



Office of
the Schools
Adjudicator

Determination

Case reference: ADA4278

Objector: Portsmouth City Council

Admission authority: United Learning Trust for Castle View Academy in Portsmouth

Date of decision: 30 July 2024

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements for September 2025 determined by United Learning Trust for Castle View Academy in Portsmouth.

By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of the date of the determination.

The referral

1. Under section 88H(2) of the School Standards and Framework Act 1998 (the Act), an objection has been referred to the adjudicator by Portsmouth City Council (PCC) (the LA) about the admission arrangements (the arrangements) for Castle View Academy (the school) (CVA), an academy secondary school for children aged between 11 and 16 located in Portsmouth (the City).
2. The objection is to the published admission number (PAN) of 180 which has been determined for the school for September 2025 following a period of consultation. The PAN had previously been set at 200. PCC argue that the reduction will lead to a shortage of school places in 2026 and 2027, thus leaving the LA at risk of failing in its statutory duty to provide sufficient school places.

3. The parties to this objection are:
 - a. United Learning Trust (the trust) (ULT) which is the admission authority for the school; and
 - b. PCC which is the objector and the local authority for the area in which the school is located.

Jurisdiction

4. The terms of the academy agreement between the multi-academy trust and the Secretary of State for Education require that the admissions policy and arrangements for the academy school are in accordance with admissions law as it applies to foundation and voluntary aided schools. These arrangements were determined on that basis by the local governing body of the school. ULT, who are the admission authority for the school, have confirmed that the local governing body of the school have the delegated authority to determine the school's admission arrangements. The LA submitted the objection to these determined arrangements on 25 March 2024. I am satisfied that the objection has been properly referred to me in accordance with section 88H of the Act and that it is within my jurisdiction.

Procedure

5. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).
6. The documents I have considered in reaching my decision include:
 - a. a copy of the minutes of the meeting of the school's local governing body at which the arrangements were determined;
 - b. a copy of the determined arrangements;
 - c. the objector's form of objection dated 25 March 2024 and supporting documents;
 - d. the school's and the trust's response to the objection, supporting documents and subsequent correspondence;
 - e. further correspondence from the LA and supporting documents;
 - f. information available on the websites of the local authority, the school, the trust and Department of Education (DfE);
 - g. details of the consultation on the reduction of the PAN and subsequent letters exchanged between PCC, the school and the trust;
 - h. a copy of the LA's School Capacity (SCAP) forecast methodology statement to explain how it forecasts pupil numbers; and

- i. maps of the area identifying relevant schools.

The Objection

7. The LA has set out its objection as follows:

“Portsmouth City Council wishes to object to the proposed reduction of the Published Admission Number (PAN) at Castle View Academy from 200 to 180 from September 2025. We would like the school to continue with their existing PAN of 200.

Local authorities are under a statutory duty to ensure a sufficient supply of school places. In Portsmouth we are seeing a growth in the secondary age population, and we are currently expecting to see the number of pupils entering Year 7 peak for the cohort joining secondary school in September 2027.

This demographic growth has long been forecast. When Castle View Academy (previously King Richard School) was rebuilt as part of a DFE school rebuilding programme the local authority provided £1.3m of basic need funding to enable the school to be rebuilt to accommodate 1,000 children (PAN of 200) rather than the previous 900 children (PAN of 180).

Our current forecasts indicate that we currently have 46 fewer places than we need in Year 7 places across Portsmouth by September 2027, a shortfall of roughly 2%. We are being provided with DFE basic need funding to create additional secondary places in the areas of the City with the greatest pressures and have early stage plans in place to deliver the additional places required. However, if Castle View were to go ahead and reduce their PAN to 180 we would need to provide the lost places elsewhere in the City. We do not have the funding to pay for these. Indeed, we have already paid £1.3m to secure these places at Castle View Academy.

