



Office of
the Schools
Adjudicator

Determination

Case reference:	VAR2609
Admission Authority:	Hampshire County Council for Hythe Primary School, Southampton
Local Authority:	Hampshire County Council
Date of advice:	2 September 2025

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 2025.

I determine that for September 2025 the published admission number will be 30.

The referral

1. Hampshire County Council (the local authority, the LA) has referred a proposal to the adjudicator for a variation to the admission arrangements for September 2025 (the arrangements) for Hythe Primary School (Hythe, the school). The school is a community school for children aged four to eleven years in Southampton.
2. The proposed variation is to reduce the published admission number (PAN) for September 2025 from 45 to 30.
3. The school was judged to be Good by Ofsted at its last inspection in October 2022.

Jurisdiction and procedure

4. 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”.

5. The arrangements were determined by the LA on 20 February 2024.
6. The LA has provided me with confirmation that the appropriate bodies were notified of the proposed variation in line with paragraph 3.6 of the Code. The LA has also provided me with confirmation that the governing body of the school was consulted on the proposed variation and is in support of it.
7. I find that the appropriate procedures were followed, and I am satisfied that the proposed variation is within my jurisdiction.
8. In considering the variation request, I have had regard to all relevant legislation and the Code.
9. The information I have considered in reaching my decision includes:
 - the referral from the LA dated July 2025 and supporting documents;
 - the determined arrangements for 2025 and the proposed variation to those arrangements;
 - comments on the proposed variation from the school’s governing body recorded in the minutes of their meeting of 14 May 2025;
 - maps, including Google Maps and those submitted by the LA showing the location of the school and other relevant schools; and
 - information available on the websites of the Department for Education (DfE) (including the ‘Get Information About Schools’ (GIAS) website) and Ofsted.
10. I would like to extend my thanks to the LA and the school for their responses to my requests for further information. I have referred only to that which has a bearing on my

determination.

Consideration of Case

11. The referral states:

“The Published Admission Number (PAN) at Hythe Primary School for the 2025/2026 academic year is currently 45. On National Offer Day 25 offers were made for the school. As of 4 July 2025, 26 offers have been made for the school. The planning area of Dibden/South Waterside Primary has 455 Year R spaces, but there were only 308 offers made on National Offer Day for 2025 in the planning area, therefore there are sufficient places to accommodate the parental preference demand in the area even if the reduction was agreed.”

12. The LA has a duty to make sure that there are sufficient places for the children in its area. To fulfil this duty, the LA assesses the likely future number of places to be needed and plans to meet that need. The LA 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, nine admit pupils to Year R.

13. There are three distinct communities in the planning area: Marchwood, Hythe, and Fawley. Each has at least one infant school which admits pupils to Year R.

14. The request mentions a parallel variation request being made to reduce the PAN for 2025 for Wildground Infant School in the same planning area, and states that the sufficiency of places would still exist if both variations were agreed.

15. The referral states that in the academic year 2024/25 the school had nine classes. For YR and Years 1 and 2 there were three single age classes; for Years 3 and 4 there were three mixed age classes; for Years 5 and 6 there were three mixed age classes. The current organisation and pupil numbers are set out in Table 1.

Table1: Hythe Primary School arrangement of classes and pupil numbers, 2024/25

	Foundation	Key Stage 1		Key Stage 2				
Class	YR	Y1	Y2	Y3	Y4	Y5	Y6	Total
1	28	-	-	-	-	-	-	28
2	-	30	-	-	-	-	-	30
3	-	-	30	-	-	-	-	30

	Foundation	Key Stage 1		Key Stage 2				
Class	YR	Y1	Y2	Y3	Y4	Y5	Y6	Total
4	-	-	-	11	15	-	-	26
5	-	-	-	13	15	-	-	28
6	-	-	-	14	13	-	-	27
7	-	-	-	-	-	17	14	31
8	-	-	-	-	-	13	15	28
9	-	-	-	-	-	15	16	31
Total	28	30	30	38	43	45	45	259

16. The referral also states that: “The 1st preference data for the 2025/2026 academic year is low and changing the school’s PAN to 30 ensures that the school can remain operating 9 classes. If the PAN were to remain at 45, there is the potential that the school would have to operate 10 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 10 classes would not be financially viable under these circumstances.”

