



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** VAR2558

**Admission Authority:** Hampshire County Council for Freegrounds Infant School, Southampton

**Date of decision:** 7 May 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 Freegrounds Infant School, for September 2024.

I determine that the published admission number for admission in 2024/25 will be 67.

## The referral

1. Hampshire County Council (the Admission Authority, local authority, LA) has referred to the adjudicator a proposal for a variation to the admission arrangements for Freegrounds Infant School (the School) for the current academic year (2024/2025) (the Arrangements). The Arrangements were determined on the 21 February 2023.
2. The School is a community school for children aged five to seven years of age. It is a co-educational non-selective school with no designated religious character. The School was judged to be Good by Ofsted at its last inspection in February 2023.
3. The proposed variation is the reduction in the Published Admission Number (PAN) for the School from 90 to 67 in the current academic year (2024/25). The local authority in its referral states that:

“The reduction of the PAN to 67 will protect the school from financial difficulties and will enable them to plan their staffing and curriculum with certainty for future academic years.”

4. The PAN is the number of pupils the School is required to admit up to, in this case, in Reception (YR).

## Jurisdiction and procedure

5. 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.”

6. The Admission Authority has provided me with confirmation that the appropriate bodies have been notified of the proposed variation in line with 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 and the Code.
9. The information I have considered in reaching my decision includes:
  - the referral from the Admission Authority dated March 2025 and the supporting documents provided which were received on the 21 March 2025;
  - the determined Arrangements for 2024/25 and the proposed variation to those Arrangements;
  - responses from the Admission Authority, and the School to my requests for further information;

- maps, including Google Maps and those showing the location of the School and other relevant schools in the planning area; and
  - information available on the websites of the Department for Education (DfE) (including the 'Get Information About Schools' (GIAS) and 'Financial Benchmarking and Insights Tool' (FBIT) websites), the local authority, and the School (including its Arrangements for September 2024) and Ofsted.
10. The Admissions Authority has requested variations to other primary schools in its area and another adjudicator has been appointed to consider these requested variations. No decision in one case sets a precedent for another. I have considered this case on its merits.
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. I have noted above that the Arrangements for 2024/25 have been determined with a PAN for the School set as 90. The arrangements for academic year 2025/26 have also been determined with a PAN for the School set as 90. If I agree to the Admission Authority's request to vary the Arrangements for 2024/25 as proposed, it will be for that academic year only and will not have a bearing on subsequent years.

## Consideration of proposed variation

13. 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.
14. The Admission Authority told me that the reason for it seeking a variation for the School is that it currently only has 67 children on roll in YR and for the September 2025/26 admissions round the School has only received 64 on time first preference applications.
15. I am also told that the School is currently undersubscribed in all three year groups and this is creating financial difficulties for the school. Please see **Table 1** below for the current numbers on roll in each class/year group at the School.

**Table 1: Current numbers on roll in each class**

|              | Foundation | Key Stage 1 |           |              |
|--------------|------------|-------------|-----------|--------------|
| <b>Class</b> | <b>YR</b>  | <b>Y1</b>   | <b>Y2</b> | <b>Total</b> |
| <b>1</b>     | 23         | -           | -         | 23           |
| <b>2</b>     | 22         | -           | -         | 22           |
| <b>3</b>     | 22         | -           | -         | 22           |
| <b>4</b>     | -          | 27          | -         | 27           |
| <b>5</b>     | -          | 29          | -         | 29           |
| <b>6</b>     | -          | 27          | -         | 27           |
| <b>7</b>     | -          | -           | 29        | 29           |
| <b>8</b>     | -          | -           | 30        | 30           |
| <b>Total</b> | <b>67</b>  | <b>83</b>   | <b>59</b> | <b>209</b>   |

