



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2462

Admission authority: Hampshire County Council for Riders Infant School,
Havant

Date of decision: 28 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 Riders Infant School for September 2024.

I determine that the published admission number for the school will be 20.

The referral

1. Hampshire County Council (the local authority (LA)) has referred to the adjudicator a proposal for a variation to the admission arrangements of Riders Infant School (RIS or the school) for September 2024 (the arrangements).
2. The school is a community school for children aged 4 to 7 in Leigh Park, Havant. It is a co-educational, non-selective primary school with no designated religious character. It is part of The Federation of Riders Infant and Junior Schools (the federation). About the federation, the RIS website states:

“The Federation of Riders Infant and Junior Schools is situated in Leigh Park, Havant and both schools share the same site, along with Phoenix Pre-School, which is led and managed separately. Riders Infant and Junior Schools share the same building, following an extension, when the schools federated, to bring the two schools together. This very much means that our schools operate as a 'virtual primary school', helping us share the best provisions, opportunities and, a seamless experience for children and families as they journey through the primary years with us.”

3. RIS was judged to be 'Requires Improvement' (RI) by Ofsted at its last inspection in June 2023.
4. The proposed variation is for the published admission number (PAN) of the school to be reduced from 60 to 20 for September 2024.

Jurisdiction and procedure

5. 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”.

6. The arrangements were determined by the LA Cabinet on 21 February 2023. The LA has provided me with confirmation that the appropriate bodies have been notified and 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.
7. In considering the variation request I have had regard to all relevant legislation, and the Code.
8. The information I have considered in reaching my decision includes:
 - a. the referral from the LA dated 30 July 2024 and supporting documents;
 - b. the determined arrangements for 2024/25 and the proposed variation to those arrangements;
 - c. responses received from the school and the LA in response to my requests for further information;
 - d. maps, including Google Maps and those showing the LA's planning areas; and

- e. information available on the websites of the LA, the school, the Department for Education (DfE) (including 'Get Information About Schools' (GIAS) and 'Schools Financial Benchmarking' (SFB)) and Ofsted.

9. 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 changes to arrangements 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.

10. I note here that the arrangements for 2025/26, with a PAN of 60, have been determined (on 20 February 2024). This means that if I agree to the admission authority's request to vary the arrangements for 2024/25 by reducing the PAN as proposed, it will be for that year only and will not have a bearing on subsequent years.

Consideration of proposed variation

11. 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.

12. The LA told me that the reason for it seeking a variation for the school is:

"The Published Admission Number (PAN) at Riders Infant School for the 2024/2025 academic year is currently 60.

On the national notification day for September 2024 admissions to the school offered 17 places for Year R [Reception Year or YR] children. The planning area of Havant Primary made a total of 443 [YR] offers, however there are 525 [YR] places available within that planning area currently. Based on these figures, there are sufficient places to accommodate the demand in the area.

[...]

Because the offers for September 2024 are very low, failure to reduce the PAN could result in the school needing to operate 5 classes when there are sufficient school places within the planning area and also the local proximity.

The Published Admission for September 2024 is currently 60. The school, supported by the Local Authority, wish to reduce the PAN to 20 for September 2024 admissions into [YR] to ensure their continued financial viability. This would be achieved by moving to a 3-class structure with an admission limit of 20 for YR."

13. The LA has a duty to make sure that there are sufficient places for the children in its area. To fulfil this duty the LA assesses the likely future number of places to be needed and

plans to meet that need. The LA uses planning areas, which are geographical areas and the schools within those areas, for this purpose.

14. The school is one of 13 schools for primary aged children in the LA's 'Havant Primary Area' (HPA or the planning area). According to the LA pupil place plan, the other 12 schools in the planning area are (in order of straight line distance (in miles) from the postcode of RIS's site taken from the DfE's GIAS website): Riders Junior School (on the same site); Warren Park Primary School (0.48); Front Lawn Primary Academy (0.56); Barncroft Primary School (0.6); Trosnant Junior School (0.7); Trosnant Infant School (0.7); Bidbury Infant School (0.96); Bidbury Junior School (0.98); St Alban's Church of England Aided Primary School (0.98); Sharps Copse Primary and Nursery School (1.03); Fairfield Infant School (1.32); and Bosmere Junior School (1.53).

