



Office of
the Schools
Adjudicator

Determination

Case reference: ADA4294

Objector: Hampshire County Council

Admission authority: The governing body of The Hayling College

Date of decision: 06 August 2024

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements for September 2025 determined by the governing body of The Hayling College for The Hayling College, Hampshire.

I have also considered the arrangements in accordance with section 88I(5) and find there are other matters which do not conform with the requirements relating to admission arrangements in the ways set out in this determination.

By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of the date of the determination.

The referral

1. Under section 88H(2) of the School Standards and Framework Act 1998 (the Act), an objection has been referred to the adjudicator by Hampshire County Council (the local authority), about the admission arrangements (the arrangements) for The Hayling College (the school), for September 2025. The objection is to the reduction in the Year 7 (Y7) Published Admission Number (PAN) from 150 to 110.
2. The parties to the objection are the local authority and the school.

Jurisdiction

3. These arrangements were determined on 27 February 2024 under section 88C of the Act by the school's governing body, which is the admission authority for the school. The local authority submitted its objection to these determined arrangements on 3 April 2024. I am satisfied that the objection has been properly referred to me in accordance with section 88H of the Act and it is within my jurisdiction. I have also used my power under section 88I of the Act to consider the arrangements as a whole.

Procedure

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

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

- a. a copy of the letter accompanying the consultation by the school on its proposal to reduce the Y7 PAN, dated 12 December 2023, and the consultation responses received by the school;
- b. a copy of the minutes of two meetings of the governing body at which the proposal to reduce the Y7 PAN was considered, dated 28 November 2023 and 20 February 2024;
- c. a copy of the minutes of the meeting of the governing body at which the arrangements were determined, dated 27 February 2024;
- d. a copy of the determined arrangements;
- e. the local authority's form of objection dated 3 April 2024, together with supporting documents and further information provided at my request;
- f. the school's response to the objection, the school's response to additional matters raised by me, and further information provided at my request; and
- g. the websites of the school, the local authority, Ofsted and the Department for Education (DfE).

The Objection

6. The local authority has raised the objection to the school's reduction in its Y7 PAN from 150 to 110. The local authority has stated that it supports the school in reducing its PAN due to a recent fall in demand for places. However, it considers that a PAN of 110 is too low, given current forecasted demand for places at the school and the number of Y6 children currently resident on Hayling Island.

Other Matters

7. I raised a concern with the school that some aspects of its admissions arrangements did not or may not confirm with the requirements relating to admission arrangements, namely: the rationale for how distance is measured; the clarity of the distance measurement provisions; the need for a tie-breaker provision; and the length of time that the waiting list is maintained.

Background

8. The school is a co-educational foundation school for children aged 11 to 16. It is located on Hayling Island, in the Hampshire local authority area. It is the only secondary school situated on Hayling Island. As a foundation school, the governing body is the admission authority for the school. The school was last inspected by Ofsted in June 2023, when it was rated 'Good'. DfE's 'Get Information About Schools' (GIAS) website pages indicate that the net capacity of the school is 750 pupils and that the school currently has 573 pupils on roll.

9. The admission arrangements for September 2025 list a Y7 PAN of 110.

10. The oversubscription criteria for September 2025 can be summarised as follows:

1. Looked after and previously looked after children;
2. Children with a medical, physical or psychological condition which makes it essential that they attend the school rather than any other school;
3. Siblings of children who are attending the school at the time of the application;
4. Attendance at a 'linked school' – Those are Mengham Junior and Mill Rythe Junior;
5. Those living on Hayling Island, whose home address is furthest from Langstone Bridge; and
6. Those not living on Hayling Island, whose home address is closest to Langstone Bridge.

Consideration of Case

11. The local authority is concerned that the determined Y7 PAN of 110 for September 2025 is too low, given current forecasted demand for places at the school and the number of children in the relevant age group currently residing on Hayling Island. As such, it is concerned that the Y7 PAN of 110 would compromise its ability to meet its statutory duty to ensure a sufficiency of school places for children living on the island.

Key information about the school

12. The local authority has provided a copy of the April 2018 'Net Capacity Assessment' report for the school. This accords with the information shown on the GIAS website pages, and records a net capacity of 750 pupils. The school, however, has stated that its net capacity is approximately 550 pupils.