Following a period when numbers at the school have been low, the school and the Trust are concerned that there is insufficient demand locally to need 200 places. However, Castle View Academy is now a "Good" school in Ofsted terms, with an improving reputation locally. For September 2024 Year 7 intake the school had 151 applicants who put the school as a first choice. 178 children were offered places at the school on national offer day. As the school's reputation continues to improve, and some of the large number of Portsmouth children who currently travel to Hampshire schools for their secondary education opt to stay more local, we expect these numbers to grow further. Any move to reduce the school's PAN before secondary numbers peak risks significantly reducing choice for local Portsmouth parents. We also need to ensure that as a local authority there is some degree of surplus capacity in the system to facilitate parental choice and to be able to respond flexibly to emerging demand. In the last two and a half years Portsmouth has experienced a significant influx of pupils new to country.”

Background

8. On 13 December 2023, the school's Principal wrote to stakeholders to initiate a consultation on behalf of the local governing body in relation to changes proposed to the admissions arrangements for September 2025. The letter stated that:

"Castle View Academy, like every other local secondary school, faces declining demand for places from September 2025.

We have therefore decided to consult on changing our Admissions Policy and reducing the number of admissions we make into Year 7 from September 2025, capping the number at 150 per year (a reduction from our current maximum of 200 students)."

9. On 22 January 2024, the LA formally responded to the school. Extracts from their letter include:

"With the school's "good" Ofsted rating and improving reputation locally we can expect that the number of families choosing Castle View as their first preference will increase, as we have seen for the 2024 admissions. As more children choose to come to Castle View we should see less of the pupil turnover that the school is looking to minimise.

You note in your consultation letter that Portsmouth is currently seeing a drop in numbers coming into primary schools. This is true both for Portsmouth as a whole and for the immediate Paulsgrove area. However, it is important to note that these smaller cohorts are in Years Reception to Year 2 only. At Key Stage 2 we are continuing to see larger cohorts - indeed, we have had to put bulge classes into Years 3 and 4 to accommodate the recent increase in pupil numbers we have seen across the City.

Our current projections suggest that the number of pupils joining Year 7 will not drop until September 2028. The cohorts starting secondary school between September 2024 and September 2027 will be larger than those we have seen in recent years. This is why we have been asking secondary schools to put forward proposals for expansion projects to accommodate the additional children who will be coming into secondary schools up to and including the September 2027 Year 7 intake.

I am therefore writing formally to object to your proposals to reduce the school's PAN from September 2025. The proposal if implemented would leave Portsmouth City Council at serious risk of not being able to provide sufficient school places for all secondary aged pupils resident in the City, and in breach of our statutory duty to provide sufficient places."

The LA attached numerical forecasts for secondary places up to and including 2029/30 in support of their response.

10. On 5 February 2024, the school wrote back to the LA:

“Notwithstanding the arguments in favour of a decrease in PAN, we do accept and agree that CVA [the school] is growing in popularity and higher numbers of our immediate community are opting to come here. This is welcome. It supports our ongoing improvement and allows us to plan for growth that is funded appropriately. Having completed the consultation and reviewed first and second choices for 2024, we are likely to change our admissions policies to reflect this growth, with a PAN of 180 rather than our initial 150.

I hope that this compromise proposal of a 180 PAN is more acceptable to the local authority and would remove the need to object to our consultation. In the happy event of CVA becoming subscribed over and above this figure in the future, we would of course be open to discussing planned over-admission, supported by bulge funding, in the usual way.”

11. On 27 February 2024, the local governing body met and used its delegated authority to determine the admissions policy for September 2025 with a PAN of 180.

12. On 28 February 2024, ULT wrote to the LA to inform them of the decision to determine the PAN at 180. I note here the following extract:

“The figure of 180 will enable the school to rationalise its budget and timetabling around a 6-form entry model, which is much more sensible and workable than a cohort of 200...

Should the 20 places we are removing from PAN be needed in any future academic year, we would of course enter into discussion with you / your colleagues on how to manage additional admissions or bulge classes.”

13. On 7 March 2024, the LA wrote to ULT to explain that they would be making an objection to the adjudicator if the arrangements were published with a PAN of 180 rather than 200. The LA set out its latest secondary places forecasts, and stated:

“Whilst we have a smaller cohort moving through in the current Year 5 who will be moving up to secondary school in September 2025, the September 2026 and September 2027 cohorts are larger, and we are currently projecting an overall shortfall of places in September 2027.