15. As I am only considering the impact of the change for one year, I will only be considering the data from those schools who admit children into YR. That means I will not include data that the LA has provided for Bidbury, Bosmere, Riders and Trosnant Junior Schools in this determination.

16. The LA provided me with the PANs for all schools in the HPA between 2021/22 and 2025/26. I have added that data to Table 1.

Table 1: PANs for YR in schools in the HPA between 2021/22 and 2025/26

Schools in HPA / PANs for YR	2021/22	2022/23	2023/24	2024/25	2025/26
Barncroft Primary School	60	60	60	60	60
Bidbury Infant School	60	60	60	60	60
Fairfield Infant School	90	90	90	90	90
Front Lawn Primary Academy	60	60	60	60	60
RIS	60	60	60	60	60
Sharps Copse Primary	45	45	45	45	45
St Alban's Church of England Aided Primary School	30	30	30	30	30
Trosnant Infant School	60	60	60	60	60
Warren Park Primary School	60	60	60	60	60
Totals	525	525	525	525	525

17. The data in Table 1 show that there are 525 places available in the HPA up to 2025/26. If I agree to reduce the PAN at RIS to 20 (a reduction in 40 places at RIS – see above) in 2024/25, that will reduce the number of places in the HPA to 485. The LA told me that it made 443 offers for places in 2024/25. This means that even with only 485 places there would still be a surplus of 42 places in the HPA.

18. The LA provided data showing the number of parents expressing a preference for schools in the combined area for 2022/23 to 2024/25, which I have put into Tables 2 to 4. I note here that parents applying for places for their children in the LA area can express three preferences (labelled P1 (first preference) to P3 (third preference) in the Tables).

Table 2: Number of parents expressing a preference for places in YR in schools in the HPA for 2022/23

Schools admitting to YR in the HPA / preferences	P1	P2	P3
Barncroft Primary School	40	31	16
Bidbury Infant School	66	40	24
Fairfield Infant School	66	36	32
Front Lawn Primary Academy	52	23	9
RIS	28	6	7
Sharps Copse Primary	32	12	11
St Alban's Church of England Aided Primary School	36	13	10
Trosnant Infant School	53	20	14
Warren Park Primary School	59	19	9
Total preferences	432	200	132

Table 3: Number of parents expressing a preference for places in YR in schools in the HPA for 2023/24

Schools admitting to YR in the HPA / preferences	P1	P2	P3
Barncroft Primary School	58	30	23
Bidbury Infant School	59	52	20
Fairfield Infant School	66	40	24
Front Lawn Primary Academy	35	16	11
RIS	37	9	5
Sharps Copse Primary	32	12	6
St Alban's Church of England Aided Primary School	25	17	13
Trosnant Infant School	43	20	9
Warren Park Primary School	65	18	11
Total preferences	420	214	122

Table 4: Number of parents expressing a preference for places in YR in schools in the HPA for 2024/25

Schools admitting to YR in the HPA / preferences	P1	P2	P3
Barncroft Primary School	48	3	2
Bidbury Infant School	51	5	1
Fairfield Infant School	75	5	3
Front Lawn Primary Academy	42	0	0
RIS	16	0	0
Sharps Copse Primary	27	0	0
St Alban's Church of England Aided Primary School	26	3	0
Trosnant Infant School	42	4	0
Warren Park Primary School	45	1	0
Total preferences	372	21	6

19. The data in Tables 2 to 4 show that over the period covered, the total number of preferences expressed for places in schools in the HPA has been 764 in 2022/23, 756 in 2023/24 and then 399 in 2024/25. There has been a considerable reduction in the number

of preferences expressed for places in schools in the HPA in 2024/25 such that I checked with the LA its view of the reasons why. It told me:

“You will note from looking at the school’s recent Ofsted inspections, that they are now a triple RI school. As a result of this, the school is not typically a school of preference for local families. The school itself has therefore, been subject to an academy order process, which the confirmed sponsor has now withdrawn from, and such uncertainty will typically impact upon the numbers of children applying for the school, which clearly increases the viability of the school if it were required to run classes with surplus places.”

