



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2512

Admission authority: Hampshire County Council for The Knights Enham Junior School, Andover

Date of decision: 12 December 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 Knights Enham Junior School, Andover for September 2024.

I determine that the published admission number for the School will be 32 for the remainder of the 2024/25 academic year.

I have also considered the arrangements under section 88I(5) of the Act and find that they do not comply with requirements relating to admission arrangements in the ways set out in this determination.

By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of this determination, unless an alternative timescale is specified by the Schools Adjudicator. In this case, as the changes are not complicated, I determine that the arrangements must be revised within one month.

The referral

1. Hampshire County Council (the local authority (LA)) has referred to the adjudicator a proposal for a variation to the admission arrangements for The Knights Enham Junior School, Andover (TKEJS or the School) for September 2024 (the arrangements).

2. The School is a community school for children aged 7 to 11 in Andover, Hampshire. It is a co-educational, non-selective primary school with no designated religious character. It is federated with The Knights Enham Infants School (the Federation)
3. TKEJS was judged to be 'Good' by Ofsted at its last inspection in December 2018.
4. The proposed variation is for the published admission number (PAN) of the School for September 2024 to be reduced from 60 to 32 for the remainder of the 2024/25 academic year.

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's 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 15 November 2024 and supporting documents;
- b. the determined arrangements for 2024/25 and the proposed variation to those arrangements;

- c. information I received during a meeting (the parties' meeting) I convened on 2 December 2024 at 10am, attended by the Executive Headteacher and Deputy Headteacher from the Federation and the Strategic Development Officer and Head of Admissions from the LA;
- d. information received from the LA in a subsequent request I made in respect of data about the number of surplus places in the area in Year 3 in 2024/25;
- e. maps, including Google Maps and those showing the LA's primary school planning area; and
- f. information available on the websites of the LA, the School, the Department for Education (DfE) (including 'Get Information About Schools' (GIAS) and the 'Financial Benchmarking and Insights Tool' (FBIT)) 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 for the LA's community and voluntary controlled schools have already been determined. The PAN for the School for 2025/26 is 60. 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 only affect the arrangements for the current academic year. I, therefore, need only consider whether the reduction in the PAN will affect the LA's duty to provide a sufficiency of places in Year 3 in its area for the remainder of the 2024/25 academic year.

11. I have also used my power under section 88I of the Act to consider the arrangements as a whole and to determine whether or not they conform with the requirements relating to admissions and, if not, in what ways they do not so conform. I will refer to these as 'Other Matters' and they are covered in the section of the determination under that name.

Consideration of proposed variation

12. 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.

13. The LA told me that the reason for it seeking a variation for the School is:

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

On the national notification day for September 2024 admissions the school offered 27 places for Year 3 children. The planning area of Andover Town made a total of 271 Year 3 offers, however there are 310 Year 3 places available within that planning area currently. Based on these figures, there are sufficient places to accommodate the demand in the area.

The school are currently operating 2 classes in Year 3. With less than 1FE of offers in Year 3, the school only needs to operate 1 class in Year 3.

The school, supported by the Local authority, wish to reduce the PAN to 32 for September 2024 admissions into year to ensure their continued financial viability.

Because [admission numbers] for September 2024 [were] low, failure to reduce the PAN could result in the school needing to operate 2 classes in year 3 when there are sufficient school places within the planning area and also the local proximity.

This application will help the school by only needing to run one class in the current Year 3 cohort.”

14. 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.

15. The School is one of 15 schools for primary aged children in the LA's 'Andover Primary Planning Group' (APPG or the planning area). Eleven of those schools are primary or infant schools admitting to Reception Year (YR). Four of those are junior schools admitting to Year 3. The schools other than TKEJS in the planning area are (in order of straight line distance (in miles) from the location of TKEJS taken from the DfE's GIAS website): Knights Enham Nursery and Infant School (0.03); Roman Way Primary School (0.22); Endeavour Primary School (0.66); Vigo Primary School (1.02); Andover Church of England Primary School (1.26); Smannell and Enham Church of England (Aided) Primary School (1.43); Portway Junior School (1.57); Portway Infant School (1.57); St John the Baptist Catholic Primary School, Andover (1.69); Anton Junior School (1.72); Anton Infant School (1.74); Balksbury Infant School (1.76); Balksbury Junior School (1.81); and Pilgrims' Cross CofE Aided Primary School (2.17).

16. The LA provided data on the PANs for schools in the APPG. From the data for 2024/25, I can see that the 11 primary / infant schools in the APPG provide 675 places for children in YR. Three hundred of those places are provided by the four infant schools (with PANs in brackets): Anton Infant School (60); Balksbury Infant School (90); Knights Enham Nursery and Infant School (60); and Portway Infant School (90). Their namesake junior schools provide 310 places in Year 3 (with PANs in brackets): Anton Junior School (64); Balksbury Junior School (90); TKEJS (60), and Portway Junior School (96).

17. In 2024, 287 children were allocated spaces in Year 3 in the four junior schools in the APPG on 31 August 2024, providing a surplus of 23 places at that point. In the parties' meeting, the LA told me that only 28 children arrived on the first day of term in Year 3 at TKEJS (the LA said that children not 'turning up' on the first day of term happens for lots of reasons). This means 281 children were admitted to the four junior schools, leaving an overall surplus of 29 places. If I agree to the PAN at TKEJS being reduced to 32 for 2024/25, this will have the effect of reducing the overall number of places in Year 3 in junior schools in the APPG to 282. This would still leave a surplus of one place in junior schools in the APPG. However, Year 3 places are not just available in the junior schools; they are also Year 3 places available in the seven primary schools in the planning area. The LA told me that there are primary schools in the AAPG with places in Year 3 should they be required and provided data showing a surplus of 28 places in primary schools in Year 3 in 2024/25. Therefore, reducing the PAN at TKEJS in 2024/25 to 32 would not appear to frustrate the LA's duty to provide a sufficiency of places in its area.

