



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2424

Admission authority: Hampshire County Council for Locks Heath Junior School in Locks Heath, 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 Locks Heath Junior School for September 2024.

I determine that the published admission number will be 96.

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 Locks Heath Junior School (the school) to the adjudicator. The school is a community school for children aged seven to eleven in Locks Heath.
2. The proposed variation is that the published admission number (PAN) be reduced from 128 to 96.

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 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 dated 15 April 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. a map showing the location of the school and other relevant schools.

The proposed variation

6. The normal year of admission to the school is year 3 (Y3). There is one other junior school (Sarisbury) in the planning area for the school and both junior schools have linked infant schools. The linked infant school for the school is Locks Heath Infant School. The other schools in the planning area are primary schools for children aged four to eleven and so generally the children attending them will remain at their primary school and not require a place in Y3.

7. For Y3 and above, schools are not constrained 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. This means that all schools could have more than 30 children to a class in Y3 and older year groups.

8. There were 98 first preferences for the school for admissions in September 2024 and 98 offers were made. Paragraph 2.13 of the Code says, “An admission authority **must not** withdraw an offer” apart from in very specific circumstances unlikely to apply here. As at 19 June 2024, the number of offers had reduced to 97, presumably because the parents of

one child had accepted an offer for an alternative school. The local authority explained that if the PAN of 96 were to be agreed, all offers will be honoured with the intention to, “manage back to 96 if a parent was to withdraw the offer or a child leaves once the new academic year starts.”

9. The school has had four classes to a year group. It wishes to establish three classes for Y3 for September 2024 and not risk admitting any more children than 97 and therefore having to meet the costs of establishing a fourth class for Y3 if the numbers in the three classes became higher than was educationally acceptable. The governing body therefore asked the local authority to request a variation so that the PAN for the school was established at 96 for 2024.

10. 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

11. 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.

12. In this instance, the PAN has already been determined for 2025 at 128 and so my decision will only affect admissions in 2024. The local authority uses planning areas, geographical areas, to meet its duty to make sure that there are sufficient school places for the children in its area. The school is in a planning area with five primary schools (for children aged four to eleven), two infant schools (for children aged four to seven) and two junior schools (for children aged seven to eleven).

13. As offers have already been made for admissions in September 2024, there is considerable certainty around the demand for places, although there may be some changes in the weeks before children whose parents have accepted places are actually admitted in September. Most children in the area attend a primary school; it is mainly those currently attending an infant school who need to apply for a place in Y3. I note that there were 190 children admitted to YR in September 2021 to the infant schools and so who are currently in year 2 (Y2) and thus require a place at a different school in Y3 in September 2024. The PAN for Sarisbury is 90 and 98 offers were made for admissions in September 2024, but the number of offers had reduced to 91 by 15 June 2024.

14. If I agree the reduction in the PAN to 96 for the school, then there are very few places available at the two junior schools for Y3. I note, however, that Sarisbury has shown itself willing to admit over its PAN of 90.

15. I asked the local authority for the number of vacancies there would be in Y3 in the other primary schools and understand that there would be some capacity if children were to move into the area requiring a place in Y3 from September 2024. I am therefore assured that if the PAN were to be reduced to 96 that there would be sufficient Year 3 places available in the planning area to meet demand.

16. Schools are largely funded based on the number of pupils and the main costs relate to staffing. This means that classes of around 30 are very financially efficient and smaller classes are not so cost effective. If a school has many small classes, this can lead to financial problems. The school could provide three classes for the 96 (or 97) children and this would be financially attractive with around 32 children to a class. However, if the PAN were to remain at 128 and parents sought places at the school, the children would have to be admitted. This could lead to the school having to manage larger classes than the school would like to offer. An alternative would be, which might be necessary if enough parents asked that their children be admitted to the school, establishing a fourth class. This would be expensive as it is likely that the class would either have few children, or that disruption would occur as children were redistributed from three to four classes with perhaps around 25 to a class (assuming around 100 pupils in Y3).

17. All allocations have been made for Y3 for September 2024. There are available places in Y3 at schools located in the planning area for children who move into the area following those allocations. There are educational and financial reasons for reducing the PAN to 96. Although any parent who applies for a place at the school following the PAN reduction may not be offered one, 97 parents have applied for a place at the school and have been successful, therefore the extent to which parental preference will be frustrated as a result of the reduction in PAN is extremely limited. I find that the variation is justified by the circumstances and approve the proposed variation.

Determination

18. 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 Locks Heath Junior School for September 2024.

19. I determine that the published admission number will be 96.

Dated: 11 July 2024

Signed:

Schools adjudicator: Deborah Pritchard