



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** VAR2249

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

**Date of decision:** 26 May 2022

## Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed reduction in the published admission number for 2022 determined by Hampshire County Council for Mill Rythe Junior School, Hayling Island.

I determine that for September 2022 the published admission number will be reduced from 90 to 64.

## The referral

1. Hampshire County Council (the local authority) has referred a proposal for a variation to the admission arrangements for September 2022 for Mill Rythe Junior School (the school), to the Office of the Schools Adjudicator. The school is a community school for children aged seven to eleven.
2. The proposed variation is to reduce the published admission number (PAN) from 90 to 64.

## 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 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.”

4. The local authority has provided me with confirmation that the appropriate bodies have been notified. I have seen confirmation from the school’s governing board that it 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.
5. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).
6. The information I have considered in reaching my decision includes:
  - a. the referral from the local authority dated 31 March 2022, supporting documents and further information provided at my request;
  - b. information provided by the school in support of the request for a variation;
  - c. the determined arrangements for 2022 and the proposed variation to those arrangements;
  - d. a map showing the location of the school and other relevant schools; and
  - e. information available on the websites of the local authority and the Department for Education.

## The proposed variation

7. The proposed variation is to reduce the PAN of the school from 90 to 64 for September 2022. The local authority said, “The reduction of the PAN to 64 will allow the school to operate a 9-class structure across the school. This will protect the school from financial difficulties and will enable them to plan their staffing with certainty for the next academic year.”
8. Paragraph 3.6 of the Code requires that admission arrangements, once determined, may only be revised, that is 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.

## Consideration of proposed variation

9. The arrangements for the school for 2022/23 were determined by the local authority on 24 February 2021. The local authority's email, dated 14 March 2022, providing notification of the proposed PAN reduction commented "Mill [R]ythe Junior School currently has a PAN of 90, organised across a 10 class structure. The continued operation of an 10th class is presenting significant financial challenges for the school, and based on the actual pupil numbers at the school, current first preference data for September 2022 and the future growth projections for the catchment area, it is unlikely that a PAN of 90 will be filled."

10. On National Offer Day (19 April 2022) the local authority informed parents about the outcome of applications to primary schools including junior schools. For this school 51 offers were made, which is well below the proposed PAN of 64 that the local authority is seeking. The offers made were for all on-time first preference applications. As parents decide whether to accept the offers that have been made, there may still be some movement in the numbers due to start at the school in September 2022. If I determine that the PAN reduces to 64 for admission in 2022, I need to consider if there are sufficient places to meet demand across the planning area. The local authority has a duty to make sure that there are sufficient school places for the children in its area. In order to carry out this duty the local authority considers the availability of places and the need for places in planning areas which are geographical groups of schools. The school is in the Havant (Hayling Island) planning area (the planning area) which consists of two infant schools and two junior schools. The school is located on the island with one other junior school and two infant schools. The island is connected to the mainland by a road bridge.

11. The local authority provided me with 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 2022 and the forecast for 2023. It told me, "The planning area of Hayling Island has received 109 on-time 1<sup>st</sup> preference applications, but there are 150 places available in the planning area, therefore there are sufficient places to accommodate the 1<sup>st</sup> preference demand in the area."

Table 1: Admissions and potential admissions to schools in the planning area

	2019	2020	2021	2022	2023
<b>Sum of the PANs for schools in the planning area</b>	150	150	124	150	150
<b>Number of children admitted (forecast for 2022 and 2023)</b>	114	113	124	109	118
<b>Number of vacant places or potential vacant places</b>	36	37	0	41	32
<b>Number of vacant places as a percentage</b>	24%	25%	0%	27%	21%

12. There is one further point I wish to make. The local authority applied in 2021 for a reduction in the PAN for admissions in both 2021 and 2022. As the adjudicator for those cases, I proposed variation for 2021 but not that for 2022 (VAR2124 and 2125, 28 July

2021). In the determination I noted my concern that the local authority, which wanted to reduce the PAN, by seeking to do this by the variation route had not had to carry out the consultation with parents and others which is required when a PAN is reduced in the normal way. Such consultation must last for at least six weeks and allows for public scrutiny before arrangements are determined. It also allows for objections to be made. The variation process does not include the wider consultation process. Although the PAN for 2021 was reduced, this happened after national offer day and consequentially 69 offers were made which resulted in the school being organised in a 10-class structure for the academic year which began in September 2021.

13. The local authority told me, “If the school are unable to reduce their PAN for September 2022, they may be forced to continue operating the 10<sup>th</sup> class which is not financially viable when the school does not have the pupil numbers to support this. Based on the actual pupil numbers at the school and future growth projections for the catchment area, it is unlikely that the PAN of 90 will be filled.”

14. As the local authority has made 51 offers against a proposed PAN of 64, there would still be spare places available should a family move into the area and make a late application or apply later in the school year. The local authority said, “The reduction of the PAN to 64 will allow the school to operate a 9-class structure across the school. This will protect the school from financial difficulties and will enable them to plan their staffing with certainty for the next academic year.” All first preference applications have been offered places and for these reasons I approve this request to vary the admission arrangements for September 2022 and reduce the PAN from 90 to 64.

15. I should also add the local authority has determined the arrangements, including the PAN, for 2023/24 for the school on 28 February 2022. The PAN will be 90. As the arrangements have already been determined, my decision on this application will not affect the PAN that has already been determined for 2023; my determination affects only admissions to Year 3 (Y3) for 2022.

## Determination

16. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed reduction in the published admission number for 2022 determined by Hampshire County Council for Mill Rythe Junior School, Hayling Island.

17. I determine that for September 2022 the published admission number will be reduced from 90 to 64.

Dated: 26 May 2022

Signed:

Schools adjudicator: Lorraine Chapman