



Office of  
the Schools  
Adjudicator

## Determination

**Case references:** VAR2506

**Admission authority:** Hampshire County Council for Ashley Infant School

**Date of decision:** 31 October 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 Ashley Infant School for September 2024.

I determine that the published admission number for admissions to reception year in September 2024 shall be 46.

## 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 Ashley Infant School (the school) to the adjudicator. The school is a community school for children aged four to seven in New Milton, Hampshire and the local authority is the admission authority for the school.
2. The proposed variation is:
  - a. that the published admission number (PAN) be reduced from 65 to 46 for admissions to reception year (YR) in September 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 15 October 2024 and supporting documents;
  - b. the determined arrangements for 2024 and the proposed variation to those arrangements; and
  - c. information available on the websites of the local authority, the school and the Department for Education (the DfE).

## The proposed variation

7. It is proposed to reduce the PAN from 65 to 46 for entry to YR in 2024.
8. The 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. I will consider below whether the variation requested is justified by the change in 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 variations are properly scrutinised.

11. The major change in circumstances relied upon by the local authority is set out in the referral from the local authority, which states:

“On the national notification day for September 2024 admissions the school offered 53 places for Year R children. The planning area made a total of 158 Year R offers, however there are 217 Year R 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 low, failure to reduce the PAN could result in the school continuing to operate 6 classes when there are sufficient school places within the planning area. If the school is unable to reduce their PAN for the 2024/2025 academic year, they will need to continue their 6-class organisation structure. Being unable to reduce its classes to 5, saving the cost of a full-time teacher and teaching assistant would render the school unable to effectively tackle is predicted budget deficit for 2025-26.”

12. The local authority has a duty to make sure that there are sufficient places for the children in its area. School admissions for Hampshire County Council are based on geographical planning areas. There are four schools which admit pupils to YR in the planning area for this school. Over the last four years, the total PAN for the planning area has remained the same at 217. One of the other schools has reduced its PAN for 2024 from 90 to 60 therefore the number of YR places in the area has now been reduced by 30.

13. In September 2023, the 217 places were filled by 180 pupils showing a surplus of 37 places. In September 2024, 158 pupils were offered places across the four schools showing a surplus of 59 places, reduced to 29 by a reduction in the PAN of one of the other schools. Projections from the local authority for 2025 show that it is expected that 176 places will be required although the local authority believe that when this forecast is recalculated the numbers will be lower (see table below).

14. 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 school's PAN is reduced from 65 to 46 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 of the proposed PAN reduction and whether the reduction in the PAN is justified taking into account all relevant circumstances.

15. The local authority has provided me with data to show the numbers now allocated to the four schools following national offer day (16 April 2024) and the projected numbers for 2025. I have amended the local authority data to include the reduction in PAN from 90 to 60 of the other school in the planning area for 2024. These figures are shown in table 1.

**Table 1: School places in the planning area, allocations to YR for September 2024, and projections for 2025**

	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>
<b>Sum of PANs of schools in the planning area</b>	217	217	187	217
<b>Number of children admitted or projected to be offered a place</b>	184	180	158	176 (projected)
<b>Vacant places</b>	33	37	29	41
<b>Vacant places as a percentage</b>	15.2	17	15.5	18.9
<b>Sum of PANs if 2024 variation for the school is approved</b>			168	
<b>Vacant places if 2024 variation for the school is approved</b>			10	
<b>Vacant places as a percentage if 2024 variation approved</b>			6	

16. From these figures it is clear that across the planning area, the percentage of surplus places (15.5 per cent if the variation is not agreed and 6 per cent if the variation is agreed)

is in excess of or within the recommended DfE limits. These percentages indicate that if the variation is approved there is sufficient capacity to accommodate parental preference across the planning area.

17. I have been provided with the figures for the school as seen in table 2.

**Table 2 Admissions to the school**

	2021	2022	2023	2024	2025
PAN (if variation approved)	65	65	65	46	65
First preferences	49	66	44		
Admitted	56	67	54	46	52(projected)
Surplus places	9	-2	11	0	
Vacant places as a percentage	13.8	0	16.9	0	20

18. I am satisfied that the decline in numbers at the school, certainly over the last two years, justifies the request to reduce the school’s PAN for 2024.

19. I now turn to the number of children at the school and the reasons given by the local authority in support of the variation request. I note at this point that the actual number of pupils admitted to YR in September, according to the governing body minutes was 46 which is significantly lower than the 53 projected by the local authority. On the basis of the evidence provided, I have concluded that the allocation numbers for September 2024 are such that if I agree the variation, there will be no frustration of parental preference. Although the school has admitted up to its PAN and may receive in-year applications which will be refused, there are places available for disappointed applicants at other local schools.

20. The request for the variation refers to the local authority’s wish to align the school’s staffing and budget to the reducing number of children. The provisions of the School Admissions (Infant Class Size) (England) Regulations 2012 (the infant class size regulations) apply to the school, and they 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 teacher, except in specific exceptional circumstances.

21. The local authority has provided me with information regarding the numbers of pupils in the classes in September 2024 and how they are organised. This is shown in table 3.

**Table 3: Organisation of classes**

<b>Year group</b>	<b>Number of children</b>
<b>YR</b>	23
<b>YR</b>	23
<b>Y1</b>	21
<b>Y1</b>	21
<b>Y2</b>	30
<b>Y2</b>	28

22. For the academic year 2024-5 the school is organised in six classes. I note if the PAN for YR in 2024 were to be reduced to 46, the school would be able to plan its staffing and organisation on the basis that it will have no more than that number of children in YR during the 2024/5 academic year and going through into the 2025/6 academic year. This would provide flexibility for the school in terms of class organisation and financial planning from September 2025 as it would enable the school to organise the school into five classes with two YR classes and three covering the Y1 and Y2 age groups. The requested PAN reduction for this year means that YR will stay at 46 going into Y1 in September 2025. This means that the 88 pupils (46 pupils in YR and 42 pupils in the current Y1 classes) will be able to come together and can be organised into three mixed age Y1 and Y2 classes in September 2025 rather than the current four classes. The local authority anticipates a larger number of children entering YR next year so maintaining two YR classes will be necessary, but savings can be made by reducing the upper age groups by one class.

23. This will allow the school to reduce its organisation by one class and by a teacher at least in terms of finances. This can only be done with a reduction in the PAN for this YR to maintain the number at 46.

24. I consider that, when taking into account the evidence supplied by the local authority in the referral, a reduction in the PAN to 46 at this school will be unlikely to result in any frustration of parental preference, except in the case of in-year applicants. However, as I have said above, there are places available for disappointed applicants at other local schools.

25. After consideration of all the factors above, I find that the variation is justified by the change in circumstances and I approve it. The PAN for 2024 will be 46.

## Determination

26. 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 Ashley Infant School Infant School for September 2024.

27. I determine that the published admission number for admissions to reception year in September 2024 shall be 46.

Dated: 31 October 2024

Signed:

Schools Adjudicator: Ann Talboys