20. The LA provided data to show the number of children admitted to (2021/22 to 2023/24), offered (2024/25) and forecast demand for (2025/26) places in YR in schools in the HPA. I have put that data into Table 5.

Table 5: Number of children admitted to (2021/22 to 2023/24), offered (2024/25) and forecast demand for (2025/26) places in YR for schools in the HPA

Schools admitting to YR in the HPA	2021/22¹	2022/23¹	2023/24¹	2024/25²	2025/26³
Barncroft Primary School	52	50	59	59	56
Bidbury Infant School	59	60	60	60	58
Fairfield Infant School	87	80	68	88	80
Front Lawn Primary Academy	60	52	43	49	45
RIS	60	32	39	18	30
Sharps Copse Primary	46	41	36	31	40
St Alban's Church of England Aided Primary School	30	30	27	29	27
Trosnant Infant School	50	60	47	52	48
Warren Park Primary School	60	60	61	57	50
Totals	504	465	440	443	434

Key

¹ Numbers admitted

² Offers made at National Offer Day

³ Forecast demand for places

21. The data in Table 5 show a clear overall decline in the number of children being admitted to and offered places at schools in the HPA over the four years 2021/22 to 2024/25. The forecast for 2025/26 shows a further, albeit small decline. Arising from my analysis of the data provided by the LA is the data in Table 6 which show the number of surplus places between 2021/22 and 2024/25 in the HPA. (The key is as for Table 5).

Table 6: Number of surplus places between 2021/22 and 2025/26 in the HPA

	2021/22 ¹	2022/23 ¹	2023/24 ¹	2024/25 ²	2025/26 ³
Number of places available in the HPA	525	525	525	525	525
Number admitted / offered / forecast	504	465	440	443	434
Number of surplus places	21	60	85	82	91
Percentage of surplus places	4	11.4	16.2	15.6	17.3

22. I can see from the data in Table 6, that the number of surplus places in schools in the HPA has been increasing from four per cent in 2021/22 to 16.2 per cent in 2023/24. The figure for 2024/25 is slightly lower than 2023/24. If I agree to reduce the PAN (see above) at RIS to 20 in 2024/25, there would be 42 places available (a surplus of eight per cent of the total number of places available in the HPA). The number of surplus places in the HPA is forecast to increase in 2025/26.

23. The data in the tables above clearly show there is a decrease in demand for places in schools in the HPA (and consequent increase in surplus places) over the period covered, and particularly at RIS for 2024/25. It does not appear, therefore, that the reduction in the PAN at RIS will affect the LA's ability to meet its duty to provide sufficient places in the planning area. There is clear evidence that there will be spare places in 2024/25 should they be needed, and there will be for a number of years to follow.

24. Turning now to the school. I first looked at the school's financial position. This is because schools are funded, in large part, on a per child basis. A reduction in the number of children admitted, therefore, results in a reduction in income. I noted from the SFB website that in 2022/23, the school had an in-year deficit of -£41.3k and a revenue reserve of £160.9k. This shows that the school's finances were under pressure in-year which if it continued could place pressure on the revenue reserve over time. I asked the school to provide me with evidence of the financial impact on the school if I did not agree to the PAN reduction requested, which means that the school would have to maintain the level of staffing and resources necessary to fulfil its current PAN. About this the school told me:

"If the variation is agreed, then there is a greater chance of maintaining stability for the financial forecast for the schools. We have included the financial impact either way in section B below.

Whilst the junior school is underway with a deficit recovery plan, the infant school would also likely go into deficit if our pupil numbers tip the proposed three classes into four, as we would need to recruit another teacher and another learning support assistant to create a fourth class. This would have a huge impact on trying to keep the infant school budget from going into a deficit.