We have known about this demographic bulge for some time and have been putting plans in place to address this, plans which included putting £1.3m into the Castle View project to increase the school's capacity from 900 to 1,000 pupils. Whilst we have some limited funding from the DfE to pay for the additional places which will be required, we simply do not have the funding available to effectively pay twice for the places that have already been paid for at Castle View Academy.”

14. On 25 March 2024, an objection from the LA to the arrangements was received by the Office of the Schools Adjudicator.

Consideration of Case

15. At the outset, I note here the following points about the capacity of the school:

- a. The DfE's website "Get Information About Schools" (GIAS) states that the capacity of CVA is 1000.
- b. I downloaded the funding agreement published on the school's page of the GIAS website which also states a capacity of 1000. This agreement is for King Richard School, the previous name of the school prior to its transfer to ULT.
- c. The LA has provided evidence of its contribution of over a million pounds towards building work in order to increase the capacity of the school so that the PAN could rise to 200.
- d. Whilst I acknowledge that ULT were not party to any discussions between the LA and the governors of King Richard School, it is not in dispute that at some point, public money was spent to ensure that the school's buildings would be able to accommodate a yearly intake of 200 students.
- e. I will return to the school's arguments about the PAN later in this determination, since I consider that these do not relate fundamentally to the physical capacity of the school.

16. Central to this case is whether the reduction in the school's PAN to 180 will lead to a lack of school places in the City. The statutory duty to secure the provision of school places for an area rests with the local authority for that area and is set out in section 14 of the Education Act 1996. Where a local authority identifies a need for additional school places in order to meet this duty, it can make a case to the DfE for capital funding for what is called "basic need" for school places. Capital funding allocations are made to local authorities to meet the cost of providing such new school places whether by expanding existing maintained schools, free schools or academies, or by establishing new schools. However, funding for new places is only provided where the existing capacity of publicly funded schools is below the level of projected need for places.

17. This means that if the PAN of the school is 180, then over time there would be a "gap" of 20 places per year, leading to a shortage of 100 places in total after five years. If these places were needed by pupils seeking places, the LA would not be eligible for basic need funding for the gap, and consequently would need to find other sources of funding to provide these places.

18. It is also the case that whilst admission arrangements, including the PAN, must be determined each year, paragraph 3.3 of the Code prohibits certain types of objections. One such prohibited objection is to an own admission authority's decision to keep the same PAN. If the objection in this case is not upheld, the PAN for 2025 will be 180. If it is set

again at that level for 2026 then the LA would not be able to make an objection. If the decision to reduce the PAN means that there are insufficient school places available in the area then this has serious implications for the LA, as outlined in the previous two paragraphs. I will therefore need to consider in detail the forecasted need for school places over time, and not just for 2025.

19. The LA has provided me with a detailed description of its forecasting methodology. It tells me that it takes into account a wide range of data, including:

- a. Small Area Population Forecasts (SAPF) provided by Hampshire County Council on a yearly basis;
- b. live birth data from the Office for National Statistics;
- c. GP registration data provided by the DfE; and
- d. dwelling supply information from the local planning authority.

It describes its methodology as follows:

“Forecasting at the primary and secondary aggregate level is based on a cohort survival methodology which assumes that pupil numbers will roll forward from one year group to the next at the end of each academic year. The expected year on year changes that occur as a cohort progresses through a school (which may be influenced by such factors as migration, turbulence, demographic and building changes) are accounted for by calculating and applying transition rates.

At the aggregate level, secondary pupil forecasts are based on the highest value of the last 5 years of participation rates based on actual (School Census) and forecast numbers from the primary sector. Currently, Year 7 cohorts are approximately 91.5% of their Year 6 total in the previous academic year. Planning area forecasts are derived from the number of Year 6 pupils on roll at feeder schools adjusted by transfer rates. Where necessary the raw numbers for each school year are adjusted for changes to patterns of migration, the impact of large developments and expected changes in the patterns of movement of pupils between planning areas.

