



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2536

Admission authority: The London Borough of Merton for Hatfeild Primary School

Date of decision: 19 March 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 the London Borough of Merton for Hatfeild Primary School for September 2025.

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

The referral

1. The London Borough of Merton (the local authority) has referred a proposal for a variation to the admission arrangements for September 2025 (the arrangements) for Hatfeild Primary School (the School) to the adjudicator. The School is a community school for children aged three to eleven. The proposed variation is that the published admission number (PAN) be reduced from 60 to 30 for admissions in September 2025.
2. The School also provides a resource provision for up to 22 children with autism (the unit). These children are not counted within the PAN for the School as this is a separate unit.

Jurisdiction and procedure

3. The referral was made to me in accordance with section 88E of the School Standards and Framework Act 1998 (the Act) which deals with variations to determined arrangements. Paragraphs 3.6 and 3.7 of the School Admissions Code (the Code) say (in so far as 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”.

4. The local authority has provided me with confirmation that the appropriate bodies have been notified. I have seen confirmation that the school’s governing body has been consulted on the proposed variation. I find that the appropriate procedures were followed, and I am also satisfied that the proposed variation is within my jurisdiction.
5. In considering this matter I have had regard to all relevant legislation, and the Code.
6. The information I have considered in reaching my decision includes:
 - a. the referral from the local authority dated 6 February 2025, supporting documents and further information provided at my request;
 - b. the determined arrangements for 2025 and the proposed variation to those arrangements;
 - c. comments on the proposed variation from the governing body for the School. I asked the School for further information to inform my decision but none was received in reply to this request. I decided that I could make my determination on the basis of the information received rather than delay it as national offer day approaches and the local authority needs to allocate places;
 - d. a map showing the location of the school and other relevant schools; and
 - e. information available on the websites of the local authority and the Department for Education (the DfE) including ‘Get information about schools’ (GIAS) and ‘Find and compare schools and colleges in England’ (the DfE website).

The proposed variation

7. The local authority explained in its referral that demand for places in reception year (YR) have generally been reducing. The School arranges its classes by year group, and the reduction overall has meant that the number of children in each class is also reducing. Schools are largely funded by the number of pupils on roll and one of the highest costs to

school budgets is staff. The local authority therefore has proposed that the PAN is reduced from 60 to 30 to support the future financial viability of the school.

8. The School is subject to the provisions of the School Admissions (Infant Class Size) (England) Regulations 2012 (the infant class size 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. It is more economical to provide classes that have 30 or close to 30 pupils. If the class size is significantly smaller, then the costs of providing the class can be higher than the income derived from the number of pupils admitted. If the PAN is reduced to 30 at this point in time, the School can plan accordingly for the number of children who will be admitted in September 2025.

9. The local authority has made similar requests for variations to three other community schools in its area and I am the adjudicator appointed to consider these requests. These schools are Malmesbury Primary School, Haslemere Primary School and Poplar Primary School. Each case is determined upon its specific situation and no case sets a precedent for another. In this instance, however, I am conscious that reducing the number of places in one area can have an effect on another. The local authority has consulted on reducing the PANs for the School, Malmesbury and Poplar for 2026. The local authority has set the PAN at 30 for 2026 for the School so my decision will only affect admissions in 2025.

10. 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 variation requested is justified by the change in circumstances.

Consideration of proposed variation

11. There is no formal consultation required for a variation and so parents and others do not have the opportunity to express their views. Once the PAN has been set for a particular year then no body, except the governing body of a community or voluntary controlled school, can object if that PAN remains the same in subsequent years. 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.

12. I will first consider if there would be sufficient school places in the area if I were to agree the variation, then the demand for places at the school and then the reasons for the variation request. In considering whether there would be sufficient school places in the area if the PAN were to be reduced to 30 for 2025, I will begin by exploring the geographical context and the information available relating to the demand for places at the School. GIAS describes the school as being in an "Urban major conurbation". The DfE website shows around 80 primary schools within three miles of the School, and ten within one mile of the School which admit children to YR.

