



Office of
the Schools
Adjudicator

Determination

| | |
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| Case reference: | VAR2552, VAR2553, REF4403 |
| Admission Authority: | The governing body for St Michael and All Angels Church of England Infant School in Lyndhurst, Hampshire |
| Local Authority: | Hampshire County Council |
| Date of advice: | 9 April 2025 |

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variations to the admission arrangements determined by the governing body for St Michael and All Angels Church of England Infant School for 2024/25 and 2025/26.

I determine that for admission in 2024/25, the published admission number will be 20 and that for admission in 2025/26, the published admission number will be 23.

I have also considered the admission arrangements for 2024/25, 2025/26 and 2026/27 under section 88I(5) and find that they do not comply with 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 this determination.

The referral

- 1. The governing body (the Admission Authority) for St Michael and All Angels Church of England Infant School (the School) has referred to the adjudicator proposals for variations to the admission arrangements (the Arrangements) for 2024/25 and 2025/26.**
- 2. The School is a voluntary aided co-educational school for children aged four to seven in Lyndhurst, Hampshire. It is part of The Oaks CE Learning Federation which describes**

itself on its website as “a family of three small Church Infant Schools based in the villages of Copythorne, Lyndhurst and Netley Marsh.” It is located in the local authority area of Hampshire.

3. The School has a Church of England religious character. The religious authority for the School is the Diocese of Winchester (the Diocese).
4. The parties to the request are the Admission Authority, Hampshire County Council (the Local Authority) and the Diocese.
5. The proposed variations are that the published admission number (the PAN) for 2024/25 is reduced from 30 to 20 and that the PAN for 2025/26 is reduced from 30 to 23.

Jurisdiction and procedure

6. 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”.

7. The Admission Authority has provided me with confirmation that the appropriate bodies have been notified of the proposed variations in line with the Code.
8. I find that the appropriate procedures were followed, and I am satisfied that the proposed variations are within my jurisdiction.
9. I have also used my power under section 88I of the Act to consider the Arrangements as a whole and to determine whether or not they conform with the requirements relating to admissions and, if not, in what ways they do not so conform. I will refer to these as ‘other matters’ and they are covered in the section of the determination under that name.

10. In considering the variation requests and the matters considered under section 88I, I have had regard to all relevant legislation and the Code.
11. The information I have considered in reaching my decision includes:
 - the referral from the Admission Authority dated “February 2025” (and received on 10 March 2025), supporting documents and further information provided at my request;
 - the determined Arrangements for 2024/25 and 2025/26 and the proposed variations to those Arrangements;
 - the determined Arrangements for 2026/27;
 - maps, including Google Maps and those showing the location of the School; and
 - information available on the websites of the Department for Education, the Local Authority and the School.

Consideration of proposed variations

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 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.
13. I note here that the Arrangements for 2026/27 have already been determined. This means that if I agree to the Admission Authority’s request to vary the Arrangements for 2025/26 by reducing the PAN to 23 as proposed, it will be for that year only and will not have a bearing on subsequent years.
14. 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 variations are justified by the change in circumstances.
15. The major change in circumstances relied upon by the Admission Authority is set out in the referral, which states:

Change to PAN for 24/25

The reduction of the PAN to 20 in the current Year R will protect the school from financial difficulties and will enable them to plan their staffing and curriculum in accordance with a proposed PAN reduction in September 2025.

Change to PAN for 25/26

The reduction of the PAN to 23 from September 2025 will enable the school to run mixed classes allowing for 2 classes of 30.

Current Situation:

For the past two years, the school has had fewer than 60 students enrolled. In response to this enrolment pattern, the school has strategically organized classes, structures, and systems that facilitate a model of two classes. This model has been designed to cater effectively to the reduced student population while maintaining the quality of education and providing a stable environment for pupils.

The reduction in the PAN will help ensure that the school can continue to operate within the current structure without the need to further divide students across three classes. The existing two-class model has proven effective in meeting the needs of the students, and any shift to a three-class model would require significant adjustments that could lead to unnecessary disruption for the pupils, particularly those who would need to be split between multiple classes.

Benefits of Reducing the PAN:

Stability for Students: Reducing the PAN will allow students to remain in smaller, more manageable class sizes without the disruption of being redistributed between three separate classes. This stability is crucial for maintaining a consistent learning environment.

Continuity of Educational Model: The current two-class structure has been carefully organized to support the needs of the students. Reducing the PAN ensures that this model can continue without the challenges posed by a larger class split.