Years 7 to 11 are calculated using the same cohort survival methodology as primary forecasts. Where necessary the raw numbers for each school year are adjusted for changes to patterns of migration, the impact of large developments and expected changes in the patterns of movement of pupils between planning areas. At year 10 this includes the impact of Portsmouth UTC which takes 50% of pupils from outside leading the City to an increase in the migration of pupils into the City as the school fills at Year 10”

20. In response to my queries, the LA has confirmed forecast data from its 2023 SCAP survey, which has been calculated using the methodology outlined above. It differs from the data shared with the school in the LA’s consultation response dated 22 January 2024, but the LA tells me that this is because the consultation response data included those who are

likely to need places in special schools and other specialist settings. The confirmed forecast data has been adjusted to better forecast the need for mainstream places and also includes temporary increases to admission numbers. The LA tells me that:

“For the 2023 and 2024 intakes, with the larger cohorts coming through, we have negotiated for some schools a temporary increase to their admission number for September 2023 and/or September 2024.”

This data is set this out in the following table:

Table 1: Demand and supply for secondary places in the City (LA data)

	Sum of places available	Y7 children	Surplus (deficit)	Surplus (deficit) as a percentage of places available
2023/24	2244	2200 (original estimate)	44	2.0%
2024/25 (sum of PANs* prior to additional places agreed)	2194	2250 (original estimate)	(56)	(2.6%)
2024/25 (after some additional places agreed)	2254	2250 (original estimate)	4	0.2%
2024/25 (latest allocated, and after more places agreed)	2284	2203 (actual, supplied on 11 June 2024)	81	3.5%
2025/26 (projections)	2234	2145	89	4.0%
2026/27 (projections)	2234	2213	21	0.9%
2027/28 (projections)	2234	2280	(46)	(2.1%)

** one school is an all-through school and so I have used “sum of PANs” to mean “sum of PANs plus the number automatically transferring from Y6 at that school”*

21. The above data shows that whilst for 2024 it appears that there will be a modest surplus of places in Y7 of around 3.5%, that surplus is only possible because of the steps that the LA has taken to negotiate additional places over and above the PANs already determined. For September 2024, it has turned out that some of these places are no longer needed, but the LA would have not been able to meet the actual demand for places (2203) within the total of the originally determined PANs (2194). The projected surplus for 2026/27 is very small, even with some additional places agreed, and less than the 2% margin recommended by the DfE as an operating margin to support parental choice, pupil population movement, and general manageability of the system. A loss of 20 further places would effectively wipe out what little margin there is.

22. The LA has made it clear to me that it does not believe that there will be a lack of sufficiency in the City in 2025/26 if there are 180 places at CVA for admission to Y7. This is supported by the above data. However, I find the LA's argument about the implication for places in future years to be convincing. The data is clear that a loss of 20 places would compromise the ability of the LA to ensure that there are sufficient suitable secondary places in the City for entry to Y7 in 2026/27 and 2027/28.

23. I now turn to the arguments of the trust in support of its reduced PAN.

The demand for the school and its location

24. Portsmouth is a densely populated city, with many secondary pupils within easy travelling distance of a number of schools. CVA is located at the north-western tip of the City and the trust tells me that the school is essentially a community school for the local community of Paulsgrove, and not ideally located to accommodate students for whom a more central location might be more suitable. I understand that this can lead to a degree of churn whereby pupils join the school in-year and then leave when a more convenient space comes up, or to levels of absence that are higher than normal. However, this must be balanced against the LA's duty under section 14 of the Education Act 1996, which relates to the sufficiency of places across the LA as a whole, rather than to individual schools or planning areas.

25. In its letter of 13 December 2023 to stakeholders, the Principal of CVA states that the school "faces declining demand for places from 2025". However, table 1 above shows that there is a demographic bulge coming through to secondary schools in the City in 2027/28. In addition, the school received a "Good" Ofsted rating in June 2022 and preference data for the school shows that it has increased in popularity, as shown in table 2 below.

