



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2511

Admission authority: Portsmouth City Council for Manor Infant and Nursery School, Portsmouth

Date of decision: 28 November 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 Portsmouth City Council for Manor Infant and Nursery School for September 2025.

I determine that the published admission number for admissions to reception year in 2025/26 will be 60.

The referral

1. Portsmouth City Council (the local authority) has referred a proposal for a variation to the admission arrangements for September 2025 (the arrangements) for Manor Infant and Nursery School (the school) to the adjudicator. The school is a community school for children aged two to seven in Portsmouth.
2. The proposed variation is to reduce the published admission number (PAN) from 90 to 60 for admissions to reception year (YR) in 2025/26.

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 supports 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.

6. The information I have considered in reaching my decision includes:

- a. the referral from the local authority dated 7 November 2024, supporting documents and further information provided at my request;
- b. the determined arrangements for 2025/26 and the proposed variation to those arrangements;
- c. comments on the proposed variation from the school;
- d. a map showing the location of the school and other relevant schools; and
- e. information available on the websites of the local authority, the school and the Department for Education.

The proposed variation

7. The proposal is to reduce the PAN from 90 to 60 for entry to YR in 2025/26.

8. 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

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 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.

10. I note here that the arrangements for September 2026 have not yet been determined, and so if the proposed variation for 2025/26 were to be approved, the PAN for 2026/27 could be set at 60 by the local authority without objection save from the governing body of the school. I also note that the local authority is currently in the process of consulting on reducing the PAN for the school for 2026/27. They are consulting on the same reduction in PAN as requested by this proposed variation, namely a reduction in PAN from 90 to 60.

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

“Portsmouth has seen a significant drop in the number of children joining Reception in recent years. We are projecting that there will be 2076 children in Reception in 2025/26 meaning there will be a surplus of around 339 places. We are working with schools in all planning areas to manage these changes, but we are aware that the planning area in which Manor Infants sits (Mayfield) is being particularly affected.

Whilst the school and local authority have been consistently monitoring forecasts and potential surplus for many years we have felt it important to monitor carefully the impact 'on the ground' of an increasing surplus. In recent years Manor Infants has achieved first preferences significantly below their planned admission number. The school have been carefully managing the impact but are now experiencing significant financial challenge and risk associated with continuing with a Year R PAN of 90. Formal consultation regarding a reduction in PAN to 60 from 2026/27 will take place across this term, however the impact of the situation requires a more urgent response.”

12. In other correspondence, the local authority provides some additional detail to support their request:

“We are seeking to reduce the PAN of 90 for year R intake September 2025 to 60. School place forecasting demonstrates a significant growth in surplus places across the city and specifically in the Mayfield Planning Area (where Manor Infant School is located) over the next few years. The existing surplus in this area sits at 15.4% with the forecast surplus increasing to 19.8% for the 2025/26 academic year. By 2028/29 the forecast surplus is expected to have grown to 26.2%. Whilst we are working with schools to take appropriate action to manage surplus places across the city, we would like to take more urgent action in this planning area, hence the application for a variation for 2025/26. The increase in surplus/falling Year R roll is being driven primarily by a falling birth rate.”

13. I have accordingly 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 90 to 60 for 2025/26. I have also considered the demand for places at the school, the reasons given for the variation proposed, the potential effect on parental preference and whether the proposed variation is justified taking into account all relevant circumstances.

14. 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 sits within the Mayfield planning area. There are eight schools in the Mayfield planning area that admit pupils to YR. The local authority has provided me with the following data regarding admissions to those schools, together with forecasts for 2025/26 and 2026/27.

Table 1: The number of children admitted to YR in Mayfield schools (data provided by the local authority 25 November 2024)

	2022/23 (actual)	2023/24 (actual)	2024/25 (actual)	2025/26 (forecast)	2026/27 (forecast)
Sum of PANs for YR	705	705	705	705	615**
Total number of children (Jan Census NoR /July 2024 Forecast)	546	576	563*	571	541
Vacant places	159	129	142	134	74
Vacant places as a percentage	22.6	18.3	20.1	19.0	12.0

* Number on Roll (NoR) week beginning 11 November 2024

** Includes proposed PAN reductions currently being consulted upon

If the proposed variation is approved for 2025/26

Sum of PANs for YR				675	
Vacant places				104	
Vacant places as a percentage				15.4	

15. The data in table 1 shows that that the total number of children being admitted to YR in Mayfield schools has not reduced greatly in recent years. This appears to contradict information provided in the variation request form. In response to my enquiries on this point, the local authority helpfully provided the following additional information:

“Since 2018 the total number of pupils in admitted to Year R of Portsmouth maintained schools and academies has fallen by 13% from a high of 2461 to 2139 in 2024. This reflects a decrease in the rate of live births.