13. Local authorities have a duty to make sure that there are sufficient school places for the children in their area. Normally they assess need and provision on the basis of geographical areas known as planning areas. The school is in a planning area with five other schools which admit children to YR. Table 1 summarises admissions data for the schools in the planning area.

Table 1: demand of places in YR in the planning area

	2022	2023	2024	2025
Sum of PANs of schools for YR	390	390	390	390
Number of first preferences	326	282	282	269
Number of offers made	380	358	320	N/A
Number of children in YR in schools for the relevant October census	368	320	279	N/A
Vacant places	22	70	111	N/A

14. When applying for a school place, parents are able to express a preference for more than one school. A first preference is the school a parent most wants their child to attend. Local authorities allocate places to the highest preference which can be achieved and so second and other preferences are also important. Table 1 illustrates that there were more children admitted in 2022 and 2023 than the number of first preferences. However, there were fewer children admitted in those years than received offers. This pattern changed for admissions in 2024; the number of admissions was similar to the number of first preferences.

15. Table 1 also shows a steady reduction in the number of children joining YR between 2022 and 2024. The 111 vacancies in YR in October 2024 are 28 per cent of all the places available and a very high proportion. The number of first preferences for schools in the planning area is also lower than previously for 2025. I am assured that there would be sufficient places in the planning area for those who have applied for places in YR in September 2025 if the PAN for the School were to be reduced to 30.

16. The local authority also helpfully provided data on schools that are in other planning areas but are located near to the School. The evidence is that there is also capacity within these other schools.

17. I will now look at the situation for the school and why the governing body supports a reduction in the PAN. Table 2 below shows the demand for places at the School and the number of admissions to the School in recent years. As the children attending the unit are not included in the PAN, I have not included them in the data in table 2.

Table 2: demand for the school and admissions

	2022	2023	2024	2025
The PAN for the school	60	60	60	60
The number of first preferences	53	35	30	25
Number of children offered a place	60	36	35	N/A
Number of children in YR for the October census	57	33	30	N/A
Number of vacant places	3	27	30	N/A

18. Table 2 illustrates that the number of children joining YR at the School has reduced since 2022 and hovered around 30 in YR for admissions in 2023 and 2024. The number of first preferences for 2025 is 25, five children below the PAN requested. Based on previous patterns and this number of first preferences, it is unlikely that parental preference would be frustrated if the PAN were to be reduced to 30.

19. The local authority provided financial figures in a letter from the School as part of its referral. This illustrates the costs of running two YR classes as opposed to one. The comparison is based on the premise that 32 children might be admitted and so, to meet infant class size regulations and maintain teaching in classes that contain one year group, two classes would be needed if this variation were not to be agreed. The local authority's data provides evidence that it is unlikely that more than 30 children would be admitted if the PAN remained at 60.

20. However, if I do not agree that the PAN can be reduced to 30, if any parent, until July 2026, asked for their child to be admitted to the School, that child would have to be admitted. Such admissions could increase the number of children above 30 and possibly require an additional class to be established in order to meet the requirements of the infant class size regulations. The School has said that it is operating at a deficit, although no detail has been provided. It would not be a good use of resources for the School to have to provide what is likely to be two very small classes and increase the existing deficit. It is hard for schools to address financial deficits without detriment to the education being provided. If I agree to reduce the PAN to 30, the risk of having to provide two classes for YR is removed and the School can plan efficiently for September 2025.

21. The data shows that there would be sufficient local places to accommodate all demand if the PAN for the School were reduced to 30 from 60. I have seen little, if any, risk to frustrating parental preference if the School's PAN were to be reduced to 30. I have balanced this minimal risk of disappointment to parents and children against the considerable benefits to the School in being able to plan effectively and mitigate the potential adverse financial consequences for a school with a budget deficit if it has to admit more than 30 children during the school year beginning in September 2025. If the School can plan effectively, there is less risk to the quality of teaching and learning within the

School. On balance therefore, I find that the variation is justified by the circumstances and I approve the proposed variation.

Determination

22. 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 London Borough of Merton for Hatfeild Primary School for September 2025.

23. I determine that the published admission number for 2025 shall be 30.

Dated: 19 March 2025

Signed:

Schools adjudicator: Deborah Pritchard