Table 2: preferences for CVA

	Total preferences (1 st to 6 th)	Number of 1 st preferences	Number of 2 nd preferences	Number of 3 rd preferences
2024	232	157	26	32
2023	183	137	22	18
2022	154	127	13	9

26. Even though the LA is forecasting a smaller overall cohort for 2025 (before it rises again in 2026 and 2027), it is not possible to be certain that the school will face a drop in demand for places. There are other factors at play, such as the possibility of rising numbers in the neighbouring county of Hampshire and the implications for the ability of parents in Portsmouth to send their children to school outside the City. Indeed, the LA has pointed out that there are currently a number of children resident in the City who live closer to CVA than to the schools outside the City they attend, and so they argue that it is reasonable to expect that any similar pressure on pupil numbers in Hampshire could also lead to increased demand for places at CVA.

The rationale for the size of the PAN

27. The trust tells me that:

“Our decision to reduce the PAN at Castle View Academy is made in the interests of providing a stable, successful, and cost-effective educational offer for the community of Paulsgrove. We see 180 as a logical cohort number, divisible into classes of 30 and conducive to an efficient planned curriculum and budget.”

28. The school has never admitted up to its earlier PANs of 200. It correctly points out that if a PAN is not reached, then any in-year admissions up to that number have to be admitted, and that “there is a natural degree of turbulence and movement in the Portsmouth area that militates against our efforts to provide stability and certainty at the school.” It quotes its experience of admitting 43 students to Y8 in September 2022 at the request of the local authority and the subsequent re-timetabling that was required. Undoubtedly, this was a difficult experience for the school, and I understand why it wishes to avoid a similar situation in future. However, I must point out that a PAN applies to the year of entry only, and therefore the school (whose normal point of entry is Y7) was not obliged to admit students in Y8 on the basis that Y8 had fewer students than the PAN for that cohort when it entered the school. There is indeed no PAN for Y8 at CVA or any other school which normally admits pupils in Year 7. The basis for admission to a year group at CVA other than Y7 is that the admission authority can only refuse admission where the admission of another child would prejudice the provision of efficient education or efficient use of resources. This means that it is perfectly possible for a school for which Y8 is “not full” to be

subject to greater prejudice if an extra child is admitted than one which is full in Y8, as shown in the following table for two hypothetical schools:

Table 3: illustration of prejudice in a year group not subject to the PAN

	PAN when the cohort entered the school in Y7	Number currently in Y8	Number of classes in the year group for most subjects	Typical average class size
School A	180	189	9	21
School B	180	145	5	29

This table shows that owing to how the school is organised, and despite any consideration that it is “not full”, school B actually has a much stronger prejudice argument for this cohort than school A which is “full”. There is, however, nothing stopping school B from admitting extra pupils if it is happy to accept the implications of choosing to do so.

29. I asked the trust if it had considered the use of a variation to the admission arrangements for its current Y7 and the trust replied that it had not. I will return to the matter of PAN variations in a later paragraph, suffice to say at this point that variations are a means by which a school can seek to vary aspects of already determined admission arrangements. For example, a school might wish to seek a variation to its PAN because circumstances arise such that it finds itself well below its PAN at the start of Y7, and therefore wishes to lower its PAN for the purpose of avoiding the potentially destabilising effects of excessive in-year admissions to Y7.

30. Leaving aside the matter of filling surplus places, the trust has explained that:

“United Learning Trust was not party to the discussions between the then King Richard School governors and the local authority at the time when decisions regarding the school building and increase in PAN to 200 were made. The Memorandum of Understanding between the parties did not transfer to United Learning Trust when the school became an academy. Whatever the case for a PAN of 200 at the time the school was built, in the current context – at a time when budgets are falling in real terms – it is not a sensible admission number. It is not realistic to organise into 6 forms of entry (particularly in a school such as Castle View Academy, where a significant proportion of the cohort joins the school behind national expectations, requiring targeted support). However, organising into 7 forms of entry is simply uneconomic. A PAN of 180 allows for an educationally-valid and economically sustainable organisation into 6 forms of entry, leaving school leaders

some flexibility to adjust the numbers of pupils in teaching groups where necessary.”

31. Whilst I agree that the trust has made some strong arguments for a PAN that is a multiple of 30 (in this case 180), I note here that at no point prior to January 2024 has the trust ever determined a PAN other than a PAN of 200. More significantly, I also note that in its letter of 28 February to the LA, the school states that:

“Should the 20 places we are removing from PAN be needed in any future academic year, we would of course enter into discussion with you / your colleagues on how to manage additional admissions or bulge classes.”

