



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2459

Admission authority: Hampshire County Council for St John the Baptist Church of England Primary School, Titchfield Common, Fareham

Date of decision: 21 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 St John the Baptist Church of England Primary School for September 2024.

I determine that the published admission number shall be 41.

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 St John the Baptist Church of England Primary School (the school) to the adjudicator. The school is a voluntary controlled school for children aged four to eleven in Titchfield Common near Fareham with a Church of England religious character.
2. The proposed variation is that the published admission number (PAN) is reduced from 60 to 41.

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 requested the proposed variation and has been consulted. 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 2 August 2024, supporting documents and further information provided at my request;
- b. the determined arrangements for 2024 and the proposed variation to those arrangements;
- c. comments on the proposed variation from the governing body;
- d. a map showing the location of the school and other relevant schools; and
- e. information available on the websites of the Department for Education.

The proposed variation

6. The PAN for the school is 60. The number of offers accepted is 41. There are 49 children in the current reception year (YR), which will be year 1 (Y1) from September 2024. The governing body asked the local authority to set the PAN at 41 so that it could combine the children who will be in YR and Y1 to create three classes for the 90 children. The local authority said that setting the PAN at 41 will allow the school to reduce the number of classes from 14 to 13 therefore creating significant financial savings for the school.

7. 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 the proposed variation

8. There is no formal consultation required for a variation and so parents and others do not have the opportunity to express their views. Once the PAN has been set for a particular year then no body, except the governing body of a community or voluntary controlled school, can object if that PAN remains the same in subsequent years. 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.

9. The PAN for the school for 2025 has already been set at 60. Therefore my determination will only affect admissions for 2024. Applications have been made for admissions in 2024, and offers made and accepted. There is therefore some clarity on demand for places. I will first consider the demand for places in the area, the demand for places at the school and then the reasons why the governing body supports the proposed variation.

10. 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 groups of schools, for this purpose. The planning area for the school has seven schools admitting children to YR. Table 1 below summarises the number of children admitted to the schools in the planning area in recent years or offered a place for 2024.

Table 1: numbers of school places and numbers of children admitted to YR or offered a place for 2024 in schools in the planning area

	2022	2023	2024
Sum of PANs of schools in the planning area for YR	450	420	420
Number of children admitted or offered a place	397	386	379
Vacant places	53	34	41

11. If I agree the proposed variation there would be a reduction of 19 places leaving 22 vacant places. At this stage of the year, shortly before the beginning of the new school year, the numbers are quite reliable. In addition, 22 places are equal to around five per cent of the whole and sufficient to accommodate children moving into the area. I am therefore assured that if the PAN were to be set at 41 that there would be sufficient school places to meet demand.

12. It is the governing body's wish to have a PAN of 41 so that it combines YR and Y1 as described above. Table 2 shows the admissions made to the school in recent years.

Table 2: admissions to the school in recent years and anticipated for 2024

	2022	2023	2024
PAN for the school	60	60	60
Number of children admitted or offered a place	48	50	41
Vacant places	12	10	19

13. The school has continued to organise its classes so that there are two to a year group. This becomes an expensive model when the numbers in the year group are significantly fewer than 60. The application showed that there have been approaching 30 pupils per class but for the current YR there is one class of 24 and one of 25 (49 pupils). As schools are largely funded on the number of pupils and the highest costs are for staffing, this becomes an expensive model and difficult to sustain year on year.

14. The local authority provided the minutes of the governing body meeting which discussed the proposal to reduce the PAN at length. The governing body considered the effect of the proposed variation on the school and children who may move into the area. In addition, there was consideration of the introduction of mixed aged classes, that is classes with more than one year group. These are common in many schools and have certain advantages over classes with just one year group.

15. If I agree the proposal, the school will combine YR and Y1 children into three classes, rather than four classes with two for each year group. 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. The infant class size regulations apply to YR, Y1 and year 2. If a maximum of 90 children are in YR and Y1, thus allowing setting up three classes of 30 children, then there are savings for the school.

16. There are sufficient places in the area to meet the demand for places, there is little risk of frustrating parental preference, there are good educational and financial reasons to reduce the PAN to 41. I therefore find that the variation is justified by the circumstances and approve the proposed variation.

Determination

17. 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 John the Baptist Church of England Primary School for September 2024.

18. I determine that the published admission number shall be 41.

Dated: 21/08/2024

Signed:

Schools adjudicator: Deborah Pritchard