



Office of
the Schools
Adjudicator

Determination

Case reference:	VAR2764
Admission Authority:	Hampshire County Council for Hythe Primary School, Southampton
Local Authority:	Hampshire County Council
Date of decision:	8 July 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 Hampshire County Council for Hythe Primary School, Southampton for September 2026.

I determine that the Published Admission Number for admissions in 2026 shall 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 2026 (the arrangements) for Hythe Primary School (the School).
2. The School is a community school for children aged four to eleven years of age in Hythe, a small town close to Southampton. The LA is the admission authority.
3. The proposed variation is to reduce the published admission number (PAN) for September 2026 from 45 to 30.

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 12 February 2025.

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 requested this variation in their meeting of 13 May 2026.

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 18 June 2026 and supporting documents;
- the determined arrangements for 2026 and the proposed variation to those arrangements;
- comments on the proposed variation from the School’s governing body in their meeting of 13 May 2026;
- 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)) 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 proposed variation

11. 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.

12. The determined arrangements state that the PAN at Hythe Primary School for the 2026/2027 academic year is 45. As of 9 June 2026, 30 offers have been made for admission to Reception at the School. This is the same figure as the PAN now requested.

13. The Admission Authority has told me that as in 2025/6, the PAN for the School should be varied to better match the local supply of Reception places and places at the School to previous and forecast need. This would allow the school to improve the efficiency of its educational delivery with more efficient class organisation.

14. The Admission Authority and the School governing body both support the request for variation.

15. 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 admission planning areas for this purpose. The School is one of 11 schools which will be providing primary education in the Dibden / South Waterside planning area of Hampshire.

16. On determined arrangements the admission planning area of Dibden/South Waterside Primary in which the School is located has 425 Year R spaces for 2026. Local authorities use admission planning areas which are geographical areas each containing a number of schools to plan provision. There were only 326 offers made on National Offer Day for 2026 in the planning area. Therefore, there are sufficient places to accommodate the parental overall preferences in the area, even if the variation is agreed. The effect of agreeing the variation would be to reduce available spaces to 410.

17. For admission at the School in September 2026, 30 places have been offered at the School. All applicants have been offered a place and would also have been offered places if the PAN had been 30.

18. The LA has informed me that in each of the last four years, all parents who made the School their first preference were allocated places. Even adding a small number of second preferences, the School has still not offered more than 30 places in Reception in this period. Both historic data and predicted need suggest a variation to a PAN of 30 would not adversely affect parent choice.

19. If the School is unable to accept children into Reception in year during 2026/27, there would be sufficient vacant places in the area for those seeking a place in YR during the academic year. 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.

20. Only one of the schools admitting students into Reception classes in the planning area was able to allocate all places available: Orchard Infant School. The other infant school in the Hyde conurbation served by the School is Wildground Infants School, which has allocated 33 places and has a PAN of 60. There is therefore no shortage of available places in the area of the School either for September 2026 or during the year 2026/27. If approved this variation would mean parents would have places at one school available to them in the settlement of Hythe.

21. 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. However, I have assessed the overall provision in the area to ensure continued sufficiency for 2026/27.

22. 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 fourth consecutive year that the admissions authority has requested a reduction in PAN from 45 to 30 at the School.

23. However, in this case the concern about lack of consultation is less material, in the sense that all parents seeking a place for their child at the School have been offered a place whatever my determination. The repeated practice of the LA of requesting variation of determined admissions arrangements to address over-capacity is not best practice.

24. The Admission Authority request for a variation refers to the risk of the School in 2026/27 of having to “operate 9 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.

25. If the PAN for the School 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 is reached. The infant class size regulations apply to YR and so in the event of any further admissions that take 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, necessitating continuation of a ninth class.

26. The referral states that in the academic year 2025/26 the School has had nine classes. In YR and Years 1 and 2 there are three single age classes; in Years 3 and 4 there are three mixed age classes; in Years 5 and 6 there are three mixed age classes. The current School organisation and pupil numbers are set out in Table 1.

