



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2444

Admission authority: Hampshire County Council for The Hurst School, Baughurst, Tadley

Date of decision: 10 September 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 The Hurst School for September 2024.

I determine that the published admission number for admissions to Year 7 in 2024 shall be 210.

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 The Hurst School (the school) to the adjudicator. The school is a community secondary school for children aged eleven to sixteen years in Baughurst, Tadley, 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 216 to 210 for admissions to Year 7 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 a meeting of the school’s full governing body which took place on 20 May 2024;
 - c. the minutes of a meeting of the governing body’s finance and community committee which took place on 8 May 2024;
 - d. the determined arrangements for 2024 and the proposed variation to those arrangements; and
 - e. information available on the websites of the local authority, neighbouring local authorities, the school and the Department for Education (the DfE).
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. The local authority initially proposed to reduce the PAN from 216 to 205 for entry to Year 7 in 2024. As I discuss below, the local authority subsequently revised its proposal

and now proposes that the PAN is reduced to 210. The revised proposal 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 216, 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 The Hurst School for the 2024/2025 academic year is currently 216.

For the September 2024 admissions round the school currently have places offered for only 201 pupils.

The Hurst School is the only secondary school in the planning area of Tadley Secondary and has a capacity of 1080.

In recent years the school has been oversubscribed, and accordingly the school has planned for and been organised to meet this demand, and so losing half a form of entry of children, means that the Headteacher has had to make changes to her planned organisation for September 2024.”

12. A letter from the chair of the governing body adds to this:

“I can confirm that the Full Governing Board (FGB) have reviewed the proposal to reduce the admission arrangements. . . It was explained to the FGB that the school will move from a 8 form to a 7 form structure and reduce the need for extra headcount. Should the reduction in PAN not be agreed, then there is a risk of a greater degree of uncertainty when planning for the future years.”

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 216 to 210 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. Due to the timing of the variation request, the available data was subject to some fluctuation during the course of this case, as described below.

14. When a variation was first proposed, the local authority stated that 201 children had been offered places at the school for September 2024. This confirms that there has been no frustration of parental preference. That is, all applicants who applied for a place at the school were offered one where it was their highest preference, or the highest preference school available.

15. 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 the only secondary school in the planning area to which it belongs and in the local area.

16. According to the DfE website 'Get Information About Schools' (GIAS) the nearest alternative secondary school is Kennet School in West Berkshire, 4.44 miles away as a straight-line distance. Information on the West Berkshire local authority website shows that this school was oversubscribed in 2024. The closest school which is not oversubscribed is The Clere School, which is in Hampshire. The local authority provided data which shows that this school has a PAN of 145 for 2024 but only 77 places were offered on national offer day. The Clere School is in a rural area, 6.38 miles away from the school as a straight-line distance and, according to Google Maps, some 8.3 miles by road.

17. Although there is surplus capacity at The Clere School, I find it sensible that requiring children to make long journeys to school should be avoided where possible. The local authority has told me that in the school year 2023 to 2024, six children were admitted to Year 7 at the school after the start of September. It seems likely therefore that there will be some requirement for additional places during the course of the year.

18. When I considered the initial variation, I was concerned that a PAN of 205 may leave insufficient places at the school, and therefore in the area, for any children who might be seeking a Year 7 place. I asked the local authority why they had requested a reduction of PAN to 205 rather than to 210, as this higher number would still enable the school to organise its pupils into seven forms of 30 pupils as it wished. The local authority responded:

"Whilst the LA is the school's admission authority, it is the case that Headteacher's (sic) are the lead operational expert in any school, and responsible for the organisation and management of their resources. The school is committed to and is organised for the smallest teaching and pastoral groups that its resources will allow,

The LA is supportive of this application, because the application continues to provide local capacity in the year group, whilst allowing for the commitment outlined above to

not be compromised, and the school's ongoing viability to be supported. At the time of writing, the school holds 203 offers for Year 7 in September".

19. With the then updated figure of 203 offers, a PAN of 205 would have resulted in only two available places; this appeared to be insufficient. I raised this with the local authority, who revised their proposal to that now under consideration: that the PAN is reduced to 210.

20. The headteacher of the school provided her view on the revised proposal, stating:

"As we start term our numbers for year 7 are 199 not 203, as we often have drop out to private schools. This leaves 6 places to house any in Year admissions.

I would be open to dropping the PAN to 210 instead of the 205 requested although I do not believe we will come anywhere near that. Forecasts show that there is a reduction in numbers seeking a place in this academic year.

I have already agreed to retain PAN at 216 to handle increased numbers next year.

Future potential admission numbers show a considerable drop to less than 200".

21. The current number of Year 7 pupils at the school means that a PAN of 210 would result in eleven available places. I am satisfied that a PAN of 210 will leave sufficient places at the school and in the area.

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 referral stated:

"This change in circumstances will mean that providing an 8-form entry is not possible, because with only 201 students, there will only be 25 students in each tutor group, which will place the school in a financially vulnerable position. . .

The school is also struggling to recruit for 2 teaching positions which further puts strain on the school's ability to provide tutors for an 8-form entry. Some year groups in KS4 have needed to disband into a 7-form year group due to lack of staffing and student numbers. This is impacting education provision increasing the need to ensure that the school is using its resources wisely and cost effectively. The reduction of the PAN will allow certainty to plan effectively moving forward."

23. The school supplied information which shows that although they have an overall budget surplus, an in-year deficit is forecast for the 2024 to 2025 financial year and the size of this deficit is forecast to increase each year.

24. Minutes of the meeting of the finance and community committee of the governing body which took place on 8 May 2024 recorded discussion regarding the proposed reduction in PAN and stated:

“The implications are that the school is open to IYFA (In Year Fair Access) and could be used as a dumping ground – for example pupils moving into the area and possibly excluded pupils from other schools.

The financial impact is less income. We currently have an eight form entry with average tutor groups of 24 (low compared to the national average). A change to seven tutor entry would mean a class size of 29 and a reduction in staff. This would be achieved by not replacing a tutor if they leave and restructuring the staff. In year 10 there are 178 pupils which does not warrant eight form entry so will reduce these next year.

[The headteacher] would like to change the PAN to 205 this year and ongoing so that we can move to a more effective financial structure in the school and it doesn't affect the education of the students.”

25. The fair access protocol (FAP) is a valuable way of placing vulnerable children who are having difficulty in securing a school place in-year. It could be said that the process is in line with the statement on the school website that “The Hurst School is a values-led, inclusive community”. Also, even where a school has admitted up to or above the level of its PAN it may choose or be required to admit additional pupils under the FAP process. Nevertheless, I recognise the difficulties that the school may face if the PAN were not reduced.

26. Class sizes of no more than 30 are often considered preferable. The local authority has balanced the school's desire for classes smaller than this with the potential demand for places, in proposing that the PAN is reduced to 210. Current pupil numbers make it possible for the school to arrange its Year 7 pupils into seven forms as it wished. If the PAN was reduced to 210 then even if additional pupils were admitted up to the level of the PAN, the Year 7 pupils could still be accommodated in seven forms, with no more than 30 children in each.

27. If the PAN of 216 remains in place, then the school would be obliged to admit up to PAN if additional applications were received during the year. If admissions were made such that there were more than 210 children in the year group then, if the school wished to avoid having over 30 children in a class, it would need to operate eight forms of a size that were not financially efficient.

28. For all of the reasons above I agree that a reduction of PAN to 210 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.

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 The Hurst School for September 2024.

31. I determine that the published admission number for admissions to Year 7 in 2024 shall be 210.

Dated: 10 September 2024

Signed:

Schools adjudicator: Jennifer Gamble