16. The variation is therefore proposed to reduce the current YR PAN from 90 to 67 to support the School to continue to operate 150 pupils in five classes across Key Stage 1 for the academic year 2025/26. The School is an infant school and this means that every class is affected by the provisions of the School Admissions (Infant Class Size) (England) Regulations 2012 (the infant class size regulations) and paragraph 2.16 of the Code which 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. The infant class size regulations apply to YR, year 1 (Y1) and year 2 (Y2).
17. I am told that if the School are unable to reduce the PAN for the current YR, and they were to receive any in-year applications for admission, they may then need to run a nine class structure in academic year 2025/26 which would lead to further financial challenges for the School. If they can reduce the PAN, they will then have certainty that they can continue to run an eight class structure in the 2025/26 academic year.
18. The Admission Authority has a duty to ensure that there are sufficient places for the children in its area. To fulfil this duty the Admission Authority assesses the likely future number of places to be needed and plans to meet that need.
19. To do this, the Admission Authority uses planning areas, which are geographical areas and the schools within those areas, for this purpose. The School is in a planning area with nine schools. The planning area has eight schools which admit children to YR. The other school, Freegrounds Junior School, admits at year 3 (Y3). Although I will use the LA's planning area to help me determine whether, if the variation is agreed, it would be able to

meet its statutory duty, I note here that parents are unlikely to take account of planning areas when applying for a school place.

20. As this is an in-year application for a variation, pupils have already been admitted to the schools in the planning area in September 2024. Any further admission to those schools would therefore be an in-year admission.
21. The Admission Authority has provided me with the information below to show (a) in **Table 2**, the PANs of the schools in the planning area for each relevant year of entry for the last three years with the totals for the planning area and (b) in **Table 3**, the number of children admitted to these schools in the last three years at the usual point or points of admission with the totals for the planning area.

**Table 2: PANs of schools in planning area**

| SCHOOL                                   | 2022       | 2023       | 2024       |
|--|------------|------------|------------|
| <b>YR Intake</b>                         |            |            |            |
| Berrywood Primary School                 | 90         | 90         | 90         |
| Boorley Park Primary Academy             | 60         | 60         | 60         |
| Botley CE (C) Primary School             | 45         | 45         | 45         |
| Freegrounds Infant School                | 60         | 90         | 90         |
| Kings Copse Primary School               | 45         | 30         | 30         |
| Saint James' CE Primary School, West End | 90         | 90         | 90         |
| Shamblehurst Primary School              | 60         | 60         | 60         |
| Wellstead Primary School                 | 60         | 60         | 60         |
| <b>Total YR PAN</b>                      | <b>510</b> | <b>525</b> | <b>525</b> |
| <b>Y3 Intake</b>                         |            |            |            |
| Freegrounds Junior School                | 90         | 90         | 90         |
| <b>Total Y3 PAN</b>                      | <b>90</b>  | <b>90</b>  | <b>90</b>  |

**Table 3: Number of children admitted**

| SCHOOL                         | 2022-2023 | 2023-2024 | 2024-2025 |
|--------------------------------|-----------|-----------|-----------|
| <b>YR Intake</b>               |           |           |           |
| Berrywood Primary School       | 90        | 74        | 89        |
| Boorley Park Primary Academy   | 60        | 60        | 60        |
| Botley CE (C) Primary School   | 44        | 45        | 45        |
| Freegrounds Infant School      | 58        | 85        | 66        |
| Kings Copse Primary School     | 35        | 32        | 30        |
| Saint James' CE Primary School | 81        | 84        | 73        |

|                             |            |            |            |
|-----------------------------|------------|------------|------------|
| Shamblehurst Primary School | 58         | 44         | 50         |
| Wellstead Primary School    | 53         | 57         | 53         |
| <b>Total YR</b>             | <b>479</b> | <b>481</b> | <b>466</b> |
| <b>Y3 Intake</b>            |            |            |            |
| Freegrounds Junior School   | 89         | 68         | 91         |
| <b>Total Y3</b>             | <b>89</b>  | <b>68</b>  | <b>91</b>  |

