



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** VAR2124 and VAR2125

**Admission authority:** Hampshire County Council for Mill Rythe Junior School, Hayling Island

**Date of decision:** 28 July 2021

## 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 Mill Rythe Junior School for September 2021. By virtue of the same provision, I do not approve the proposed variation to the admission arrangements determined by Hampshire County Council for Mill Rythe Junior School for September 2022.

I determine that the published admission number for admissions in September 2021 shall be 64.

I determine that the published admission number for admissions in September 2022 shall remain at 90.

## The referral

1. Hampshire County Council (the local authority) has referred proposals for variations to the admission arrangements for September 2021 and 2022 for Mill Rythe Junior School (the school), to the Office of the Schools Adjudicator. The school is a community school for children aged 7 to 11 on Hayling Island.
2. The proposed variations are that the published admission number (PAN) be reduced from 90 to 64 for both years.

## Jurisdiction

3. The referral was made to me in accordance with section 88E of the School Standards and Framework Act 1998 (the Act) which states that: “where an admission

authority (a) have in accordance with section 88C determined the admission arrangements which are to apply for a particular school year, but (b) at any time before the end of that year consider that the arrangements should be varied in view of a major change in circumstances occurring since they were so determined, the authority must [except in a case where the authority's proposed variations fall within any description of variations prescribed for the purposes of this section] (a) refer their proposed variations to the adjudicator, and (b) notify the appropriate bodies of the proposed variations".

4. I am satisfied that the proposed variations are within my jurisdiction.

## Procedure

5. In considering this matter I have had regard to all relevant legislation, and the School Admissions Code (the Code).

6. The documents I have considered in reaching my decision include:

- a. the referral from the local authority, dated 30 April 2021, supporting documents and further information provided at my request;
- b. the determined arrangements for 2021 and 2022 and the proposed variations to those arrangements;
- c. evidence that the governing board for the school has been consulted;
- d. a map showing the location of the school and other relevant schools;
- e. a copy of the email dated 15 April 2021 notifying the appropriate bodies about the proposed variation; and
- f. information available on the websites of the local authority and the Department for Education.

## The proposed variations

7. The school is situated on Hayling Island in the borough of Havant and is connected to the mainland by a road bridge. The school is one of four primary schools on the island with Mill Rytte Infant School, Mengham Infant School and Mengham Junior School. The Department for Education (DfE) database shows Mengham Junior School is 0.65 miles from the school. The admission arrangements, including a PAN of 90, for each of the school years 2021/22 and 2022/23 were determined by the local authority on 26 February 2020 and 24 February 2021, respectively.

8. Paragraph 3.6 of the Code requires that admission arrangements, once determined, may only be changed, that is varied, if there is a major change of circumstance or certain

other limited and specified circumstances. I will consider below whether the requested reduction in PAN to 64 is justified by the change in circumstances.

9. Paragraph 3.6 of the Code also requires that relevant parties be notified of a proposed variation. The local authority has provided me with a copy of its notification of the proposed variations. I have seen confirmation from the school's governing board that it supports the request for the variations. I am satisfied that all relevant bodies have been notified. I find that the appropriate procedures were followed.

## **Consideration of proposed variations**

10. When an admission authority wants to reduce the PAN at a school before it determines its arrangements, it is required to consult parents and others listed in paragraph 1.44 of the Code for at least six weeks. This allows public scrutiny of the proposed new PAN. Once arrangements have been determined, they may only be varied in limited circumstances. The variation process is set out in paragraph 3.6 of the Code. That process is designed for use when there is a "major change in circumstances" occurring since the arrangements were determined. An example of a major circumstance might be where an unanticipated problem occurs with a school building requiring remedial work that temporarily reduces the capacity of the building without leaving time to consult on any necessary changes to admission arrangements. The variation process does not include the wider consultation process. In this case the variations requested are for reductions in the PAN from 90 to 64 at the school for September 2021 and for September 2022. I am concerned that parents and others should be able to have their views fully considered when changes are made to admission arrangements whenever possible and as required by the Code.

11. Paragraph 1.3 of the Code requires a local authority to consult the governing board of a community or voluntary controlled school if it intends to keep the same PAN for the next year. There is no requirement to consult with parents or other bodies and only the governing board may object to the adjudicator. If I agree to the proposed reduction in PAN for 2022, the local authority as admission authority may continue the PAN at 64 for 2023 and beyond without the parents in the area having an opportunity to comment on the PAN reduction or, indeed, to make an objection to the PAN. As I shall explain below, this is not an issue if I approve the reduction for 2021 alone.

### **The proposal for 2021**

12. For admission in September 2021, the local authority said "For the admissions round in September 2021, the school has 71 offers for Y3 children and are prepared to admit all of them, but would prefer to limit any extra in year admissions and work back to 64 if possible." The local authority's application to reduce the PAN at the school has been proposed to "...allow the school to plan for an admissions intake of 64 with two teachers, protecting the school from financial difficulties and maintaining their organisational structure. It will enable them to plan their staffing with certainty."