Resource Management: By maintaining the current structure, resources such as teaching staff, classroom space, and educational materials can be utilized efficiently. This ensures that resources are aligned with the actual needs of the student body.

Minimized Disruption: A reduction in PAN prevents the need for any further changes to the structure, class compositions, or teaching staff, ensuring minimal disruption to both pupils and staff.”

Overall demand for YR places in the area

16. I have given careful consideration to the latest available data in order to form a view about the sufficiency of school places in the local area if the PANs are reduced as proposed. I have also considered the demand for places at the School, the reasons given for the changes in demand, the potential effect on parental preference of the

proposed PAN reductions and whether the proposed reductions are justified taking into account all relevant circumstances.

17. 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 sits within the Totton Primary Planning Area (TPPA).
18. The School has provided me with the following relevant data regarding admissions to TPPA schools, together with forecasts for 2025/26.

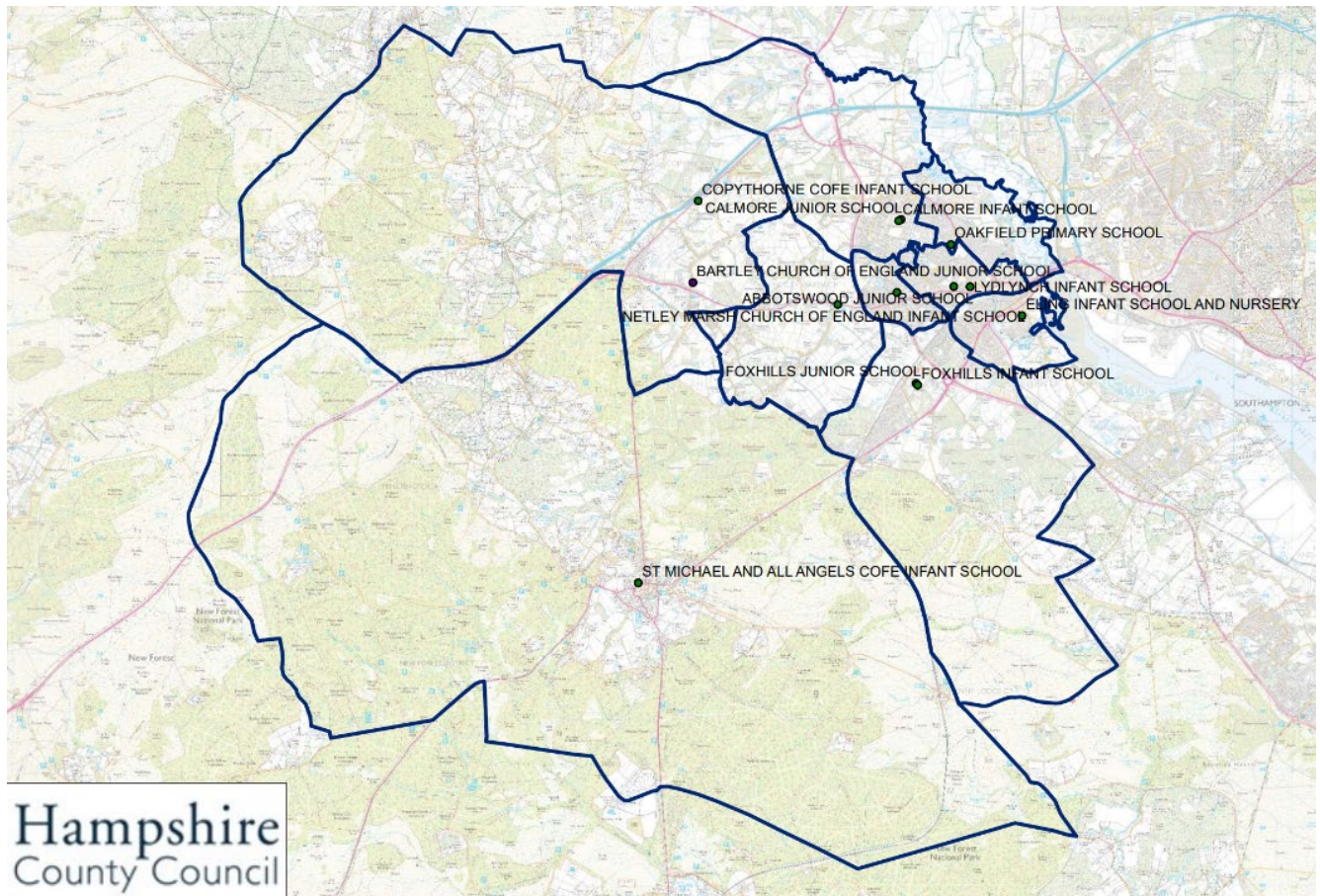
Table 1: Number of children admitted, or forecast to be admitted, to reception year (YR) at TPPA schools

