



Office of
the Schools
Adjudicator

Determination

Case reference:	VAR2555
Admission Authority:	Hampshire County Council for Brockhurst Primary School
Local Authority:	Hampshire County Council
Date of advice:	25 April 2025

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 Brockhurst Primary School, for 2025.

I determine that the Published Admission Number for admissions in 2025 shall be 30.

The referral

1. Hampshire County Council (the Admission Authority, the Local Authority has referred to the adjudicator a proposal for a variation to the admission arrangements for Brockhurst Primary School (the school) for 2025 (the Arrangements).
2. The school is a community school for children aged four to eleven in Gosport, Hampshire. Hampshire County Council is the admission authority for the school.
3. The proposed variation is that the Published Admission Number (PAN) for Reception Year (Year R) admissions for 2025 be reduced from 60 to 30.

Jurisdiction and procedure

4. Section 88E of the School Standards and Framework Act 1998 (the Act) makes provision for variations to determined arrangements. Paragraphs 3.6 and 3.7 of the School Admissions Code (the Code) say (insofar as is 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”.

5. The Arrangements were determined by the Admission Authority on 20 February 2024.
6. The Admission Authority has provided me with confirmation that the appropriate bodies have been notified of the proposed variation in line with Para 3.6 of the Code. The Admission Authority has also provided me with confirmation that the governing body of the school has been consulted on the proposed variation.
7. I find that the appropriate procedures were followed, and I am satisfied that the proposed variation is within my jurisdiction.
8. In considering the variation request, I have had regard to all relevant legislation including the Code.
9. The information I have considered in reaching my decision includes:
 - the referral from the Admission Authority dated 14 March 2025 and supporting documents;
 - the determined Arrangements for 2025 and the proposed variation to those Arrangements;
 - a briefing paper prepared by the Admission Authority dated 20 February 2024, which details the process whereby the Admission Authority consulted on possible revisions to the admissions arrangements for schools for which it was the admitting authority for 2025 entry;
 - minutes of a meeting of the governing body of the school on 30 January 2025, at which the governing body resolved to approach the Admission Authority in order to secure a reduction in the school's PAN for 2025;

- responses from the Admission Authority and school to my requests for further information;
 - a previous determination VAR 2461 dated November 2024 in relation to the school;
 - maps, including Google Maps and those submitted by the Admission Authority showing the location of the school and other relevant schools; and
 - information available on the websites of the Department for Education (DfE) including the 'Get Information About Schools' (GIAS) and Ofsted.
10. I would like to extend my thanks to the Admission Authority and the school for their responses to my requests for further information. I have referred only to that which has a bearing on my determination.
11. 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.
12. If I agree to the Admission Authority's request to vary the Arrangements for 2025 by reducing the PAN as proposed, this will have the effect of fixing the number of places the school would be required to admit to Year R in 2025-26 at 30. If I do not agree the variation, the Admission Authority would have to admit any late or in-year applicant to Year R in 2025-26 until the PAN of 60 is reached.
13. For clarity, a determination to reduce the PAN to 30, or to leave it at 60, has no effect in 2025-26 on any cohort of students other than Year R. The offering of places in other year groups depends on the number of students in each cohort and the organisation of classes.
14. I note that this is the second time in 12 months that the Admission Authority has requested that the Schools Adjudicator approve a reduction in the PAN for the school; a previous request to reduce the PAN from 60 to 45 was agreed by a different Adjudicator in determination VAR 2461 in November 2024. This applied to the admission arrangements for 2024/25, and part of the argument made by the Admission Authority was that the change would help the school to move towards consolidating its operations on one of its two sites. However, I stress here that adjudicator determinations do not set precedents, and each case is considered on its merits.

Consideration of proposed variation

15. 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 proposed variation is justified by the change in circumstances.
16. The Admission Authority has proposed that the PAN for the school for admission to Year R be reduced from 60 to 30 for 2025.
17. For clarity I note that subsequent to the Admission Authority's statement requesting this variation (and detailed in paragraph 18 below), the Admission Authority has determined following consultation that the PAN for the school for 2026 entry to Year R shall be 30. This means that my decision will only affect admissions in 2025/2026.
18. The Admission Authority told me that the reasons for it seeking a variation for the school are as follows:

"For the September 2025 admissions round, the school has received 26 on-time 1st preference applications. This is well below the forecasted demand which suggested 40 children. The planning area of Gosport Central Primary has received 250 on-time 1st preference applications for Year R.

Currently there is capacity for 360 Year R places within this planning area. Based on these figures, there are sufficient places to accommodate 1st preference demand in the area. The original PAN for September 2024 admissions to the school was 60 and OSA approved PAN change to 45. The school, however, currently only have 307 pupils on roll. The low number of pupils in year R is currently creating a lot of financial difficulties for the school. Please see the below table for the current numbers on roll in each class/ year group.

The school are currently operating 11 classes across the school with 2 classes of under 30 in year R and 3 classes in each subsequent year group.