Keeping the school financially stable will enable a new substantive Executive Headteacher the scope to implement improvements to the school. It is also the case

that a new academy trust will make faster progress to make improvements if the school is not over-staffed. The process of academies conducting due diligence to come in to support our federation will be helped if the schools are accurately staffed based on current pupil numbers. Whether as a local authority school or an academy trust school, the governors and staff are absolutely committed to making Riders a successful place for our children to learn, improving their future life chances.”

25. The governing body showed me that the school’s budget projection is that the deficit will be around three times worse in five years if the PAN is not reduced.

26. The school's financial projections are such that a reduction in PAN for YR in 2024/25 will not in and of itself solve the financial problems the school faces but will significantly help. The governing body of the school and the LA are concerned that continuing to staff and resource the school for a higher number of children than is currently projected to be admitted is an unsustainable situation for the school. The school would be expected to work with the LA to ensure a balanced budget. That is why the school are supporting the LA’s request for this variation.

27. The LA provided data on the number of children currently in each class (as of July 2024) and the plans for class structure in 2024/25. I have put those numbers into Tables 7 and 8.

Table 7: Numbers of children in each class in the school (as of July 2024)

Year Group / Classes	YR	Year 1	Year 2	Totals
1	21	-	-	21
2	15	1	-	16
3	-	30	-	30
4	-	-	28	28
5	-	-	16	16
Totals:	36	31	44	111

Table 8: Numbers of children in each class in the school in 2024/25

Year Group / Classes	YR	Year 1	Year 2	Totals
1	17 ⁴	10		27
2	-	14	15	29
3	-	12	16	28
Totals:	17	36	31	84

Key:

⁴ The difference between this figure and the figure of 18 in Table 5 is because the data snapshot was taken at different times.

28. The data show that the school has already employed some mixed-age teaching (in one class combining YR and Year 1). However, the school currently organises its children into five classes, requiring five teachers and the necessary teaching assistants and resources required for that number. If, by reducing the PAN in 2024/25 to 20, and the school has certainty, it can reorganise its teaching structure into three classes by employing mixed-age teaching across the school.

29. It was clear from the data provided by the LA, that it has a picture of recent / projected demand in schools in its planning areas. It appeared to me that the matter raised in respect of the PAN at RIS and the surplus places in the HPA in 2024/25 would have been obvious in enough time for what has been requested to have been dealt with through the consultation process prior to the determination of the 2024 arrangements. I raised this concern with the LA and its response was:

“The previous Executive Headteacher was not supportive of an OSA reduction when conversations were had in the past. The interim Executive Headteacher has come into post and reviewed the situation and is wanting to reduce the number of classes and therefore the reduction of the PAN will enable those changes to start and to be able to support the school with their difficult financial situation. When we reviewed this school at our June sense check meeting they were at 21 offers. It was decided that an OSA application was not needed due to the assumption they would not fill to 30. However, circumstances at the school have changed so a reduction to 20 is now a consideration to help the school financially.”

30. The governing body told me:

“The infant school and junior school, which is a hard federation, have been working closely with the Local Authority (Hampshire County Council) since 2023 in order to bring the schools into a position where they are not running into a deficit budget. This challenge is being addressed with some very sharp analysis of costs that can be reduced across the federation, not least in the area of staffing.

The federation has completed a staffing restructure, leading to the reduction of 25 roles spread across both schools. Many of these roles have been managed due to natural wastage, whilst others have resulted in a number of redundancies.

The main driver for these reductions has been a fall in the number of children who attend the federation. This has been monitored carefully by the federation’s leadership team and governors over the last year.

Our admin team has been checking the number of applications for the infant school over the last three months and, whilst the anticipated take-up of places for

September is lower across many local schools, Riders has been significantly affected in the last few months.