The number of pupils admitted at year R to the 8 schools in the Mayfield planning area has fluctuated in the last few years but is well below the 2018 level of 684 level. There is a large surplus of places in this area.”

16. From the above data, I agree that, over the last few years, there has been a high number of surplus places in YR in the area and that this is forecast to continue for the foreseeable future. I am satisfied that if the proposed variation for 2025/26 were approved, there would continue to be sufficient places within the planning area for any children whose parents are seeking a place for them in YR during 2025/26. Additionally, from the map of Portsmouth schools provided by the local authority, I can see that there are several other schools admitting children to YR in neighbouring planning areas that are located within two miles of the school.

17. I now turn to the number of children at the school and the reasons given by the school in support of the variation request. The school’s website states that for children of four to seven years, the school has capacity for 270 children across nine classrooms. However, at the current time, the school only has 181 children on roll. The school provided the following information to the local authority:

“The number on roll has steadily decreased over the past few years as follows; 221 in 2021, 209 in 2022, 1996 in 2023 to 181 at present. As a result, we have been running a deficit budget for 2 years. We currently only have 67% capacity and funding 8.9 teaching staff for 181 children. If we continue to run at 90 PAN with the requisite number of teaching staff for this, the deficit will substantially increase and this is not sustainable looking at the long term forecast of number of children attending school in this locality.”

Table 2: The number of children allocated a place in YR at the school

	2022/23 (allocated)	2023/24 (allocated)	2024/25 (allocated)	2025/26 (forecast)	2026/27 (forecast)	2027/28 (forecast)
PAN	90	90	90	90	60*	60*
Number of first preferences	52	51	44	-	-	-
Number of children	58	53	45	46	36	33
Vacant places	32	37	45	44	24	27

	2022/23 (allocated)	2023/24 (allocated)	2024/25 (allocated)	2025/26 (forecast)	2026/27 (forecast)	2027/28 (forecast)
Vacant places as a percentage	35.6	41.1	50.0	48.9	40.0	45.0

* Includes proposed PAN reduction currently being consulted upon

If the proposed variation is approved for 2025/26

PAN				60		
Vacant places				14		
Vacant places as a percentage				23.3		

18. Table 2 shows that the number of children being admitted to YR at the school over the last three years has declined. This trend is forecast to continue over the next three years. At no point are the numbers of children allocated a place, or forecast to be admitted, greater than 60. From this information, I am satisfied that a PAN of 60 will not lead to a frustration of parental preference for the school in 2025/26.

19. With regard to the school's financial situation, the DfE's websites 'School financial benchmarking' and 'Financial Benchmarking and Insights Tool' show that, in March 2023 the school had an in-year deficit of £46K and a revenue reserve deficit of £64K. In 2024, the school had an in year deficit of £15K and a revenue reserve deficit of £80K.

20. In support of the application, the local authority state:

"The school will be able to plan effectively to support the 2 forms of entry they will receive from September 2025. This will ensure key staffing decisions can be made early, and savings achieved which positively support the school's overall budget management. The fluidity of movement of children into and out of the setting throughout the year will also reduce - ensuring a more stable pupil population which is beneficial to the whole school population."

21. As schools are funded, in large part, on a per child basis, a reduction in the number of children admitted will result in a reduction in income. However, the school's financial projections are such that a reduction in PAN for YR from 2025 will help mitigate the financial problems the school faces by bringing greater certainty in pupil numbers and, consequently, the number of teaching and support staff required. Continuing to staff and resource the school for a higher number of children than is currently projected to be admitted is unsustainable.

22. As an infant school, 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 school teacher, except in specific exceptional circumstances.

23. If the proposed variation for 2025/26 is not agreed, then any in-year admissions will have to be admitted until the number of children admitted to YR is 90. Any such in-year admission could necessitate a reorganisation of classes midway through the year to avoid breaching the infant class size regulations. This situation is likely to present a significant logistical and financial challenge. Also, if the number of children in YR is “capped” at 60, then the school will be able to plan with certainty that in September 2025 it will need staffing for two YR classes.

24. I find that the variation is justified by the circumstances and approve the proposed variation.

Determination

25. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Portsmouth City Council for Manor Infant and Nursery School for September 2025.

26. I determine that the published admission number for admissions to reception year in 2025/26 will be 60.

Dated: 28 November 2024

Signed:

Schools adjudicator: Catherine Crooks