I have inferred from this that the most important reasons for the school wishing to have a PAN of 180 are essentially financial in nature, and I now examine these in more detail.

Financial issues and funding

32. The school is facing some financial challenges. The DfE’s website “Schools financial benchmarking” shows a recent pattern of in-year deficits and the trust tells me that the school is heading for a cumulative deficit of just over £300k at the end of this financial year. The trust points out that whenever a school grows, whether by design or through additional unplanned admissions, funding is lagged. This means that in any academic year, any academy school with more students than it had at the previous year’s autumn census date, will have to meet the marginal cost of teaching those students from funding based on the number on roll at that census. In relation to future years, CVA could potentially be affected by two slightly different scenarios if the PAN is 200 rather than 180:

- a. There would be logistical challenges if the number starting in September of any year were 180 or less, and subsequent admissions up to 200 were sufficient to necessitate a re-organisation of the year group mid-year. There would also be financial challenges if any such admissions were after the autumn census date, as no funding would be received in respect of the number of these pupils until the second academic year after they joined.
- b. There would be a financial challenge if that the number starting in September of any year were higher than 180 and the school was unable to timetable the cohort in six forms of entry. The school might need to operate additional classes, which would incur a cost, and if the number of incoming students were more than those leaving (mostly in Y11), then there would be a shortfall in funding until the following academic year.

33. I consider that both of these scenarios provide a strong financial rationale for setting the PAN at 180 rather than 200.

34. However, it is not the case that setting the PAN at 180 is the only way to avoid the problems highlighted in the above scenarios. In the case of the first scenario, I draw the trust’s attention to the variation process, to which I have alluded earlier, and which I explain

in more detail towards the end of this determination. In relation to the second scenario, I note the trust's statements that it would be prepared to offer more than 180 places if bulge funding were available. In respect of all of its schools, the trust tells me that:

This year, example, we have arranged to admit/in discussion to admit over-PAN "bulge classes" in... [six local authority] areas."

In this particular case, the availability of any growth funding is arguable, depending on how the LA would interpret the government guidance which states that:

"From 2024 to 2025 local authorities will need to provide growth funding where a school or academy has agreed with the local authority to provide an extra class to meet basic need in the area (either as a bulge class or as an ongoing commitment).

[my emphasis] **The growth fund must not be used to support:**

schools in financial difficulty; any such support for maintained schools should be provided from a de-delegated contingency

general growth due to popularity; this is managed through lagged funding."

(Source: DfE "Growth and falling rolls fund guidance: 2024 to 2025")

It is not immediately clear to me whether the admission for the first time of more than 180 Y7 pupils to CVA would represent a growth in popularity (which does not qualify for bulge funding) or the need for an extra class to meet basic need (which does so qualify). However, regardless of who pays, it is the case that the size of any such cost, effectively the marginal cost of teaching an extra class for a year, is dwarfed by the significant reserves currently held by the trust.

35. ULT is currently holding several millions of pounds in its reserves. Whilst it has earmarked elements of those reserves for strategic investments, it tells me that its reserves might be "down to around £25m by the end of 2027/28". It also tells me that:

"Unlike some multi-academy trusts, United Learning does not 'pool' GAG income across its schools. We believe that it is right that we expect each of our schools to manage within its own budget, with income largely determined by the relevant annual funding statement as set by the local authority in line with the national funding formula. Any school that runs into cumulative deficit – as is the case with Castle View, which is projecting a cumulative deficit of over £(300k) by the end of the current financial year – is required to agree a deficit recovery plan to get back to an overall balanced position within a period of time. Therefore, decisions that impact the financial position of an individual school – such as taking large numbers of unfunded pupils – have an impact on that school's ability to maintain appropriate staffing and invest in development over the long-term."

I acknowledge that it is up to ULT how it wishes to manage the funding that it receives. However, regardless of internal trust policy, it still has overall responsibility for the use of

trust funding, and I do not consider that it lacks the ability to support the marginal cost of funding a bulge class at one of its academies should it so choose.