Class	YR	Y1	Y2	Y3	Y4	Y5	Y6	Total
1	24	-	-	-	-	-	-	24
2	23	-	-	-	-	-	-	23
3	-	15	13	-	-	-	-	28
4	-	14	13	-	-	-	-	27
5	-	14	15	-	-	-	-	29
6	-	-	-	15	15	-	-	30
7	-	-	-	15	16	-	-	31

Class	YR	Y1	Y2	Y3	Y4	Y5	Y6	Total
8	-	-	-	15	15	-	-	30
9	-	-	-	-	-	11	18	29
10	-	-	-	-	-	11	20	31
11	-	-	-	-	-	13	12	25
Total	47	43	41	45	46	35	50	307

The 1st preference data for the 2025/2026 academic year is low and therefore failure to reduce the PAN could result in the school needing to operate 11 classes when there are sufficient school places within the planning area and also the local proximity.

Offers for 2024 at the neighbouring schools, Alver Valley Infant and Nursery School (41/60), Elson Infant School (68/90), Peel Common Primary (23/30), Grange Infant School (51/60) and Rowner Infant School (41/60), showing all schools being undersubscribed in September 2025.

If the school are unable to reduce their PAN for the 2025/2026 academic year, they may need to continue their 11-class organisation structure, as they will need to admit children up to 60 if applications are made naming the school. This would not be financially viable when the school does not have the pupil numbers or forecast data to support this.

The Published Admissions Number at for (sic) September 2026 is currently 60. The school, supported by the Local authority, wish to reduce the PAN to 30 for September 2025 admissions into year to ensure their continued financial viability by only having to run one class of 30 in YR.”

19. When requesting the previous variation to the PAN for 2024, the Admission Authority and school argued that a reduction in the number of students on roll at the school might allow it to consolidate its operations on one of its two sites. In response to a request for whether similar arguments might apply to this request for variation, I was told by the school that the reduction in PAN would assist this consolidation.
20. The Local Authority has a duty to ensure that there are sufficient school 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 how it plans to meet that need. The Local Authority uses geographical areas and the schools within those area, known as planning areas, for this purpose.
21. The Local Authority has submitted the following information on the number of places available for 2025 entry to Year R in the planning area containing the school (Gosport Central Primary). The PAN for Brockhurst school is set at 60 as determined. Schools

have operated or may be required to admit according to their determined arrangements up to the PAN shown below in Table 1.

Table 1: PANs for the schools in the Gosport Central planning area

School	2025	2024	2023	2022
Pan for Year R				
Alver Valley Infant School	60	60	60	60
Brockhurst Primary School	60	45	60	60
Elson Infant School	90	90	90	90
Grange Infant School	60	60	60	75
Peel Common Infant / Primary School	30	30	30	30
Rowner Infant School	60	60	60	60
Total PAN for the area	360	345	360	360

22. The Admission Authority is in a position to compare the capacity available to the number of applications made, both for September 2025 entry to Year R and in the three years previously. Table 2 shows the number of first, second and third preferences for the schools in the planning area, and the degree to which on time first preferences have been met.

Table 2: preferences for the schools in the Gosport Central planning area, and the ability of schools to meet first preferences.

	2025/2026			2024/2023			2023/2022			2022/2021		
School	1 st	2 nd	3 rd	1 st	2 nd	3 rd	1 st	2 nd	3 rd	1 st	2 nd	3 rd
Alver Valley Infant School	41	28	13	56	15	16	56	20	12	54	16	15
Brockhurst Primary School	26	22	21	39	37	13	49	29	24	50	29	18
Elson Infant School	68	35	19	69	38	20	75	27	14	72	33	18
Grange Infant School	51	20	8	68	29	14	48	27	12	71	31	7
Peel Common Infant School (or, from 2025 Peel Common Primary School)	23	9	7	25	18	14	29	20	8	27	17	16
Rowner Infant School	41	15	15	50	27	12	48	15	15	47	20	16
Total Year R preferences	250	129	83	307	164	89	305	138	85	321	146	90
Number of on-time applicants requiring allocation on offer day of a place at a school they ranked lower than first preference	0	0	0	0	8	0	0	0	0	11	0	0

23. This shows that the school has been able to offer places to all first preference applicants within its PAN on allocation day for the last four years. It further shows that the percentage of unmet first preferences in the area is sometimes zero and never above three per cent, notwithstanding that this will be disappointing for the families affected.
24. As Adjudicator, a fundamental concern is whether reducing the school's PAN would place the Local Authority at risk of not being able to meet its statutory duty to ensure that there are adequate school places for children in its area. In 2025 there are only 250 applications for Year R, compared to the currently determined capacity in the planning area of 360. This is a surplus of 110 places. Were the requested variation to PAN for the school to be agreed, the capacity for September 2025 admission in the planning area would reduce to 330, but the number of surplus places would still be high, at 80. Information provided by the Local Authority shows that there has been historically a limited increase between the number of places allocated on offer day and the number of children on roll in Gosport Central planning area schools at the subsequent autumn census. Even the increased number of places ultimately required is still well within the aggregated PAN for those schools (Table 3). This has also been true of the school where there has been only a limited increase in the number of students planned for class R or on roll in it between allocation day and autumn census (Table 4).

