



Determination

Case reference:	VAR2672
Admission Authority:	The governing body for Monkseaton Middle School
Local Authority:	North Tyneside
Date of decision:	4 February 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 the governing body for Monkseaton Middle School, for 2026/27.

I determine that for admissions in 2026/27 the published admission number shall be 60.

I have also considered the arrangements 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 for Monkseaton Middle School (the governing body) has referred to the adjudicator a proposal for a variation to the admission arrangements for Monkseaton Middle School (the School) for 2026/27 (the arrangements).
2. The School is a foundation school for children aged nine to thirteen years in Whitley Bay. This means that children join the School in year 5 and leave at the end of year 8.
3. The parties to the request are:
 - a. The governing body; and

- b. North Tyneside Council, which is the local authority for the area in which the School is situated (the local authority).

4. The proposed variation is that the published admission number (PAN) for admissions in 2026/27 be reduced from 96 to 60. The governing body has consulted on setting the PAN at 60 for admissions in 2027/28 and, following that consultation, has set the PAN for 2027/28 at 60. This means that my determination will only affect the PAN for admissions to year 5 for 2026/27.

5. The governing body has explained that the current PAN for the School is 96 but no more than 60 children have been admitted in recent years. The School has therefore arranged for two classes for each year group. The governing body also explained that consultation is in hand for the School to expand the number of year groups so that students continue at the School until the end of year 11. The governing body explained that the School could accommodate the extra year groups if the PAN were to be 60 in the future.

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...

3.7 Admission authorities **must** notify the appropriate bodies of all variations”.

7. The arrangements were determined by the governing body on 25 September 2024. The governing body has provided me with confirmation that the appropriate bodies have been notified of the proposed variation in line with the Code.

8. I find that the appropriate procedures were followed, and I am satisfied that the proposed variation is within my jurisdiction.

9. I have also used my power under section 88I of the Act to consider the arrangements as a whole and found matters that did not comply with the requirements of the Code. 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 request and the matters considered under section 88I, I have had regard to all relevant legislation and the Code. The information I have considered in reaching my decision includes:

- a) the referral from the governing body dated 9 December 2025, supporting documents and further information provided at my request;
- b) the determined arrangements for 2026/27 and the proposed variation to those arrangements;
- c) responses from the local authority to my requests for further information; and
- d) information available on government websites including:
 - 'Get Information About Schools' (GIAS);
 - 'Financial Benchmarking and Insights Tool' (FBIT); and
 - 'Compare school and college performance in England' (the DfE website).

11. 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.

Consideration of the 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 governing body has proposed that the PAN for 2026/27 is reduced from 96 to 60 so I will first consider whether there would be sufficient school places in the planning area for the School to meet demand if I approve the variation. I will then consider demand for the School, the reasons for the proposed reduction to the PAN and its effect on parental preference.

14. Local authorities have a duty to make sure that there are sufficient school places in their area. They normally assess demand on the basis of planning areas, which are geographical areas containing schools. The planning area for the School has four schools which admit children to year 5, including the School. The local authority has explained to me that the schools in the planning area operate on what is referred to as a three tier system. In this instance the three tier system has:

- a. First schools for reception year to year 4;
- b. Middle schools for year 5 to year 8; and
- c. High schools for year 9 to at least year 11.

15. There are three planning areas within the local authority's area and the other two planning areas operate a two tier system with primary (reception year to year 6) and secondary schools (year 7 to at least year 11). Table 1 below provides information on demand for the schools in the planning area in recent years. A first preference is made for the school that a parent most wants their child to attend and is indicated by 'first' in table 1. The PANs for 2023 and 2024 were the same and the PANs for 2025 and 2026 are the same.

Table 1: data on admissions to the middle schools in the planning area to Y5

-	2023 2024	2023	2023	2024	2024	2025 2026	2025	2025	2026	2026
-	PAN	First	Admitted	First	Admitted	PAN	First	Admitted	First	Forecast admissions
Marden Bridge	150	136	150	157	150	150	129	150	149	140
Monkseaton	96	34	47	37	66	96	45	59	27	49
Valley Gardens	180	246	193	213	192	180	226	192	179	180
Wellfield	60	87	90	89	90	90	106	94	76	84
Totals	486	503	480	496	498	516	506	495	431	453

16. Table 1 shows an increase in numbers being admitted between 2023 and 2025 to the middle schools in the planning area (480, 498 and 495) but a sharp decrease forecast for 2026 (453). I asked the local authority for the background to this. The local authority said that much of the demand for the schools in the planning area had come from children living in other areas, that is not children living in the planning area, but that this had reduced.