13. I want to consider the impact of the proposed reduction on the number of places in the planning area. The school is located on the Island with one other junior school. The nearest school off the Island which admits to Y3, and based on the DfE database, is 2.34 miles from the school's postcode and is in West Sussex local authority but the school is on another island so the travel distance would be much greater. As the road bridge is the only connection between the Island and the mainland there is only Mengham Junior School in the planning area. The local authority has a duty to make sure that there are sufficient places in the local area if the PAN is reduced. The local authority sent me information about the number of places in the planning area, the number of children admitted in the last three years, the numbers of offers made in 2021 and the forecast for 2022.

Table 1: number of places in the local authority planning area for admission to YR with forecast of demand

	2018	2019	2020	2021	2022
<b>Sum of PANs (based on a PAN of 90 at the school)</b>	150	150	150	150	150
<b>Number of children admitted/offers/forecast</b>	167	112	114	124	111
<b>Number of vacant places</b>	-17	38	36	26	39
<b>Number of vacant places as a percentage</b>	-11%	25%	24%	17%	26%

14. The sum of PANs does not take account of any reduction in PAN at the school for 2021 and 2022. The second row records total numbers admitted to the schools in the planning area in 2018, 2019 and 2020; the number allocated places in 2021 and the number forecast to be admitted to the schools in 2022.

Table 2: number of children admitted to the school and forecast of demand

	2018	2019	2020	2021	2022
<b>PAN</b>	90	90	90	90	
<b>Admitted to Y3</b>	90	53	58		
<b>Places allocated</b>				71	
<b>Forecast</b>					53

15. In the notification to appropriate bodies, the local authority said that the school "currently has a PAN of 90, organised across an 11 class structure. The continued operation of an 11th class is presenting significant financial challenges for the school, and based on the actual pupil numbers at the school and the future growth projections for the catchment area, it is unlikely that a PAN of 90 will be filled. The recommendation is to reduce the School's PAN to 64 for 2021/22 and 2022/23."

16. For September 2021, 71 children have been offered places at the school which is well below the current PAN of 90. The admission authority is, of course, required to admit all 71 children as the offers were made before this proposed variation was requested, let

alone approved. My approval of a reduced PAN for admission in 2021 has no effect on those children and thus no impact on already expressed parental preferences. It would, however, mean that the school need not automatically admit further children in Year 3 in the coming school year up to 90. This is because in a school's normal year of entry (Year 3 in this case) admission cannot be refused. It is also relevant that there is sufficient capacity available in the other junior school in the planning area (53 offers and a PAN of 60) to offer places to parents who may move into the area mid-year. I therefore approve the proposed reduction in PAN for September 2021.

17. However, I should add that with 71 offers, unless parents change their minds about the school or move elsewhere, the reduction in PAN does not mean that the school will have only 64 in Year 3 at any point during the academic year beginning in September 2021. While it may not need to admit more children, the effect of the change may be very limited indeed unless several children leave Year 3.

#### The proposal for 2022

18. I now turn to the request to reduce the PAN from 90 to 64 for September 2022. These arrangements were determined in February 2021. Because these arrangements have been determined before the PAN has been reduced by means of a variation for 2021, the 2022 PAN remains at 90 unless it too is reduced by means of a variation approved by the adjudicator. Given my comments above about the absence of consultation with parents in the variation procedure, I do not think that it is appropriate for this process to be applied at this stage. I was reassured in the case of 2021 above because the number of applications for places and allocations were known at the time of the application for a variation.

19. The local authority has not offered any explanation about the drop in applications to the school. The headteacher of the school reported in the minutes of the governing board's meeting on 2 March 2021 that " he had checked the pupil numbers at the feeder Infant School which were forecast to remain two form entry and there were no new builds planned for the Island which might lead to an increase in pupil numbers." I note also that the local authority reported that "The linked infant school currently has 52 pupils in Year 1" which is likely to have an impact on the numbers applying to join the junior school for 2022.

20. The local authority did not consult on a lower PAN for the school for 2022 and has submitted this variation request which means that parents have not had the opportunity to comment on the proposal. I am not therefore willing to approve the request for a variation for 2022 at this time.

21. The number of places applied for at the school will be known early in 2022 and places will be offered in mid-April 2022. The school will have until the end of May 2022 to set its staffing levels based on the number of children that it expects to have on roll. If at that time, there is a need to adjust the PAN then an application could be made, and a decision taken based on the circumstances at the time. Furthermore, there would be an

opportunity for the local authority to undertake a full consultation with parents and others if the forecast for 2023 makes a PAN of 64 more appropriate. Consequently, I do not approve the proposed reduction in PAN for 2022.

## **Determination**

22. 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 Mill Rythe Junior School for September 2021. By virtue of the same provision, I do not approve the proposed variation to the admission arrangements determined by Hampshire County Council for Mill Rythe Junior School, for September 2022.

23. I determine that the published admission number for admissions in September 2021 shall be 64.

24. I determine that the published admission number for admissions in September 2022 shall remain at 90.

Dated: 28 July 2021

Signed:

Schools Adjudicator: Lorraine Chapman