I have considered whether the benefits to the school of lowering the PAN are a reasonable justification of any potential frustration of parental preference between now and the end of the 2024 school year. The request for the variation refers to financial pressures faced by the school and the wish to align class organisation and staffing to the number of children. The request stated that if the variation request was not approved the school may be required to create an additional class, and described the associated implications of this as follows:

“If the school are unable to reduce their PAN to 30 for the 2024/2025 academic year the school would not have financial protection over needing to run additional classes when pupil numbers are between 31 and 45 children in a year group. This would not be financially viable when the school does not have the pupil numbers or forecast data to support this.”

18. The local authority provided financial information which shows that a sizeable in-year deficit is forecast for the 2024-2025 financial year, resulting in an overall deficit in subsequent years unless action is taken to reduce costs. It is almost always the case that the largest proportion of a school’s expenditure is on staffing; the situation the local authority and school wishes to avoid is staffing classes of a size which are not financially viable.

19. The school is one affected by the provisions of 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 (paragraph 2.16 of the Code). The infant class size regulations apply to Year R, Year 1 and Year 2. Currently, the school organises its pupils into four classes: one class for pupils in Year R and three mixed age classes for children in Years 1 and 2.

20. If the PAN of 45 remains in place then even if no more than 30 children were initially admitted in 2024 who could be accommodated in a single Year R class, the school would be obliged to admit up to PAN if additional applications were received during the year. This could result in, say, 31 Year R children. If the school wished to avoid mixing classes across Year R and Key Stage 1, it would need to operate two Year R classes of a size that were not financially efficient. Further, this situation creates uncertainties in school organisation and staffing as the school would not know if or when an additional class would be required. As the local authority stated:

“The reduction of the PAN to 30 will protect the school from financial difficulties and will enable them to plan their staffing with certainty for future academic years.”

21. For all of the reasons above I agree that a reduction of PAN to 30 for 2024 would provide greater stability for the school and its pupils and benefit the school financially, and that this would outweigh any possible frustration of parental preference.

22. I note that the local authority is committed to supporting the school by providing more certainty for future years and trust that appropriate consideration will be given, in good time, to the PAN for 2025 and whether a variation for that year should also be requested.

23. I find that the variation for 2024 is justified by the circumstances and approve the proposed variation.

Determination

24. 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 St Thomas’ Church of England Infant School, Woolton Hill for September 2024.

25. I determine that the published admission number for admissions to the reception year in 2024 shall be 30.

Dated: 31/07/2024

Signed:

Schools adjudicator: Jennifer Gamble