22. This shows that PANs at other schools in the planning area have been consistent over the previous years and that there is currently overcapacity in the planning area. Some level of overcapacity is prudent but too much may lead to financial difficulties for schools, and a balance therefore needs to be struck by local authorities to ensure they have enough capacity to satisfy their statutory duties but not too much as to lead to budget deficits in schools.
23. If the PAN of the School were to be reduced by 23 pupils, the overall YR PAN within the planning area would be reduced to 502. Even with this reduction, there would still be a surplus of places within the planning area of 36 (i.e. 7 per cent) available to accommodate in-year applicants. This should be sufficient to support operational flexibility for the Admission Authority whilst still allowing for parental choice.
24. I also asked the Admission Authority to provide me with data for in-year admissions for the current academic year for schools within the planning area. This shows that although there have been some in-year admissions at YR, the net effect of this is that, even with the reduction in PAN, there would still be a surplus of places within the planning area of 33 (i.e. 6.5 per cent).
25. I therefore conclude that there is sufficient spare capacity within the planning area to cater for any in-year admissions.
26. I will now consider the reason for the proposed variation and why the governing body supports the reduction in the PAN from 90 to 67.
27. Schools are largely funded on the number of pupils and the highest cost to a school budget is its staff. Most primary schools aim to have around 30 pupils to a class. If a school has classes that are less than 30, this can then mean that the income from the number of pupils is less than the costs of providing a class. If this happens over several classes, a school can face financial challenges.
28. Currently, all but one class at the School is below 30 pupils to a class. The numbers in the year groups are also such that it would be difficult, without mixing children from different year groups, to organise the classes so that their sizes are financially efficient. The proposal is therefore to mix classes at Key Stage 1 during academic year 2025/2026. A PAN of 67 would allow the School to plan for this with certainty based on five classes across Key Stage 1.

29. I have been provided with the example in **Table 4** below of how the School will be organised in September 2025/26 if the PAN variation is approved.

**Table 4: Proposed class structure for 2025/26**

|              | Foundation | Key Stage 1 |           |              |
|--------------|------------|-------------|-----------|--------------|
| <b>Class</b> | <b>YR</b>  | <b>Y1</b>   | <b>Y2</b> | <b>Total</b> |
| <b>1</b>     | 2          | -           | -         | 24           |
| <b>2</b>     | 2          | -           | -         | 24           |
| <b>3</b>     | 2          | -           | -         | 25           |
| <b>4</b>     | -          | 13          | 17        | 30           |
| <b>5</b>     | -          | 13          | 17        | 30           |
| <b>6</b>     | -          | 13          | 17        | 30           |
| <b>7</b>     | -          | 14          | 16        | 30           |
| <b>8</b>     | -          | 14          | 16        | 30           |
| <b>Total</b> | <b>73</b>  | <b>67</b>   | <b>83</b> | <b>223</b>   |

30. If the PAN variation is approved, the School will be able to provide five classes of thirty pupils at Key Stage 1 in 2025/26. If it is not approved then the PAN would remain at 90 and if any parent wished their child to join the School, the child must be admitted until the PAN of 90 were reached. There is therefore a risk that in-year admissions could mean the school having to run six classes at Key Stage 1 during 2025/26 with the consequential impact on the School's budget.
31. I asked the governing body to provide further information on its budgetary situation. The information provided showed that the School would experience an in-year deficit for the academic year 2025/26 even if the PAN variation were approved. This would be addressed by an existing carry forward. However, if the variation request was not approved and the School received an in-year admission prior to the end of the academic year then the School may be required to provide six classes in Key Stage 1 in September 2025. In this situation, it is anticipated that the School would have an overall cumulative deficit of over £15,000 which would increase to a cumulative deficit of over £119,000 by the end of the 2026/27 financial year.
32. I have considered the impact of decreasing admission numbers on the school finances balanced against the impact of the effect that reducing the School's PAN will have on meeting any potential in-year applications. I have tried to ensure that I have considered the competing needs of providing the school places that parents may want for their children and the financial viability of the School. I am satisfied that there are sufficient places in the planning area for any potential in-year admissions. I am also satisfied that agreeing the variation request will mitigate any potential financial risk for the School and

enable them to plan with certainty for the academic year 2025/26 whilst not, given the current indications of demand for future years, causing there to be a problem complying with parental preference.

33. I, therefore, find that the variation is justified by the circumstances and approve the proposed variation to reduce the PAN in 2024/25 from 90 to 67.
34. I also 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 School to increase its PAN and/or admit more children in the future, there remains the capacity in the building for it to do so.

## Other matters

35. In the interests of dealing speedily with this and the 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 Admission Arrangements do or do not conform with the requirements relating to admissions.

## Determination

36. 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 Freegrounds Infant School for September 2024.
37. I determine that the published admission number shall be 67.

Dated: 7 May 2025

Signed:

Schools Adjudicator: **David Holland**