



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2674

Admission Authority: Isle of Wight Council for The Bay Church of England School

Date of decision: 28 January 2026

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 Isle of Wight Council for The Bay Church of England School for 2025/26.

I determine that the published admission number, for admissions to the Reception Year in 2025/26, shall be 45.

The referral

1. Isle of Wight Council (the Admission Authority; the Local Authority) has referred to the adjudicator a proposal for a variation to the admission arrangements (the Arrangements) for The Bay Church of England School (the School) for the school year 2025/26.
2. The School is a voluntary controlled school for children aged four to sixteen at Sandown, Isle of Wight. It is a co-educational school with a Church of England religious character, and the religious authority of the School is the Diocese of Portsmouth (the Diocese).
3. The School's principal admission years are Reception (Year R) and Year 7. This variation request concerns admissions into Year R only. The proposed variation is that the published admission number (PAN) of the School, which applies to admissions to Year R, be reduced from 60, as determined, to 45 for 2025/26.

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 Local Authority on 8 February 2024.
6. The Local Authority has provided me with confirmation that the appropriate bodies have been notified of the proposed variation in line with the Code, and that the governing body of the School has been consulted on the proposed variation. I find that the appropriate procedures were followed, and I am satisfied that the proposed variation is within my jurisdiction.
7. In considering the variation request, I have had regard to all relevant legislation and the Code.
8. The information I have considered in reaching my decision includes:
 - the referral from the Local Authority dated 11 December 2025, and supporting documents;
 - the determined Arrangements and the proposed variation to those Arrangements;
 - responses from the Diocese, and from the governing body of the School, to my requests for further information;
 - maps, including Google Maps and those showing the location of the School;
 - [VAR2458](#), in which the then Schools Adjudicator approved in September 2024 a variation to the determined admission arrangements for the School for September 2024 by reducing the PAN which applied to admissions to Year R from 60 (as previously determined) to 30 for 2024/25; and
 - information available on gov.uk websites (including the ‘Get Information About Schools’ and ‘Financial Benchmarking and Insights Tool’ (FBIT) websites); and that on the websites of the Local Authority and the School.

9. 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 consultation 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.
10. I note here that the Arrangements for 2026/27 have been determined, and that the PAN is set at 60. This means that if I decide to vary the Arrangements for 2025/26 by reducing the School's PAN from 60 to 45 as proposed, it will be for that school year only and will not have a bearing on subsequent years.
11. In the interest of dealing speedily with this and other requests for variations for schools, I have not considered other aspects of the Arrangements. Therefore, nothing in this determination should be taken as indicating that other aspects of the Arrangements do or do not conform with the requirements relating to admissions.

Consideration of proposed variation

12. 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 variation is justified by the change in circumstances.
13. The Local Authority has proposed that the PAN of the School be reduced from 60 to 45 for 2025/26. The governing body of the School and the Diocese support the proposal.
14. Having regard to the declining birth rates and admissions to Year R in recent years, the Local Authority told me the following reason for it seeking a variation for the School:

“For the September 2025 admissions round the school offered 48 places for Year R children on national offer day. The planning area of Sandown and Shanklin made a total of 181 offers, however there are 235 places available within that planning area. The current year R at the school is 42. Based on these figures there are sufficient places to accommodate the demand in the area and the proposed change to 45 at The Bay CE School.”
15. I have considered the latest available data to form a view about the sufficiency of school places in the local area if the PAN of the School is reduced from 60 to 45. I have also considered the demand for places at the School, the reasons given for the change in demand, the potential effect of the proposed PAN reduction on parental

preference, and whether the proposed reduction is justified taking into account all relevant circumstances.

16. The Local Authority has a duty to ensure that there are sufficient school 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 and the schools within those areas, for this purpose. The School is based in the planning area of Sandown and Shanklin, and I have considered the data that the Local Authority has provided for that area.
17. In the planning area there are seven schools, including the School, for which the usual year of entry is Year R. The planning area altogether provided a total PAN of 235 places in September 2025. With reference to the offer data shown in the referral form, there is currently a surplus of 54 Year R places (23.0%) in the planning area, which would still be ample (39 places, representing 17.7% of the reduced combined PAN of 220 places) if the proposed variation were to be approved.
18. The Department for Education's document, "Basic need allocations 2026-27 and 2027/28: Explanatory note on methodology", refers to the need for two per cent surplus capacity "to provide an operating margin for local authorities. This helps to support parental choice, pupil population movement, and general manageability of the system." From the data above, I note that the proportion of vacant places in the planning area would remain well above the suggested two per cent if I agreed to the proposed variation.
19. At this point in the school year, the great majority of children who will require a Year R place during the current year must have already been allocated a place. I am satisfied that if the PAN of the School were to be reduced to 45 for 2025/26, there would be sufficient places within the planning area for any children who might still be seeking a Year R place.
20. I will now consider the impact on the School of my approving, or not approving, the proposed variation.
21. The School is one affected by the provisions of the School Admissions (Infant Class Sizes) (England) Regulations 2012 (the infant class sizes regulations) which 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 (paragraph 2.16 of the Code). The infant class sizes regulations apply to Year R, Year 1, and Year 2.
22. As on 6 January 2026, 43 pupils were on the School's roll of Year R, and they are now accommodated in two classes of 22 and 21 pupils each. As schools are largely funded on the number of pupils and the highest costs to a school budget are staff, it is

generally considered financially efficient to have infant classes that have 30 pupils or close to, but below, 30 pupils. If a school has classes that are many less than 30, then this can mean that the income from the number of pupils is less than the costs of providing a class. If this happens over several classes, a school can have severe financial challenges.

23. The FBIT website shows that for financial year ending March 2025, the School had a negative in-year balance of about £180,000, and a negative balance in its revenue reserve of about £1.4 million. Having regard to this significant deficit, the governing body of the School commented:

“If the variation is agreed, the School will be able to operate more effectively and fairly within its current circumstances. It will support appropriate pupil numbers, enable efficient use of staffing and resources, and help maintain the quality of education, pastoral care, and safeguarding arrangements for all pupils. The Governing Board believes the variation will provide greater clarity and consistency for families and will assist the School in planning provision responsibly.”

24. Having considered all the matters above, my reasoning can be summarised as follows:

- If the proposed variation is approved, it does not give rise to any concern about the sufficiency of Year R places in the planning area. Those children in the local area seeking Year R places would have been admitted to the School, or any primary school for which their parents expressed a preference, in September 2025. The School will have two vacant Year R places to accommodate any in-year admission, and in any event the possibility of parental frustration in relation to in-year admissions is small. There is compelling evidence that a reduction in the PAN to 45 would allow the School to make the best use of its resources and, in the longer term, improve its financial position.
- If the proposed variation is not approved, the School would be obliged to offer a Year R place up to the existing PAN of 60 for any applicant at any time during the current school year. This may affect how the School would plan for some mixed classes now, although I note that within the current structure it could accommodate up to 60 pupils in the two Reception classes. However, with a PAN of 45 it could control the number of pupils moving up the school which may give greater scope for class planning in future years. There remains a risk of a negative financial and organisational impact on the School, with detriment to those children already at the School if funding has to be diverted to pay for additional staffing or resources which could have been saved otherwise.

25. Taking everything into consideration, I find that the variation for 2025/26 is justified by the circumstances and approve the proposed variation.

Determination

26. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Isle of Wight Council for The Bay Church of England School for 2025/26.
27. I determine that the published admission number, for admissions to the Reception Year in 2025/26, shall be 45.

Dated: 28 January 2026

Signed:

Schools Adjudicator: Jackie Liu