Table 3: all Gosport Central Schools, PAN compared to allocated places, and on roll students, autumn census.

	2025/2026	2024/2025	2023/2024
Sum of the PANs	360	345	360
Number of pupils on roll in Class R at the schools at the time of the October census	n/a	318	321
Number of vacant Reception places in the planning area at the time of the October census	n/a	27	39

Table 4: number of students at the school at the time of the autumn census compared to the number of places allocated.

	Number on Class R roll, autumn 2025	Places allocated 2025	Number on Class R Roll, autumn 2024	Places allocated 2024	Number on Class R Roll, autumn 2023	Places allocated 2023
Brockhurst Primary	n/a	26	46	41	51	50

25. Table 4 shows that it would be unusual for there to be demand for places at the school such that applications could not be satisfied within the proposed PAN of 30. The table shows that over the last three years the maximum increase in the number of students enrolled in the school in September, compared to the number of places offered on National Offer Day in April, has been five additional students. Moreover, the data clearly shows that in the unlikely event of the school having 30 pupils on roll in Year R during 2025/26, a parent whose child could not be allocated a place at the school might expect to have a high chance of admission for their child to many or even all of the other primary schools in the Gosport Central area, which are largely within 1km of Brockhurst.. As Adjudicator I would therefore be confident that with a PAN of 30 the responsibility of the Local Authority would still be met through 2025-26, and there would be a high likelihood that parental preference can still be met even for late and in-year applicants.
26. Parents can apply for admission wherever they wish and will make their decisions based on their circumstances and will consider factors such as convenience, family connections, and reputation. Parents are unlikely to take account of planning areas when applying for a school place. The school lies at the extreme south-east corner of the Gosport Central planning area, abutting the Gosport Southeast planning area. There are six schools in this area which admit to Year R, comprising community schools, voluntary controlled and voluntary aided schools, and schools designated as Catholic or Church of England faith Schools. The geography of the Gosport peninsular means that should schools in Gosport Southeast run out of capacity, children will need to seek places to the North and West. I therefore have taken the view that, in order to assess the sufficiency of surplus places in the Gosport Central area my analysis should consider the neighbouring Gosport Southeast area. The Local Authority have provided the data for schools in this area, showing respectively their PAN, parental preferences for schools, allocations, and the number on roll in the autumn census. The data shows that in 2025 parents making an on-time application will be able to be allocated their first preference school in that area. In that planning area there is historically an increase in the places required between allocation and autumn census, but places required

remained in 2022 and 2023 below the 290 PAN available in that area, with most schools having vacant places at the time of the autumn census. In 2024 however, the autumn census shows all but one school ended up at or over PAN in Year R, with very little capacity for additional students to be admitted in-year. Nevertheless, it is clear from Table 3 above that schools in Gosport Central have historically had vacant places even at the time of the autumn census; and this will be likely to continue to apply in 2025/26. There is not a powerful case that decisions regarding the school will be influenced by any possible capacity issues in the Gosport Southeast planning area.

27. It is clear to me that were the determined PAN of 60 be maintained the school for September 2025 entry to Year R, this figure in conjunction with The School Admissions (Infant Class Sizes) (England) Regulations 2012 would leave the school liable, possibly at short notice, to offer an additional class or class teacher as the number of children in Year R could go above 30. The regulations stipulate that barring exceptional circumstances, no infant class may contain more than 30 pupils while an ordinary teaching session is conducted by a single school teacher. To have to add additional classes or additional teacher staffing would have adverse effect on the finances of the school and the efficient delivery of education. Notwithstanding that it may be unlikely that in-year demand in 2025/26 would create this situation, it would be preferable for the governing body of the school to have clarity that this challenge will not arise. The governing body of the school has said that the school budget is currently in deficit, and ensuring efficient delivery of education to reception age students by reducing the PAN to 30 is central to addressing that deficit. The governing body has stated that only with the PAN fixed at 30 will it be able to consolidate on one site – the governing body states this would not be safely possible if they remained liable to admit up to 60 students into Year R.
28. The Admission Authority has presented a strong argument for the variation it proposes, including evidence that in its role as Local Authority it will still be able to provide required school places in the planning area having reduced the PAN at the school. I have considered the competing need of providing the school places that parents want for their children, and the financial viability of the school. In this case it is possible to meet both priorities with a Published Admission Number of 30 as the Admission Authority has requested.

Determination

29. 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 Brockhurst Primary School for September 2025.

30. I determine that the published admission number for admissions in 2025 shall be 30.

Dated: 25 April 2025

Signed:

Schools Adjudicator: Patrick Storrie