| | 2022/23 (admitted) | 2023/24 (admitted) | 2024/25 (admitted) | 2025/26 (forecast) |
|--|-------------------------------|-------------------------------|-------------------------------|-------------------------------|
| Number of children | 350 | 350 | 353 | 381 |
| Sum of PANs for YR | 425 | 425 | 425 | 405 ¹ |
| Vacant places | 75 | 75 | 72 | 24 |
| Sum of PANs for YR, if proposed variations are approved | N/A | N/A | 415 | 398 |
| Vacant places if proposed variation for 2025/26 is approved | N/A | N/A | N/A | 17 |
| Proportion of places vacant if proposed variation for 2025/26 is approved | N/A | N/A | N/A | 4% |

19. From the above data, I am satisfied that a reduction of the School’s PAN to 23 for 2025/26 would not leave a shortage of places in the local planning area for children whose parents are seeking a place for their child to be admitted to YR in 2025/26. However, I note at this point the location of the School, which is situated in an isolated position in the planning area, some distance away from the concentration of schools in the more urban north-eastern strip of the planning area, as shown by map 1 below (the lines on the map show the boundaries of the various sub-regions that collectively make up the regions of the TPPA).

¹ This is a reduction of 20 places due to another school in the TPPA reducing its PAN from 80 in 2024 to 60 in 2025

Map 1 – Totton Primary Planning Area



20. I therefore asked the Local Authority to provide data for the Lymington Planning Area and the Ringwood Planning Area, which are the two adjacent planning areas that are south and west of the School. This additional information shows that for 2025/26, there are 266 YR places in the Lymington Planning Area to meet a forecast demand for 248 places, and 240 YR places in the Ringwood Planning Area to meet a forecast demand for 183 places. The number of first preferences for September 2025 in these planning areas are 225 and 163 respectively.
21. I therefore conclude that there are plenty of spare places in all three planning areas to accommodate children who may move into those areas and who wish to join YR in 2025/26. However, it is possible that if they move into Lyndhurst, the distance to any such place will be much further away than if they were able to join the School, which according to the DfE’s website “Get Information about Schools” is over three miles from the next nearest school which admits to YR.

Places at the School

22. I now turn to the number of children at the School and the reasons given by the School in support of the variation requests. The requests for the variations refer to the

governing body's wish to align its staffing and budget to the reducing number of children. The provisions of the School Admissions (Infant Class Size) (England) Regulations 2012 (the infant class size regulations) apply to the School, and they 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.

23. The School has provided me with a detailed breakdown of how its classes are organised, and how they will be organised in 2025/26 if the proposed variations are agreed.
24. The School currently has 20 children in YR, 17 children in year 1 (Y1) and 17 children in year 2 (Y2). These 54 children are currently taught in two mixed age classes.
25. Based on these numbers, the School expects that in September 2025 it will have 20 children in Y1 and 17 children in Y2. This means that it would be able to accommodate another 23 children in the infant stage and still organise the stage into two mixed age classes, without breaching the infant class size regulations.
26. However, there is a PAN of 30 currently in place for YR for 2024 and 2025, which means that any in-year admissions to YR during the rest of this academic year would have to be admitted. The effect of the proposed variation for 2024/25, to reduce the PAN to 20 (the current number of children), would be to stop this happening. The effect of the proposed variation for 2025/26 would allow the School to offer only 23 places for admission to YR in September 2025, rather than 30. In summary, both of the two proposed variations are necessary if the School is to limit its numbers in September 2025 to a total of 60 pupils and hence to have certainty that it can operate a two-class model in 2025/26.
27. The School has provided me with a detailed breakdown of its financial position to support the variation requests. It tells me that it is expecting to have a cumulative deficit of around £120,000 at the end of the 2024-25 financial year, and that this will increase to around £170,000 at the end of the 2025-26 financial year, even if the proposed variations are approved. If they are not approved, the cumulative deficit for the end of the 2025-26 financial year is projected to be around £209,000. There is therefore compelling evidence that the proposed variations will make a significant difference to the School's financial position, and hence to its ability to meet the needs of the existing children on roll, although I note that the actual and forecast pupil numbers are such that it is highly likely that the School will have to move to a three-class model in 2026/27.
28. In order to explore the impact of the proposed variation for 2025/26, I asked the Local Authority to confirm the number of offers that are currently expected to be made on National Offer Day for entry to the School in YR in September 2025, noting that this would not necessarily be the same as the number of first preferences. They told me that