13. The school has been undersubscribed in recent years. Its admissions data for the past five years is as follows:

Table 1: Admissions data for the school

Academic year	Y7 PAN	Number of Y7 pupils admitted
2019-2020	150	109
2020-2021	150	109
2021-2022	150	107
2022-2023	150	135
2023-2024	150	105

14. This data shows that, in the past five years, all applicants to the school were able to obtain a place at the school. It also shows that the number of Y7 pupils admitted has remained relatively stable at between 105 and 109 pupils, apart from in 2022-2023 when 135 pupils were admitted.

15. The school's current numbers on roll are as follows:

Table 2: Current numbers on roll at the school

Year group	Number of pupils on roll	Number of tutor groups	Average class size
7	104	4	26
8	142	6	24
9	110	4	27.5
10	98	4	24.5
11	110	4	27.5

The school's consultation on reducing the Y7 PAN

16. I have been provided with a copy of the letter dated 12 December 2023 that accompanied the school's consultation on its arrangements for September 2025. The original proposal was to reduce the Y7 PAN from 150 to 100, but the eventual decision was to reduce it to 110. The letter explained the rationale behind the original proposal as follows:

“Our projections show that there will be sufficient places available for local children if the PAN for this school is reduced. Should the demand for additional school places increase in the future, the Governors will consider raising the PAN again.

In Hayling Island the school roll numbers have remained very consistent over recent years, with the exception of the intake in 2022; based on information from local schools the number of students coming through the primary school system is falling. As a result of the school being allocated between 95 – 105 pupils per year for the last 5 years, with one exception in 2022, it seems sensible to bring Hayling College's Published Admission Number in line with the expectation of numbers anticipated coming into the school. Therefore, we are proposing to reduce the number of available places to enable the school to operate more efficiently”.

17. I have been provided with a copy of the local authority's response to the consultation, dated 4 January 2024. The local authority objected to the reduction of the Y7 PAN to 100 on the basis that it would “likely result in a significant shortfall of places for children on the island”. The local authority provided the school with its population forecasts for Hayling Island for the years 2021-2022 to 2028-2029, asserting that these showed that “for 2025-26 and subsequent years, the Year 6 population on the island exceeds the proposed limit of 100, in some years quite significantly”. The local authority stated that it would be supportive of a reduction in the Y7 PAN to 120, but not below that level.

18. The school has provided copies of the responses to the consultation, other than from the local authority. Five parents responded, all of them objecting to the Y7 PAN reduction. They each expressed a concern that, given the combined PANs of the feeder primary schools (Mill Rytte Junior School and Mengham Junior School) is currently 150, a Y7 PAN reduction at the school to 100 would risk children living on the island and wishing to attend the school missing out on a place. I note that, although the combined PAN of the feeder schools is currently 150, from 2025-26 it will be 120. The parents raised concerns about the difficulties involved in any children unable to obtain a place at the school having to be transported off the island for their secondary school education. One of the responders suggested that a Y7 PAN of 120 may be more appropriate.

19. The school has provided copies of the minutes of the meetings of the governing body of the school at which the proposed Y7 PAN reduction was considered. At a meeting held on 27 November 2023 governors stressed that they would like the school to be accessible to as many pupils living on Hayling Island as possible and expressed a concern that reducing the PAN might prevent some children living on the island from attending. The headteacher had responded that the school would be able to increase its Y7 PAN in future “as needed”. He said that the only difference would be that “the school would be in control of its admissions”. Governors also asked about the potential impact on the “school group” and the school budget. They were told that the change might impact on “school group” but would have no impact on the school budget. On that occasion, the governing board decided to go ahead and consult on reducing the Y7 PAN to 100.

20. At the meeting of the governing board on 20 February 2024, governors considered the responses to the consultation. The minutes record that “Overall, the responses had been positive however the Admissions Team at Hampshire had raised concerns about reducing the PAN to 100 saying that they thought 120 would be more appropriate”. The minutes also record governor concerns that reducing the Y7 PAN might impact on the Headteacher’s pay band which, in turn, could impact upon retention and recruitment in the future. At the meeting of the governing board on 27 February 2024, the board decided to reduce the PAN to 110, instead of 100. The minutes record that this change was “in response to the consultation with stakeholders”, but no further detail is provided as to the rationale for deciding on 110.

The local authority’s representations

21. The local authority is concerned that if the Y7 PAN for the school remains at 110, there may be some children who live on Hayling Island and apply for a Y7 place in September 2025 but who are unable to obtain a place at the school. The implications for those applicants is that they would have to find a school place off Hayling Island, which would be at some distance from their home address causing inconvenience for families and long journeys for pupils. Furthermore, the local authority has highlighted that it would need to support those children with the cost of transport to the further afield secondary school.