Table 1: Hythe Primary School arrangement of current classes and pupil numbers, June 2026.

Class	Foundation YR	KS1 Y1	KS1 Y2	KS2 Y3	KS2 Y4	KS2 Y5	KS2 Y6	Total
1	26	-	-	-	-	-	-	26
2	-	26	-	-	-	-	-	26
3	-	-	30	-	-	-	-	30
4	-	-	-	10	13	-	-	23
5	-	-	-	10	12	-	-	22
6	-	-	-	10	12	-	-	22
7	-	-	-	-	-	15	15	30
8	-	-	-	-	-	14	16	30
9	-	-	-	-	-	14	15	29
Total	26	26	30	30	37	43	46	238

27. The referral indicated that the expected number of places needed for 2026 entry to Reception was 21. In fact, 30 places have been allocated. This would allow the following more efficient School organisation to be run in 2026/27 if the variation to a PAN of 30 is agreed.

Table 2: possible class organisation for Hythe Primary School for 2026/27.

Class	Foundation YR	KS1 Y1	KS1 Y2	KS2 Y3	KS2 Y4	KS2 Y5	KS2 Y6	Total
1	30	-	-	-	-	-	-	30
2	-	26	-	-	-	-	-	26
3	-	-	27	-	-	-	-	27
4	-	-	-	30		-	-	30
5	-	-	-		30	-	-	30
6	-	-	-			13	14	27
7	-	-	-	-	-	12	15	27

Class	Foundation YR	KS1 Y1	KS1 Y2	KS2 Y3	KS2 Y4	KS2 Y5	KS2 Y6	Total
8	-	-	-	-	-	13	14	27
Total	30	26	27	30	30	48	43	234

28. The School has supplied the following budget projection should it need to provide for over 30 but fewer than 45 places in Reception:

Table 3: Hythe Primary School projected budget if the variation is not determined.

	2025 - 26	2026 - 27	2027 - 28
In Year Surplus / (Deficit)	(£169,420)	(£208,189)	(£327,534)
Surplus / (Deficit) Brought Forward	£76,507	(£92,913)	(£301,102)
Cumulative Surplus / (Deficit) Carried Forward	(£92,913)	(£301,102)	(£628,636)

29. In contrast, the School has provided a projection of the savings to be made should the school run a single Reception class in 2026/27 for a maximum of 30 children.

Table 4: Hythe Primary School projected budget if the PAN is set at 30 allowing a single Reception Class

	2025 - 26	2026 - 27	2027 - 28
In Year Surplus / (Deficit)	(£27,061)	(£46,881)	(£95,351)
Surplus / (Deficit) Brought Forward	£76,507	£91,950	£45,069
Cumulative Surplus / (Deficit) Carried Forward	£49,446	£45,069	(£50,282)

30. The School has therefore demonstrated that allowing the requested variation would simplify school organisation and prevent inefficient allocation of resources. On data of allocations made for September 2026, there would be no adverse impact on school choices available to local parents for September entry. There would only be a marginal effect on children seeking admission to Reception in-year in the area during 2026/27. There would still be Reception capacity in a suitable nearby school.

31. It was clear from the data provided by the Admission Authority, that the LA has a picture of recent / projected demand in schools in its planning areas. It appeared to me that the matter raised in respect of the PAN at the School and the number of surplus places in the planning area projected for 2026 would have been obvious in enough time for what has been requested to have been dealt with through the consultation process prior to the determination of the Arrangements. I raised this concern with Admission Authority.

32. I have tried to ensure that I have considered the competing needs of providing the school places that parents want for their children and the financial viability of the School.

33. The Admission Authority has presented a compelling argument for the variation it proposes, which is that more efficient educational delivery can be achieved without detriment. I accept that the LA has provided compelling evidence that it will be able to manage school places in the planning area by reducing the PAN at the School for 2026.

Determination

34. 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 2026.

35. I determine that for September 2026 the published admission number shall be 30.

Dated: 8 July 2026

Signed:

Schools Adjudicator: Patrick Storrie