if the PAN were reduced to 23, one child would be potentially affected, and would be displaced to their second preference school, Brockenhurst CofE Primary School. They also told me that this school is 5.77 “direct miles” from the child’s home address, compared to 2.95 miles for the School.

29. The impact of the proposed variation for 2024/25 is much less. At the moment there are 20 children in YR and so a reduction in the PAN to 20 would mean that the School would be able to argue that there is prejudice in admitting any new child who might be seeking a place in YR during the rest of the 2024/25 academic year. For completeness, I note here that for YR, the Admission Authority cannot argue that prejudice arises, and so not admit a child, when its numbers are below PAN. The PAN for any cohort does not apply once they progress to Y1 and Y2 and so admission to those year groups may only be refused on the basis that it would prejudice the provision of efficient education or efficient use of resources, as stated in paragraph 1.4 of the Code.
30. I also note at this point that should the School move to a three class model for 2026/27 as appears likely, then the numbers of students in each year group are projected to be such that there will be plenty of space for in-year admissions to all three year groups for 2026/27.

Summary of findings

31. Having considered all the matters above, my reasoning can be summarised as follows:
 - a. If the proposed variations are approved, there will be a limited degree of frustration of parental preference. There will be detriment to a particular child who is likely to not be admitted in September 2025 to a school which is their highest available preference and will instead have to attend a school that is nearly six miles from their home.
 - b. There is also the potential detriment to any child who moves in future to Lyndhurst, who might seek to be admitted to YR in 2024/25, or to YR in 2025/26, on the basis that they may have to attend a school several miles from their home. However, I note here that under paragraph 2.16e of the Code, there is an exception to the infant class size regulations for children who move into the area outside the normal admissions round for whom there is no other available school within reasonable distance.
 - c. If the proposed variations are not approved, there will be a significantly negative financial and organisational impact on the School, with detriment to those children already at the School, and to others who may lose out if funding is diverted to pay for the provision of an extra infant class for 2025/26.

32. After carefully weighing the above factors, I conclude that the proposed variations are justified by the circumstances, and I approve them.

Other matters

33. Having considered the Arrangements as a whole it appeared to me that there are matters which may not conform with requirements of the Code and so I brought them to the attention of the Admission Authority. These matters are:
- a. The Arrangements for both 2024-25 and 2025-26 currently state that there are six oversubscription criteria, but also that there are two other criteria (one faith-based and the other relating to children of staff) which “may be included before criteria 6”. The word “may” makes the Arrangements unclear, since it suggests that there might be circumstances in which the criteria are not a higher priority than criterion 6. Furthermore, it is not clear which of these two additional criteria is the higher priority, and it is not clear why the Arrangements have been written in this way, rather than as eight criteria in order. Therefore, the Arrangements do not comply with paragraph 14 of the Code, which requires them to be clear.
 - b. Both sets of Arrangements contain two hyperlinks so parents can view the catchment area. One of these links to the wrong school, which makes the Arrangements unclear, in breach of paragraph 14 of the Code.
 - c. According to the School’s website, the Arrangements for 2026/27 have already been determined, and similar matters also apply to them. I have therefore considered those Arrangements in addition to those for 2024/25 and 2025/26.
34. The School has told me that it accepts all of the above points and will address these matters for the three sets of Arrangements in question, as permitted by paragraph 3.6 of the Code. This is welcomed, and I am grateful to the School for its rapid and comprehensive response to all my correspondence.

Determination

35. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variations to the admission arrangements determined by the governing body for St Michael and All Angels Church of England Infant School for 2024/25 and 2025/26.
36. I determine that for admission in 2024/25, the published admission number will be 20 and that for admission in 2025/26, the published admission number will be 23.

37. I have also considered the admission arrangements for 2024/25, 2025/26 and 2026/27 under section 88I(5) and find that they do not comply with requirements relating to admission arrangements in the ways set out in this determination.
38. 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 this determination.

Dated: 9 April 2025

Signed:

Schools Adjudicator: Clive Sentance