22. The local authority has explained that there is only one road on and off the island, which is frequently congested. There is no trainline and the bus service is infrequent. As such, the local authority has stated that it aims to accommodate children living on the island at schools on the island if that is their wish.

23. The local authority provided a list of the ten nearest secondary schools to the school, showing their distances measured as a straight line and showing the estimated travel times from the school as follows:

Table 3: Alternative secondary schools and their distance from the school

	School	Distance in miles (straight line)	Estimated travel time by car (Google maps directions)	Estimated travel time by public transport (Google maps directions)	Co- educational?	Faith- based admission criteria?
1	Warblington School	3.919	13 minutes	40-50 minutes	Yes	No
2	Park Community School	5.215	16 minutes	49-59 minutes	Yes	No
3	Crookhorn College	5.263	16 minutes	50 minutes to 1 hour 17 minutes	Yes	No
4	Purbrook Park Schol	5.271	18 minutes	1 hour 3 minutes to 1 hour 26 minutes	Yes	No
5	Oaklands Catholic School	5.414	17 minutes	56 minutes to 1 hour 24 minutes	Yes	Yes
6	Havant Academy	5.524	17 minutes	46-51 minutes	Yes	No
7	The Cowplain School	7.001	20 minutes	1 hour 13 minutes to 1 hour 36 minutes	Yes	No
8	Portchester Community School	7.373	25 minutes	1 hour 10 minutes to 1 hour 31 minutes	Yes	No
9	Kings Academy Brune Park	8.054	31 minutes	1 hour 22 minutes to 1 hour 36 minutes	Yes	No

10	Horndean Technology College	8.246	21 minutes	1 hour 28 minutes to 1 hour 40 minutes	Yes	No
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24. This data shows that the nearest school, Warblington School, is just under four miles from the school and the others are located more than five miles from the school. Travelling times to these alternative secondary schools vary but, by public transport, all exceed 40 minutes each way.

25. The local authority has provided me with data about how many children travel off the island for school. In the current Y7 five children travel off the island to attend Oakland Catholic School and eight children travel off the island to travel to other secondary schools – so a total of 13 children. In the current Y8 and Y9, the figures are higher, with 16 and 15 children respectively travelling off the island to attend Oakland Catholic School and seven and five children respectively travelling off the island to attend other secondary schools – so a total of 23 children and 20 children respectively. Coming in the other direction, the local authority's figures indicate that: in the current Y7, three children travel onto the island to attend the school; in the current Y8, seven children travel onto the island to attend the school; and in the current Y9 three children travel onto the island to attend the school. This demonstrates that there is some consistent demand from families living on the island to send their children to secondary school off the island, most notably where the family would like their child to attend a faith school. It also demonstrates that the number of children choosing to travel onto the island to attend the school is generally a lower number than those travelling off the island, with seven children or fewer choosing to do so in each of the current Years 7, 8 and 9.

26. The local authority has provided me with data on previous demand for places at the school and its forecasted demand for places at the school, based on the Spring 2024 census data as follows:

Table 4: Demand for places at the school in the past three years

	2020-2021	2021-2022	2022-2023	2023-2024
Previous year's Y6 population at primary schools on the island	131	131	162	116
Pupils allocated a Y7 place at the school	112	110	138	105
Participation rate (Y7 places allocated as a percentage of the previous year's Y6 population)	85 per cent	84 per cent	85 per cent	91 per cent

Table 5: Forecast demand for places at the school in the next six years

	2024-2025	2025-2026	2026-2027	2027-2028	2028-2029	2029-2030
Previous year's Y6 population at primary schools on the island	109	123	112	128	129	123
Pupils forecast to seek a Y7 place at the school	96	108	98	112	113	108
Participation rate used to calculate the forecast demand	88 per cent	88 per cent	88 per cent	88 per cent	88 per cent	88 per cent

27. The local authority explained that the forecast figures were calculated assuming a participation rate (PR) – that is, the proportion of children attending Y6 at a primary school on the island that choose to transfer to Y7 at the school – of 88 per cent, based on a weighted average of the PR in recent years. Of course I note that, because the PR of 88 per cent is only a prediction in itself, there is a possibility that the PR for 2025-2026 and subsequent years could be higher or lower than this. For example, as recently as 2023-2024, the PR was 91 per cent. I note that the forecast demand for Y7 places in the four years following 2025-2026 fluctuates between a low of 98 pupils and a high of 113 pupils.