36. Taking into account all the above, I accept the argument of ULT that that a PAN of 180 is more advantageous financially. However, I am not persuaded that it is absolutely essential to the overall financial health of the trust, even without bulge funding for any places offered over and above 180.

The accuracy (or otherwise) of the LA's forecasting

37. The trust alleges that the LA is consistently overcautious in its place planning forecasts and that this is why “despite previous predictions of insufficient places, CVA has never been full.” However, I note from table 1 that it is only through cautious forward planning that the LA has ensured that there are sufficient secondary school places in the City for September 2025, and in any case, given that forecasting is not an exact science and inherently unpredictable, it is reasonable that any assumptions err on the side of caution.

38. In addition, the LA has drawn my attention to the recently published [local authority school places scorecards](#), which provide measures and benchmarks for the accuracy of overall forecasts for 2023/24, made one year and three years previously. The scorecard for Portsmouth shows that the LA was highly accurate with the “one year ahead” secondary places forecast (overestimating by 0.2%) and underestimated secondary places at “three years ahead” (underestimating by 2.5%).

39. I am therefore not persuaded of the argument that the LA's overall forecasts are inherently inaccurate, nor that they consistently overestimate the number of places needed. However, I acknowledge the difficulty of accurate forecasting at school level given rapid demographic changes, the impact of parental choice in a densely populated city, and the particular location and geography of CVA.

Summary of Findings

40. I do not find that a PAN of 180 for 2025 would lead to a lack of suitable secondary places across the LA for admission to Y7 in 2025/26. However, a PAN of 180 for 2025 means that if it is set again at that level for 2026/27 and again for 2027/28 then the LA would not be able to make objections. For entry to y7 in 2026/27, and again in 2027/28, I have found that a loss of 20 places would compromise the ability of the LA to ensure that there are sufficient suitable secondary places in the City.

41. I am not persuaded that the LA's overall forecasting is inherently inaccurate. Whilst it is difficult to make accurate forecasts for a single school, I am not persuaded that CVA is facing declining demand.

42. The school has put forward a strong rationale for reducing its PAN to 180, in particular the financial and logistical implications of having to “fill up” to a higher number

with in-year admissions to Y7, or of having to admit to seven forms of entry for the first time. However, I have explained that it could be possible to mitigate these implications without the loss of planned places.

43. Having considered all the evidence with which I have been provided and having weighed up the arguments for and against the PAN reduction, I have concluded that on balance, the arguments of the LA outweigh those of the trust. The reduction of the PAN to 180 poses a risk to the provision of sufficient secondary school places to meet future demand across the LA, and it is unreasonable to remove places which, unless satisfied at the school, will have to be met by the creation of additional capacity elsewhere at public expense. I therefore uphold the objection to the PAN.

Other Observations

44. This objection is to the arrangements for 2025 only, although the admission authority will undoubtedly wish to take into account the matters raised in this determination when determining the arrangements for the school for 2026. However, I draw the trust's attention to paragraph 3.6 of the Code, which allows the admission authority for an academy to seek from the Secretary of State a variation to its arrangements in certain circumstances. This means that it would be possible for the school, once the 2026 arrangements had been determined, to seek a reduction to its PAN for 2025 in order to reduce the number of surplus places and hence avoid the possibility of having to subsequently admit numerous students in-year. As the 2026 arrangements would by then have already been determined, any such approved variation to the PAN would not set a baseline for future years. I note here that in the letter of 7 March to ULT, the LA said:

"If admission numbers for Castle View next year are well below the 178 applicants you currently have 4 September 2024, we would be happy to agree an informal cap for that year group to minimise pupil turnover."

The LA have since agreed that there is no legal and procedural basis for such a cap although its intention in proposing it was entirely supportive of the school. However, I draw this to the trust's attention in the event that it decides in future to pursue a variation to the 2025 arrangements and to seek the support of the LA for such a proposal.

Determination

45. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements for September 2025 determined by United Learning Trust for Castle View Academy in Portsmouth.

46. By virtue of section 88K(2), the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of the date of the determination.

Dated: 30 July 2024

Signed:

Schools Adjudicator: Clive Sentance