17. The local authority explained that one of the high schools in the planning area will close in September 2026. This will lead to more children in the middle schools than there will be places in the high schools. More parents are preferring a primary to secondary school route for their children's education and so fewer children are likely to attend one of the middle schools from outside the planning area. There is a reduction in first preferences shown for 2026, although this excludes applications from other local authority areas.

18. The sum of the PANs for admissions in the planning area is 516 for 2026/27. The number of first preferences, excluding any from other local authority areas, is 431. The possible number of vacant places is 85, assuming the number of all first preferences provides a good indication of the number of admissions. The pattern in previous years would support that assumption, indeed, the number of admissions has tended to be slightly below the number of first preferences across the planning area.

19. Therefore, if the PAN for the School were to be reduced to 60, a reduction of 36 places, it would be reasonable to estimate 49 vacant places. This would still be ten per cent

of all middle school places available within the planning area, which is a generous proportion. I am therefore satisfied that if the PAN for the School were reduced to 60 there would be sufficient school places for the children living in the area.

20. I will now consider the situation for the School and forecast demand. Table 1 shows that the number of admissions to the School was 66 in 2024/25 and 59 in 2025/26. The number of first preferences for 2026/27 are 27 so there appears little risk that parental preference will be frustrated if the PAN is reduced to 60 for 2026/27.

21. The governing body explained that its reasons for wishing to set the PAN at 60 are, as summarised:

- a. The School is structured for two forms of entry. This means that a PAN of 60 anticipates two classes of around 30 children and the curriculum and staffing are organised accordingly. This supports efficiency and good use of resources to maintain the quality of education.
- b. The governing body is consulting on changing its organisation of the School so that students can continue to year 11. A PAN of 60 would leave capacity for the proposed older year groups to be accommodated.
- c. If the PAN is much higher than the number of children admitted then the School may have a high level of in year admissions which makes it hard for the School to plan efficiently.

22. The governing body provided information on the class structure and there are fewer than 60 students in each year group and two classes established for each year group.

23. I have taken into account that if the PAN is reduced then there are likely to be sufficient middle school places in the planning area for local children and parental preference is unlikely to be frustrated. There are good educational reasons to set the PAN at 60. I therefore approve the variation.

Other matters

24. Having considered the arrangements as a whole it appeared to me that there were matters which may not conform with the requirements of the Code and so I brought them to the attention of the governing body. The arrangements had the title:

“Learning trust schools and academy trust schools middle and high admission policy for September 2026”.

25. I asked the significance of this as the School is a foundation school and the governing body is responsible for the arrangements but these appeared to be the arrangements for many schools, while determined by the governing body.

26. The governing body said,

“What had been happening is that each year the LA sends out a single “Admission Policy” (or extract from its coordinated scheme) to all ‘own admission authority’ schools (i.e. foundation, VA and academies) and told them to “ratify” that document and publish it on their website. This is therefore what the School (and presumably many other schools) had been doing in previous years.”

27. The governing body took advantage of a planned governing body meeting to determine admission arrangements that addressed the matters I had raised for the arrangements for 2025/26, 2026/27 and 2027/28. This is in accordance with paragraph 3.6 of the Code which says, as far as is relevant here:

“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...”

28. My jurisdiction is for the 2026 arrangements which were determined prior to the governing body’s variation of those arrangements and I summarise the matters I raised below while acknowledging the steps taken by the governing body to address matters which did not meet the requirements of the Code.

29. The local authority may also wish to take appropriate steps as it appears that these arrangements were ones provided by the local authority. These other matters are (paragraphs of the Code are indicated where relevant):

30. The first oversubscription criterion is for children who are looked after or previously looked after and definitions are provided in two places. Note 1 says:

“A looked after child is a child who is in the care of a local authority in accordance with section 22 of the Children Act 1989 at the time the application for admission to school is made and whom the local authority has confirmed will still be looked after at the date of admission. This also includes children who appear to the admission authority to have been in state care outside of England and ceased to be in state care as a result of being adopted.”

