



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** VAR2406

**Admission authority:** Hampshire County Council for Hythe Primary School, Southampton

**Date of decision:** 14 May 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 Hythe Primary School, Southampton for September 2024.

I determine that for September 2024 the published admission number will be 30.

## The referral

1. Hampshire County Council (the local authority) has referred a proposal to the adjudicator for a variation to the admission arrangements for September 2024 (the arrangements) for Hythe Primary School (the school). The school is a community school for children aged four to eleven in Southampton.
2. The proposed variation is to reduce the published admission number (PAN) for September 2024 from 45 to 30.

## 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 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 that the school’s governing board 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 Code.

6. The information I have considered in reaching my decision includes:

- a. the referral from the local authority dated 26 March 2024, supporting documents and further information provided at my request;
- b. the determined arrangements for 2024 and the proposed variation to those arrangements;
- c. comments on the proposed variation from the school’s governing board;
- d. a map showing the location of the school and other relevant schools; and
- e. information available on the websites of the local authority, the school and the Department for Education.

## The proposed variation

7. The proposed variation is to reduce the PAN of the school from 45 to 30 for admissions to reception year (YR) in September 2024. The arrangements for the school for 2024/25 were determined by the local authority on 21 February 2023.

8. The referral states:

“The Published Admission Number (PAN) at Hythe Primary School for the 2024/2025 academic year is currently 45. For the September 2024 admissions round the school currently have only 21 applications naming them as first preference.

The planning area of Dibden/South Waterside Primary has 455 Year R spaces, but there are currently only 334 first preference applications naming the schools in the planning area, therefore there are sufficient places to accommodate the parental

preference demand in the area even if the reduction was agreed. For September 2023, an OSA PAN reduction to 30 was granted and there is currently a plan to drop the PAN to 30 permanently.”

9. The referral states that the school currently has 10 classes. In YR and Years 1 and 2 there are four single age classes; in Years 3 and 4 there are three mixed age classes; in Years 5 and 6 there are three mixed age classes. The current organisation and pupil numbers are set out in Table 1.

**Table1: Hythe Primary School arrangement of current classes and pupil numbers**

<b>Class / Year</b>	<b>YR</b>	<b>Y1</b>	<b>Y2</b>	<b>Y3</b>	<b>Y4</b>	<b>Y5</b>	<b>Y6</b>	<b>Total</b>
1	27							27
2		26						26
3			19					19
4			20					20
5				13	13			26
6				14	14			28
7				11	14			25
8						14	16	30
9						15	15	30
10						16	14	30
<b>Total</b>	<b>27</b>	<b>26</b>	<b>39</b>	<b>38</b>	<b>41</b>	<b>45</b>	<b>45</b>	<b>261</b>

10. The referral also states that:

“The 1st preference data for the 2024/2025 academic year is low and changing the school’s PAN to 30 ensures that the school can remain operating 10 classes. If the PAN were to remain at 45, there is the potential that the school would have to operate 11 classes even though there is not the local demand and the forecast does not show an increase in numbers in the next few years. To operate 11 classes would not be financially viable under these circumstances.

1st preference data at the neighbouring schools, Blackfield Primary School (42/60), Cadland Primary School (31/50), Fawley Infant School (16/30), Manor CE Infant School (12/30), Marchwood CE Infant School (57/60), Orchard Infant School (88/90), Waterside Primary School (18/30) and Wildground Infant School (49/60) all show first preference undersubscription.”

11. 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 in 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

12. 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 PAN reductions 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.

13. It is, therefore, particularly important that the proposed variation is properly scrutinised. I have accordingly considered the latest available data to form a view about whether there will be a sufficiency of school places in the local area if the PAN for September 2024 is reduced from 45 to 30. I have also considered the demand for places at the school, the reasons given for the change and the potential effect on parental preference.

14. Before I consider the proposed variation, I note that the local authority determined the 2025/26 arrangements, including a PAN of 45, for the school on 21 February 2023. As the arrangements have already been determined, my decision affects only admissions to YR at the school for 2024. If the local authority and the school wish to vary the arrangements for 2025 there will need to be a further request for a variation submitted. I also note that this is the second consecutive year that the admissions authority has requested a reduction in PAN from 45 to 30.