Table 2: planned class organisation for Hythe Primary School for 2025/26

	Foundation	Key Stage 1		Key Stage 2				
Class	YR	Y1	Y2	Y3	Y4	Y5	Y6	Total
1	25	-	-	-	-	-	-	25
2	-	26	-	-	-	-	-	26
3	-	-	30	-	-	-	-	30
4	-	-	-	10	13	-	-	23
5	-	-	-	10	14	-	-	24
6	-	-	-	10	12	-	-	22
7	-	-	-	-	-	14	15	29
8	-	-	-	-	-	14	16	30
9	-	-	-	-	-	15	15	30
Total	25	26	30	30	39	43	46	239

17. The variation request states:

“The following schools in the Planning Area were all undersubscribed on national offer day, Blackfield Primary School (40/60), Cadland Primary School (43/50), Fawley Infant School (4/30), Manor CE Infant School (15/30), Marchwood CE Infant School (41/60), Waterside Primary School (23/30) and Wildground Infant School (27/60). Based on the above, this shows there was surplus within the Planning Area, and this continues to be the case with offers totalling 311 on 4 July 2025.”

18. 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.

19. 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.

20. 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 2025 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.

21. Table 3 summarises the data supplied to me by the LA 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 2025 and the forecast numbers for 2026.

Table 3: The number of school places in the planning area and the number of children admitted into YR. (pref = preference)

School	PAN 2025	1 st prefs 2022	Admitted 2022	1 st prefs 2023	Admitted 2023	1 st prefs 2024	Admitted 2024	Offered places 2025 NOD	Forecast need for YR 2026
Blackfield Primary School	60	44	46	40	41	42	40	40	35
Cadland Primary School	50	39	43	47	48	31	34	43	34
Fawley Infant School	30	17	16	14	16	16	16	4	16
Hythe Primary School	45	23	23	28	27	21	26	25	28
Manor CE Infant School	30	23	23	22	25	12	12	15	14
Marchwood CE Infant School	60	62	63	48	52	57	54	41	68
Orchard Infant School	90	80	81	97	90	88	89	90	87
Waterside Primary School	30	24	26	29	29	18	20	23	22
Wildground Infant School	60	50	52	36	38	50	52	27	40
Total	455	-	-	-	-	-	-	311	344
Total surplus current PAN	144								
Total surplus with PAN change (Hythe and Wildground)	109								

22. Table 3 shows that all schools within the planning area other than Orchard Infant School are likely to have vacant places in YR in September 2025, and there will be available places in all three communities in the area.
23. For admission in September 2025, 26 places have been allocated at the school. All applicants were offered a place (unless they were offered a place at a school for which they had expressed a higher preference) and would also have been offered places if the PAN had been 30.
24. With four available places even with the PAN reduced to 30, parents who apply for a place during the academic year 2025/26 are likely to be able to secure a place at the school.
25. If they cannot, there would be sufficient vacant places in the area for those seeking a place in YR during the academic year 2025/26. There are likely to be places available at several schools in the area, including Wildground Infant School one mile from Hythe. 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.
26. The request for a variation refers to the risk of the school having to “operate 10 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 schoolteacher, except in specific exceptional circumstances.
27. If the PAN were to remain at 45, then the school would be required to offer a place to any child who applied until the point where the PAN was reached. The infant class size regulations apply to YR and so in the event of any further admissions that took 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.
28. I have expressed my concern about the lack of consultation when changes are made to admission arrangements by means of a variation. I note that this is the third consecutive year for which the admission authority has requested a reduction in PAN, via a variation, from 45 to 30.
29. However, in this case the concern about lack of consultation is less material, in the sense that all parents who sought a place for their child at the school, in the normal admissions round, were offered a place, and there will remain four unallocated places which would be available should a family seek a place for a child during the school

year if the PAN is reduced. The repeated approach of the LA of using requests for variation of determined admissions arrangements to address over-capacity is not best practice.

30. 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 2025/26 will be 30.

31. My decision affects only admissions to YR at the school for September 2025 and in-year admissions to YR in 2025/26.

Determination

32. 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 2025.

33. I determine that for September 2025 the published admission number will be 30.

Dated: 2 September 2025

Signed:

Schools Adjudicator: Patrick Storrie