The school's representations

28. I asked the school to clarify the rationale for reducing the Y7 PAN from 150 to 110. It explained that several factors had influenced its decision:

“Capacity and Resources: By lowering the intake, we aim to ensure that the number of students aligns better with available facilities, teaching staff, and support services.

Quality of Education: The lower PAN allows for smaller class sizes, which correlates with improved student outcomes. With fewer students per class, we can provide more individualized attention, address diverse learning needs effectively, and foster stronger relationships with our students. These interventions could help enhance overall academic performance, student engagement and satisfaction.

Inclusive Education: With a high proportion of our students having additional needs, smaller cohorts would enable us to better accommodate students with special educational needs or those from disadvantaged backgrounds. It will also aid us in fostering a sense of belonging and equity within the school community.

Curriculum and Extracurricular Opportunities: The reduction in PAN will allow us to maintain an optimum student-to-teacher ratio, ensuring that extracurricular activities, enrichment programs, and KS4 course options remain accessible to all students.

Long-term Planning: The decision to reduce the PAN is to try and ensure the sustainability of [the school] for the island. The proposed number of 110 aligns with projections for future enrolment figures, based on information supplied by [the local authority]. By making this adjustment proactively, [the school] can better manage its resources and maintain sustainable growth over time.

While there may be challenges associated with a lower PAN, for example financial implications, we believe that the anticipated benefits in terms of experience that the students have in the school, their academic achievement, and the overall school culture would justify the decision”.

29. I asked the school why a PAN of 110 was the right level. The school drew my attention to the fact that the local authority’s forecasts are based on a PR of 88 per cent, even though the PR has been lower in three out of the past four years. The school also stated that, based on the local authority’s forecasts, it is not until the academic years 2027-2028, 2028-2029 and 2029-2030 that there is a prediction that there would be demand for in excess of 110 Y7 places at the school. The school indicated that it would be happy to review its Y7 PAN in subsequent years if demand proved to be increasing.

30. I asked the school what the risks would be of the PAN of 120 proposed by the local authority. The school’s response included the following:

“If we are unable to have adequate resources, facilities, or teaching staff to accommodate the increased number of students, it could lead to overcrowded classrooms, stretched resources, and compromised quality of education.

A larger intake of students might put pressure on teachers, affecting their ability to provide individual attention and support to each student. This could potentially impact the quality of teaching and learning experiences.

A sudden influx of students could affect the social dynamics within the school. It might be challenging for new students to integrate into the existing community, which as an island community already has its own challenges, leading to feelings of isolation or exclusion.

[The school] may need to adjust their curriculum or teaching strategies to cater to a larger and potentially more diverse student population. This could require additional planning and resources to ensure all students receive a high-quality education. Parents might be concerned about the impact of larger class sizes on their child’s education and well-being.”

Analysis and decision

31. Given the island geography and, in particular, its impact on journey times on and off the island, my view is that it is right that both the local authority and the school share the goal that any secondary school age child living on the island (for whom mainstream schooling is suitable) and wishing to attend the school, should be able to do so. The school has stated it would always accommodate an application from a child living on the island. However, if the school's Y7 PAN were reduced to a number below the number of children from the relevant cohort living on the island, and applications exceeded places, it would not be required to admit all applicants. Furthermore, it is important for me to have in mind that the Y7 PAN for 2026-2027 has not yet been determined. Therefore, the Y7 PAN for 2025-2026 will form a baseline for the school, from which it can continue unchanged without the need for a further consultation for another six years. For those reasons, I have considered carefully the data about how many children of the right age to apply for a Y7 place at the school will be living on the island in 2025-2026 and the local authority's forecasted demand for Y7 places at the school in 2025-2026 and subsequent years.

32. I note that 118 children of the relevant year group currently live on the island and the relevant Y6 population on the island is 123 children. The local authority has predicted, based on a PR of 88 per cent of the Y6 population, that 108 children are likely to wish to join the school in 2025-26. However, it is, of course, possible that the figure could be higher for a number of reasons. It is possible that all of the 118 children of the relevant year group living on the island could choose to apply for a place at the school. It is possible that the PR will be higher than 88 per cent. It is also possible, although unlikely (given the inflow and outflow data, particularly in relation to the demand for places at Oaklands Catholic School) that all 123 children currently attending Y6 at a school on the island could choose to apply for a Y7 place at the school. I note that the local authority's forecasted demand for Y7 places at the school, based on a PR of 88 per cent, predicts that demand in two of the next four years will exceed 110 places.