15. The local authority has a duty to make sure that there are sufficient 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 plans to meet that need. The local authority uses planning areas, which are geographical areas each containing a number of schools, for this purpose. The school is one of 12 schools providing primary education in the Dibden / South Waterside planning area of Hampshire. Of the schools in the planning area, five are infant schools, providing education for children aged four to seven; four are primary schools providing education for children aged four to eleven; and three are junior schools providing education for children aged seven to eleven. In all the infant schools and two of the primary schools, including the school, the normal year of entry is YR. In all the junior schools, the normal year of entry is Year 3. Two further primary schools have two years of entry, YR and Year 3.

16. Table 2 summarises the data supplied to me by the local authority for each of the schools in the planning area that admit children into YR; the number of children admitted in each of the previous three years; the number of places offered for 2024 and the forecast numbers for 2025.

**Table 2: The number of school places in the planning area and the number of children admitted into YR**

	Year of entry				
	2021	2022	2023	2024*	2025**
<b>The total PAN for the schools in the planning area that admit into YR</b>	485	455	440	455	455
<b>The total number of children in the planning area admitted into YR</b>	401	373	366	342*	326**
<b>Vacant places in the planning area</b>	84	82	74	113	129
<b>Vacant places in the planning area as a proportion of total number of places expressed as a percentage</b>	17.3	18.0	16.8	24.8	28.4

\* Offers made for September 2024 - Data correct 24/04/2024

\*\* Forecast – Data correct 21/03/2024

17. Table 2 shows that, there are likely to be over 100 vacant places for YR children in the planning area in September 2024.

**Table 3: The PAN and the number of places offered for September 2024 for each school within the planning area admitting to YR (Data correct 24/04/2024)**

School name	PAN		No of places offered	No. of vacant places
<b>Blackfield Primary School</b>	60		43	17
<b>Cadland Primary School</b>	50		31	19
<b>Fawley Infant School</b>	30		16	14
<b>Hythe Primary School</b>	<b>45</b>		<b>22</b>	<b>23</b>
<b>Manor Church of England Infant School</b>	30		12	18
<b>Marchwood Church of England Infant School</b>	60		60	0
<b>Orchard Infant School</b>	90		89	1
<b>Waterside Primary School</b>	30		19	11
<b>Wildground Infant School</b>	60		50	10
<b>Total</b>	<b>455</b>		<b>342</b>	<b>113</b>

18. Table 3 shows that all but one school within the planning area is likely to have vacant places in YR in September 2024. I am, therefore, assured that if the PAN for the school were to be reduced from 45 to 30, there would be sufficient vacant places in the area for those seeking a place in YR during the academic year. I am also assured that parents would be able to secure a place either at the school itself or at another local school as there are likely to be places available at several schools in the area. I do not, therefore, consider that there is any evidence to suggest a likelihood that parental preference would be frustrated if the variation is approved.

19. The request for a variation refers to the risk of the school having to “operate 11 classes” and that this “would not be financially viable”. The school is regulated by the provisions of the School Admissions (Infant Class Size) (England) Regulations 2012 (the infant class size regulations). The infant class size regulations 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.

20. If the PAN for the school were to remain at 45, then any in-year applications for YR will have to be admitted until at least 45 have been admitted. The infant class size regulations apply to YR and so in the event of any further admissions that take YR above 30 children, the school would have to either create an extra class or reorganise their infant children into mixed age classes. This would present a significant logistical and financial challenge.

21. For admission in September 2024, 22 places have been offered. This is the third year in a row where the number of admissions has been below the proposed PAN of 30. All applicants have been offered a place at the school and would also have been offered places if the PAN had been 30. I have expressed my concern about the lack of consultation when changes are made to admission arrangements by means of a variation. However, in this case the concern appears unwarranted in the sense that all parents seeking a place for their child at the school have been offered a place and there remain eight unallocated places which would be available should a family seek a place for a child during the school year.

22. After consideration of all the factors above, I find that the variation is justified by the circumstances, and I approve it. The PAN for the academic year 2024/25 will be 30.

## Determination

23. 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 Hythe Primary School, Southampton for September 2024.

24. I determine that for September 2024 the published admission number will be 30.

Dated: 14 May 2024

Signed:

Schools adjudicator: Catherine Crooks