Due to the parameters of infant class size regulations, it would be incredibly hard to manage the infant school's staffing budget if [the] admissions [number] just tipped above the class size of 30. The position at the end of the 2023/2024 academic year was a five-class arrangement across the infant school. Our starting position for the restructure, based on previous admissions for Year R intake last year (37 pupils), was to reduce the infant part of the school to four classes. However, in the time that we have conducted the restructure and with the more accurate actual take-up for places now at 18, this is a 50% reduction for the Year R cohort. This has now led to reducing the number of classes in the infant school to three, not four.

We have staffed the infant school ready for September based on the actual pupil numbers in the school and the admissions for September 2024 Year R, leading to mixed Year R/Year 1 classes and a Year 2 class. Staffing has been recruited for the new three-class structure, which includes teachers, Early Years Assistant and other Learning Support Assistants.

The support staff roles at the federation are vital for the support of pupils as we have a high proportion of disadvantaged pupils across the federation (approximately 75% disadvantaged). This makes the federation one of the highest schools for deprivation in the local authority.

Three aspects affecting confidence for gaining pupil numbers have not helped our case:

The first is that there is an Academy Order served on the infant school as of January 25th 2024. This has resulted in the federation engaging with the process of becoming an academy with the Regional Commissioner. The uncertainty that this continues to bring to the federation creates some nervousness among the parents/carers and wider school community with regards to the continuing journey for both schools to improve from Requires Improvement judgements from relatively recent Ofsted inspections (June '23 infants and May '24 juniors).

The second aspect is that there has been an impact on the senior leadership of the federation during 2024. The original structure as of January 2024 was a substantive Executive Headteacher, two Heads of School (infants and juniors), an Assistant Head and a Bursar. Since February, the school has an interim Executive Headteacher whilst a recruitment process takes place for a new substantive Executive Headteacher to start in January 2025. The restructure has reduced the two Head of School posts to one Executive Deputy Head post from September and the Assistant Head (who is also the SENCo) will leave at the end of August. The federation has appointed a part-time SENCo to fulfil this role. The impact of this has also been noted by our school community.

The third aspect is that parents/carers are able to choose to take their children to other local schools where there are spaces in their September 2024 Year R cohorts for September. Most of these other schools have a greater stability in their organisations than at our federation at this time.”

31. I have taken into account that there are clearly surplus places in schools in the HPA and that only 18 children have been offered places in YR at RIS in 2024/25. However, I asked the LA why a PAN reduction for 2024/25 to 30 (instead of 20) was not requested (30 pupils being the limit under The School Admissions (Infant Class Sizes) (England) Regulations 2012). I was concerned about this because the data in Table 5 show that RIS has admitted between 32 and 60 children between 2021/22 and 2023/24) and is forecast to have 30 in 2025/26. About this, the LA told me:

“The LA is proposing a PAN of 20 to enable the school to operate mixed age teaching in year R/1 from September 2024 [as indicated in Table 8].”

32. I note here that should it be the case that the school receive in-year applications such that it would create a class higher than 20, it can admit above PAN as set out in paragraph 1.4 of the Code, without the need for a variation.

33. I accept that the LA has provided compelling evidence that it will be able to manage school places in the planning area by reducing the PAN at RIS for 2024/25. The reduction in PAN will also contribute to the school being able to continue to address the impact on its finances resulting from the decrease in income. I do not assess the reduction in PAN to cause any issues with parental preference on the basis that the number of children allocated places at the school is less than the PAN would be if I agree to the reduction (the number offered places for admission in September 2024 is 18, as shown in Table 5).

34. I therefore agree to the reduction in the PAN from 60 to 20 for 2024/25.

35. I note here that reducing the PAN does not reduce the overall capacity of the school unless accommodation is being removed from the premises. It is not being suggested that accommodation is being removed and so the physical capacity of the school remains the same. Reducing the PAN will not change that. What this means is that should there be a need for the school to increase its PAN and / or admit more children in 2024/25 than it currently expects to, there remains the capacity in the building for it to do so.

Determination

36. 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 Riders Infant School for September 2024.

37. I determine that the published admission number for the school will be 20.

Dated: 28 August 2024

Signed:

Schools adjudicator: Dr Robert Cawley