18. I now turn 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 FBIT website that in the financial year 2023-24 (up to March 2024), the School had an in-year deficit of -£162,559 and a revenue reserve of £75,583. 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. In the parties' meeting, the Executive Headteacher told me that the in-year position is healthier in the current financial year 2024-25, although still in deficit (-£13,000). He said that because the number of children admitted in September 2024 was less than one class, the School, currently, has only one class in Year 3. The School's budget projection is such that if the School had to increase the number of teachers in Year 3 to add an extra class should the number of students admitted exceed the requested PAN of 32, then the School's revenue reserve would be in deficit within the year.

19. The School's financial projections are such that a reduction in PAN for Year 3, which can take place from the date of this determination, will allow the School to address its projected financial deficit. The governing body of the School and the LA are concerned that having to staff and resource the School for a higher number of children in Year 3 will be an unsustainable situation for the School's budget. The School is expected to work with the LA to ensure a balanced budget. This is why the School are supporting the LA's request for this variation.

20. The LA provided data on the number of children currently in each class (as of November 2024) out of the total number of children in the School (175). I have put these numbers into Table 1.

Table 1: Number of children in each class in the School (as of November 2024)

Class	Year 3	Year 4	Year 5	Year 6
1	30	20	23	20
2	-	17	27	19
3	-	19	-	-
Totals:	30	56	50	39

21. In the parties' meeting, the Executive Headteacher told me that, as well as requesting the PAN reduction for Year 3 (and having reduced the number of classes in Year 3 already), the School intends to reduce the current number of Year 4 classes from three to two from September 2025; one of the teachers in that year group is on a year's contract and would not be replaced at the end of the academic year 2024/25. This will take the number of classes from September 2025 to seven and have a positive impact on the budget. The School has clearly looked at the PAN reduction in Year 3 as part of a package of measures to ensure it is meeting its financial obligations, whilst working with the LA to ensure that it can meet its duty to provide a sufficiency of places in Year 3.

22. It was clear from the data provided by the LA, that it has a picture of recent / projected demand for places in schools in its planning areas. It appeared to me that the matter raised in respect of the PAN at TKEJS and the surplus places in the APPG 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 in the parties' meeting. The Head of Admissions told me that the LA had raised reducing the PAN with the School ahead of the determination of the arrangements in February 2023, but the governing body at that time did not want the PAN to be reduced. Since then, the leadership has changed. The appointment of an Executive Headteacher across the Federation in March 2024 means that there is a more strategic view, and the School are now supportive of such a reduction. The LA said that, prior to February 2023, it did not want to force such a reduction on the School in order to maintain the good working relationship the LA has with the governing body and to avoid the governing body appealing an imposed decrease in PAN to the adjudicator.

23. I accept that the LA has provided compelling evidence that it will be able to manage the demand for school places in Year 3 in the planning area if the PAN at TKEJS is reduced to 32 from September 2024. The reduction in PAN will also contribute to the School being able to address the impact on its finances resulting from the decrease in income. I do not consider that the reduction in the PAN will result in a situation which frustrates parental demand. This change is being implemented after admission in September 2024. Although the Executive Headteacher told me that four children have since joined Year 3, such that there are now 32 in the Year 3 class, this has been because he had been actively promoting the School from the start of the academic year, and that it would now be unlikely that any more children will join given the time of year. The LA is also of the view that the overall position in the planning area is one where there are surplus places in Year 3, should they be needed.

24. I, therefore, agree to the proposed reduction in the PAN from 60 to 32 from this point forward and for the remainder of the academic year 2024/25.

25. 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 PAN of the School to be increased and / or for more children to be admitted in the current Year 3 (or in subsequent years) than is currently expected, there remains the capacity in the building for the LA to do so.

Other Matters

26. Having considered the arrangements as a whole it appeared to me that the following matters do not conform with the requirements of the Code and so I brought them to the attention of the trust. These matters are (paragraphs of the Code are indicated where relevant):

26.1. The School's website does not include a copy of the admission arrangements for 2025/26, which should have been added by 15 March 2024 (paragraph 1.50).

26.2. A 'tie-break' is defined under paragraph 1.8 of the Code as a method employed "to decide between two applications that cannot otherwise be separated". In respect of the School's arrangements, a method of breaking a tie would only be engaged to determine priority if there was oversubscription in a category and where two or more distances were the same. The School has conflated this part of the arrangements with its use of distance to prioritise admission (as permitted under paragraph 1.13 of the Code).

26.3. The arrangements make clear that random allocation will be used in a tie-break situation and that "An explanation of the random allocation procedure is available on the County website". This would require the parents having to find the LA's website and look for the information themselves. Paragraph 14 of the Code requires: "Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated." The arrangements in this regard do not provide the information or a link to the information to assist parents to easily find how the random allocation process would be implemented.

27. I raised these matters in the parties' meeting. The School and LA told me that they will address these matters, as permitted by paragraph 3.6 of the Code, which is welcomed. As the School and LA are actively seeking to address these areas, I will not mention them further in this determination.

Determination

28. 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 Knights Enham Junior School, Andover for September 2024.

29. I determine that the published admission number for the School will be 32 for the remainder of the 2024/25 academic year.

30. I have also considered the arrangements under section 88I(5) of the Act and find that they do not comply with requirements relating to admission arrangements in the ways set out in this determination.

31. By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of this determination, unless an alternative timescale is specified by the Schools Adjudicator. In this case, as the changes are not complicated, I determine that the arrangements must be revised within one month.

Dated: 12 December 2024

Signed:

Schools adjudicator: Dr Robert Cawley