



Office of
the Schools
Adjudicator

Determination

Case references: VAR2447

Admission authority: Hampshire County Council

Date of decision: 14/08/2024

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 New Milton Infant School for September 2024.

I determine that the published admission number for admissions to reception year in September 2024 shall be 60.

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 New Milton Infant School (the school) to the adjudicator. The school is a community school for children aged four to seven in New Milton, Hampshire and the local authority is the admission authority for the school.
2. The proposed variation is:
 - a. that the published admission number (PAN) be reduced from 90 to 60 for admissions to reception year (YR) in 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. I have seen confirmation that the school’s governing body has been consulted on the proposed variations. I find that the appropriate procedures were followed, and I am satisfied that the proposed variations are 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 8 July 2024 and supporting documents;
 - 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 (the DfE).

The proposed variation

7. It is proposed to reduce the PAN from 90 to 60 for entry to YR in 2024.
8. The proposed variation has the support of the governing body.
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. I will consider below whether the variation requested is justified by the change in 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 variations are properly scrutinised.

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

“The Published Admission Number (PAN) at New Milton Infant School for the 2024/2025 academic year is currently 90. On the national notification day for September 2024 admissions the school offered 45 places for Year R children. The planning area of New Milton Primary made a total of 159 Year R offers, however there are 217 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. The local authority has a duty to make sure that there are sufficient places for the children in its area. School admissions for the Hampshire County Council are based on geographical planning areas. There are four schools which admit pupils in YR in the planning area for this school. Over the last four years the total PAN for the planning area has remained the same at 217.

13. In September 2023 these 217 places were filled by 180 pupils showing a surplus of 37 places and in September 2024 158 pupils have been offered places across the four schools showing a surplus of 59 places. Projections from the local authority for 2025 show that it is expected that 176 places will be required although the local authority believe that when this forecast is recalculated in autumn 2024 the numbers will be lower (see table below).

14. 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 90 to 60 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.

15. The local authority has provided me with data to show the numbers now allocated to the four schools following national offer day (16 April 2024) and the projected numbers for 2025. These are shown in table 1.

Table 1: School places in the planning area, allocations to YR for September 2024, and projections for 2025

	2022	2023	2024	2025
Sum of PANs of schools in the planning area	217	217	217	217

Number of children admitted or projected to be offered a place	184	180	158	176 (projected)
Vacant places	33	37	59	41
Vacant places as a percentage	15.2	17	27	18.9
Sum of PANs if variations approved			187	
Vacant places if 2024 variation approved			30	
Vacant places as a percentage if 2024 variation approved			16	

16. From these figures it is clear that across the area, the percentage of surplus places (27 per cent if the variation is not agreed and 16 per cent if the variation is agreed) is in excess of the DfE recommended limits of between five and ten per cent. These percentages indicate that if the variation is approved there is sufficient capacity to accommodate parental preference across the planning area.

17. I have been provided with the figures for the school as seen in table 2.

Table 2 Admissions to the school

	2021	2022	2023	2024	2025
PAN (if variation approved)	90	90	90	60	90

First preferences	65	55	72	45	
Admitted	71	62	72	44	64 (projected)
Surplus places	19	28	18	16	26
Vacant places as a percentage	21	31	20	27	29

18. I am satisfied that the decline in numbers at the school justifies the request to vary the PAN.

19. I now turn to the number of children at the school and the reasons given by the local authority in support of the variation request. I note at this point that the allocation numbers for September 2024 are such that if I agree the variation, there will be no frustration of parental preference.

20. The request for the variations refers to the local authority's wish to align the school's staffing and budget to the reducing number of children. The provisions of the School Admissions (Infant Class Size) (England) Regulations 2012 (the infant class size regulations) apply to the school, and they 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 teacher, except in specific exceptional circumstances.

21. The local authority has provided me with information regarding the numbers of pupils in the classes up to July 2024 and how they are organised. This is shown in table 3.

Table 3: Organisation of classes

Year group	Number of children
YR	25
YR	25
YR	26
Y1/2	25
Y1/2	29

Year group	Number of children
Y1/2	30
Y1/2	26
Y1/2	28

22. For the academic year 2023-4 the school has been organised into eight classes. I note if the PAN for YR in 2024 were to be reduced to 60, the school would be able to plan its staffing and organisation on the basis that it will have no more than that number of children in YR. This would provide flexibility for the school in terms of class organisation and financial planning and would enable the school to organise the school in seven classes. The number on roll in July 2024 was 214. Seventy-three Y2 pupils will have left the school and 44 will join in YR making a total on roll of 185 in September 2024.

23. I consider that, when taking into account the evidence supplied by the local authority in the referral, a reduction in the PAN to 60 at this school will be unlikely to result in any frustration of parental preference.

24. After consideration of all the factors above, I find that the variation is justified by the change in circumstances and I approve it. The PAN for 2024 will be 60.

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 New Milton Infant School for September 2024.

26. I determine that the published admission number for admissions to reception year in September 2024 shall be 60.

Dated: 14/08/2024

Signed:

Schools adjudicator: Ann Talboys