33. The school's argument that a PAN of 120, as suggested by the local authority, might lead to overcrowding, inadequacy of resources, increased pressure on teachers and negative social dynamics within the school is difficult to follow, couched in contingent terms ("if", "might", "may"), and does not appear to be supported by any evidence. I do not accept that a PAN of 120, resulting in the potential for the admission of an additional ten pupils, could or would have such a deleterious effect. The school has proven that it can cater for a year group larger than 110, as it does so for the current Y8 where there are currently 142 pupils on roll. I note that average class sizes across the school currently range from 24 to 27.5. If the school were to admit 120 pupils in Y7 in 2025-2026, that year group could be split into four tutor groups of 30 pupils each or five tutor groups of 24 pupils each. Tutor groups of those sizes are well within the range of acceptable class sizes for secondary school children. The data about numbers of children travelling onto the island to attend the school showed low numbers (less than ten in each of the previous three years) and that was with a Y7 PAN of 150. There is no evidence to indicate to me that a Y7 PAN of 120 will attract more 'off-island' pupils than a Y7 PAN of 110, let alone result in a "sudden influx" of new 'off-island' pupils that could affect the social dynamics within the school.

34. Bearing in mind that the forecast demand for Y7 places in 2025-2026 is 108 (only two short of the PAN of 110) and the forecast demand in two of the next four years exceeds 110, I consider that the school's current Y7 PAN of 110 for September 2025 creates a significant risk of a shortfall in Y7 places on Hayling Island and of frustrating parental preference, both in 2025-2026 and in subsequent academic years. I consider that a more appropriate Y7 PAN for September 2025 would be 120. That figure would mean that no child of the relevant year group living on the island applying for a Y7 place at the school in 2025-26 would be denied a place, which both the school and the local authority have indicated is important in principle.

35. For these reasons, I uphold the objection and determine that the Y7 PAN for the school for September 2025 will be 120.

Other Matters

36. Having considered the arrangements as a whole, I raised the following concerns with the school:

- a. Oversubscription criterion 5 states that distance is to be measured "along road recognised as used by vehicular traffic". It is unclear as to why the school has decided to use this measure of distance for oversubscription criterion 5, rather than a straight line. Without a clear rationale, the approach breaches the requirement at paragraph 1.8 of the Code that oversubscription criteria must be reasonable. In addition, without further detail being provided about how the school calculates this distance (for example, from which point on the bridge and using what software), it will be difficult for parents to understand how to calculate the distance of their home address from Langstone Bridge. As such, the approach breaches the requirement at paragraph 1.13 of the Code that "Admission authorities must clearly set out how distance from home to the school and/or any nodal points used in the arrangements will be measured".
- b. Oversubscription criterion 6 states that distance is to be measured by a straight line. It is not clear as to why the school has decided to take a different approach to measurement of distance for oversubscription criterion 6 as compared to oversubscription criterion 5. Without a clear rationale, the difference of approach breaches the requirement at paragraph 1.8 of the Code that oversubscription criteria must be reasonable.
- c. The arrangements are missing a tie-breaker for the situation in which two applicants rank equally under oversubscription criterion 5. This amounts to a breach of the requirement at paragraph 1.8 of the Code that "Admission arrangements must include an effective, clear, and fair tie-breaker to decide between two applications that cannot otherwise be separated".
- d. It is not clear from the waiting list provisions within the arrangements that the waiting list will be maintained until at least 31 December of the relevant school

year. Therefore, that aspect of the arrangements is in breach of the requirement at paragraph 2.15 of the Code that “Each admission authority must maintain a clear, fair, and objective waiting list until at least 31 December of each school year of admission [...]”.

37. I am grateful to the school for indicating that it will work with the governing body to address these matters.

Determination

38. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements for September 2025 determined by the governing body of The Hayling College for The Hayling College, Hampshire.

39. I have also considered the arrangements in accordance with section 88I(5) and find there are other matters which do not conform with the requirements relating to admission arrangements in the ways set out in this determination.

40. By virtue of section 88K(2) the adjudicator’s decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of the date of the determination.

Dated: 6 August 2024

Signed:

Schools Adjudicator: Jane Kilgannon