



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2436

Admission authority: Hampshire County Council for Marchwood Junior School

Date of decision: 15 August 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 Marchwood Junior School for September 2024.

I determine that the published admission number for admissions to Year 3 in 2024 shall be 66.

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 Marchwood Junior School (the school) to the adjudicator. The school is a community school for children aged seven to eleven years in Marchwood, Southampton, Hampshire. The local authority is the admission authority for the school.
2. The proposed variation is that the published admission number (PAN) be reduced from 90 to 66 for admissions to Year 3 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 minutes of the governing body meeting of 16 May 2024, at which the proposed variation was discussed;
 - c. the determined arrangements for 2024 and the proposed variation to those arrangements; and
 - d. 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 90 to 66 for entry to Year 3 in 2024. This 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.

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 90, 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 Marchwood Junior School for the 2024/2025 academic year is currently 90.

On the national notification day for September 2024 admissions the school offered 61 places for Year 3 children. The planning area of Dibden/South Waterside Primary made a total of 235 Year 3 offers, however there are 292 Year 3 places available within that planning area currently. Based on these figures, there are sufficient places to accommodate the demand in the area.”

12. A statement from the school adds:

“If we were unable to reduce our PAN for the 2024/2025 academic year, we would potentially need to start a new class mid-year. At present we are expecting 61 children in the Y3 cohort, this will be accommodated by two classes. However, we would potentially have to open an additional class if we needed to continue admitting children up to 90 if applications are made naming our school. It is not be (sic) financially viable to start the year with three classes when we do not have the pupil numbers or forecast data to support this.

Our main feeder school has recently experienced a reduction in PAN from 90 to 60 children. With this being the case, the governing body of Marchwood Junior School feel it is reasonable to reduce our school PAN to 66 to be in line with this plus take on any other children outside our catchment that may wish to attend Marchwood Junior School.”

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 90 to 66 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 Dibden/South Waterside and I have considered the data that the local authority has provided for that area.

15. In the planning area there are three junior schools, including the school, for which the usual year of entry is Year 3. There are also two primary schools which do not have a PAN for Year 3 but whose arrangements for 2024 state that they will admit additional children into that year group. As it is relevant to the capacity in the area, I must pause to consider the situation at these two schools: Blackfield Primary School and Cadland Primary School.

16. Blackfield Primary School is an academy within the Inspire Learning Partnership. The admission arrangements for this school, as published on the school website, give a PAN of 60 for Year R and state "In addition, Blackfield Primary School will admit a further 30 pupils into Year 3 in September 2024". The arrangements include oversubscription criteria specific to admission to Year 3.

17. Cadland Primary School is a community primary school for which the admission authority is the local authority. The arrangements for this school state:

"Each school has a published admission number (PAN) for entry to Year R. The school will admit this number of children if there are sufficient applications. Where there are fewer applications than the published admission number, places will be offered to all applicants. The PAN for Cadland Primary School for 2024-2025 is 50. (An additional 22 children can be admitted at Year 3)."

18. Although the two primary schools do not have a PAN for Year 3 that year group is, in effect, a normal year of admission in 2024; offers have been made for Year 3 places for September 2024 at those schools. In my consideration of capacity in the area I have therefore included the PANs for the junior schools plus the 52 total spaces at Cadland Primary School and Blackfield Primary School.

19. The data set out in table 1 shows the number of Year 3 places and the numbers of pupils allocated to the schools following national offer day (16 April 2024).

Table 1: School places in the planning area, and allocations to Year 3 for September 2024

	2022	2023	2024
Number of places in Year 3 in schools in the planning area	292	292	292
Number of children admitted or offered a place	335	353	235
Vacant places	0	0	57
Vacant places as a percentage	Not applicable	Not applicable	20%
Number of places in Year 3 if variation approved	Not applicable	Not applicable	268
Vacant places if variation approved	Not applicable	Not applicable	33
Vacant places as a percentage if variation approved	Not applicable	Not applicable	12%

20. 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 66 for 2024, there would be sufficient places left in the planning area for any children who might be seeking a Year 3 place.

21. 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 61 children were offered places at the school for September 2024 on national offer day, and the local authority expects that 57 children will be admitted. This confirms that there has been no frustration of parental preference.

22. 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:

“Because the offers for September 2024 are low, failure to reduce the PAN could result in the school needing to operate 3 classes when there are sufficient school places within the planning area and also the local proximity. . . If the school are unable to reduce their PAN for the 2024/2025 academic year, they may need to run an additional class 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.”

23. 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 the school wish to avoid is staffing classes of a size which are not financially viable.

24. The intention of the school is to arrange its Year 3 children into two classes in 2024; if the variation were agreed this would result in no more than 33 children in each class. The minutes from the meeting of the governing body which discussed the proposed variation noted:

“If [we] go with two classes of 35 there is the question of workload etc for staff. As soon as [we] go over 66 in a year group [we] have to think about having three classes. 66 gives the security of having two classes in each year group; [we] will have 9 classes in school with three classes in year 6. This allows all children from Marchwood Infants to have a place in the school”

25. If the PAN of 90 remains in place, then even if no more than 66 children were initially admitted to Year 3 in 2024 the school would be obliged to admit up to PAN if additional applications were received during the year. This could result in, say, 71 Year 3 children. If the school wished to avoid having over 35 children in a class, which may reasonably be described as a large class, it would need to operate three Year 3 classes of a size that were not financially efficient.

26. The alternative would be to operate mixed-age classes. However, I note the following: there are surplus places in the area; there has been no frustration of parental preference; and a PAN of 66 means that there are still some spare places at the school. Also, maintaining the current PAN 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 66 will protect the school from financial difficulties and will enable them to plan their staffing with certainty for future academic years.”

27. For all of the reasons above I agree that a reduction of PAN to 66 for 2024 would provide greater stability for the school and its pupils and benefit the school financially, and that this outweighs any potential frustration of parental preference in the longer term.

28. I note that the local authority is committed to supporting the school by providing more certainty for future years. I also note that the minutes of the governing body meeting of 16 May 2024 show that governors wished the PAN to be reduced to 66 for both 2024 and 2025. As the PAN for 2025 has already been determined it will not be affected by a reduction for 2024. I trust that the local authority will give appropriate consideration, in good time, to the PAN for 2025 and whether a variation for that year should also be requested.

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

Determination

30. 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 Marchwood Junior School for September 2024.

31. I determine that the published admission number for admissions to Year 3 in 2024 shall be 66.

Dated: 15/08/2024

Signed:

Schools adjudicator: Jennifer Gamble