31. A child who has been adopted is not the same as a looked after child. It would appear that the definition for looked after and previously looked after children have been conflated. This makes the arrangements incorrect and inconsistent with the Code (1.7 and 1.8).

32. It is also not possible for a local authority to confirm that a looked after child will still be looked after at the date of admission. This is therefore an unreasonable expectation (1.7, 1.7 and 1.8).

33. The Code defines a looked after child as, “a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions (see the definition in Section 22(1) of the Children Act 1989) at the time of making an application to a school.” The definition in the arrangements is not consistent with the Code (1.7 and 1.8).

34. The definition for previously looked after children provided in the Code is:

“Previously looked after children are children who were looked after but ceased to be so because they were adopted (or became subject to a child arrangements order or special guardianship order). All references to previously looked after children in this Code mean such children who were adopted (or subject to child arrangements orders or special guardianship orders) immediately following having been looked after and those children who appear (to the admission authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted.”

35. Footnote 18 to this definition further clarifies that “A child is regarded as having been in state care outside of England if they were in the care of or were accommodated by a public authority, a religious organisation, or any other provider of care whose sole or main purpose is to benefit society.” This information is not in the arrangements and so the arrangements are inconsistent with the Code (1.7 and 1.8).

36. The arrangements have four oversubscription criteria. The second oversubscription criterion is, “Pupils who live within the catchment area of the school (pupils in this category with a sibling link (an older brother or sister) who will be attending the school in September 2026 will be given priority).” It therefore appears that there are two criteria within the one: firstly for children living in the catchment area with a sibling as defined; and then for children living in the catchment area without a sibling as defined. It is unclear how the order of priority will be determined. This makes the arrangements unclear (1.4 and 1.8).

37. Paragraph 1.14 of the Code says, “Catchment areas **must** be designed so that they are reasonable and clearly defined. Catchment areas do not prevent parents who live outside the catchment of a particular school from expressing a preference for the school.” A catchment area is part of the oversubscription criteria for the School and therefore part of the arrangements; paragraph 1.50 of the Code requires that the arrangements must be published. The arrangements say, “All Learning Trust Schools have a defined geographic area called a catchment area. To find out which catchment area you live in log onto www.northtyneside.gov.uk or contact the Access Team on telephone number 0191 643 8724.” The catchment area does not appear to be published as part of the admission arrangements or directly accessible from those arrangements. The governing body is responsible for its definition and its publication. The arrangements do not meet the requirements of the Code in this regard (1.4, 1.8, 1.14 and 1.50).

38. Paragraph 1.13 of the Code says, as far as is relevant here:

“Admission authorities **must** clearly set out how distance from home to the school... used in the arrangements will be measured. This **must** include making clear how the ‘home’ address will be determined and the point(s) in the school...from which all distances will be measured. This should include provision for cases where parents have shared responsibility for a child following the breakdown of their relationship and the child lives for part of the week with each parent.”

39. The arrangements say, “When considering your application, the Governing Body will use the parental home residence of the Parent/Carer who receives or would have received the child benefit for the child/ren.” This may be intended to apply to parents who have separated and have shared care of the child. This is not clear. Moreover, it may not be that receipt of child benefit is an appropriate measure for which home address to use. It may be more appropriate to use where the child sleeps for most school nights, and if that is equally shared then to ask the parents which address to use. If there is no agreement then it might be appropriate to use the receipt of child benefit. The arrangements do not meet the requirements of the Code in this regard to be clear, fair and reasonable (14, 1.18 and 1.13).

40. Paragraph 2.18 of the Code says:

“Parents may seek a place for their child outside of their normal age group, for example, if the child is gifted and talented or has experienced problems such as ill health. In addition, the parents of a summer born child may choose not to send that child to school until the September following their fifth birthday and may request that they are admitted out of their normal age group – to reception rather than year 1. Admission authorities **must** make clear in their admission arrangements the process for requesting admission out of the normal age group.”

41. There does not appear to be any information on admission outside the normal age group and so the arrangements do not meet the requirements of the Code in this regard (14 and 2.18).

Determination

42. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by the governing body for Monkseaton Middle School, for 2026/27.

43. I determine that for admission in 2026/27 the published admission number shall be 60.

44. I have also considered the arrangements 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.

45. 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: 4 February 2026

Signed:

Schools Adjudicator: Deborah Pritchard