



Office of  
the Schools  
Adjudicator

## Determination

<b>Case reference:</b>	<b>VAR2560 and VAR2561</b>
<b>Admission Authority:</b>	<b>North Northamptonshire Council for South End Infant School</b>
<b>Local Authority:</b>	<b>North Northamptonshire Council</b>
<b>Date of advice:</b>	<b>10 June 2025</b>

## Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variations to the admission arrangements determined by North Northamptonshire Council for South End Infant School, for 2025 and 2026.

**I determine that the Published Admission Number for admission in 2025 shall be 60.**

**I determine that the Published Admission Number for admission in 2026 shall be 60.**

## The referral

1. North Northamptonshire Council (the Admission Authority, the Local Authority) has referred to the adjudicator a proposal for a variation to the admission arrangements for South End Infant School (SEIS, the School) for 2025 and 2026 (the Arrangements).
2. The school is a community school for children aged four to seven in Rushden, Northamptonshire. It is a school with no designated religious character. North Northamptonshire Council is the Admission Authority for the school.
3. The school was judged to be Good by Ofsted at its last inspection in November 2023.
4. The proposed variations are that the Published Admission Number (PAN) for Reception Year (Year R) admissions for both 2025 and 2026 be reduced from 90 to 60.

## Jurisdiction and procedure

5. 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”.

6. The Arrangements for 2025 were determined by the Local Authority on 15 February 2024. The Arrangements for 2026 were determined on 13 February 2025.
7. The Local Authority has provided me with confirmation that the appropriate bodies have been notified of the proposed variation in line with the Code. The Local Authority has also provided me with confirmation that the governing body of the school has been consulted on the proposed variation.
8. I find that the appropriate procedures were followed, and I am satisfied that the proposed variation is within my jurisdiction.
9. In considering the variation request, I have had regard to all relevant legislation and the Code.
10. The information I have considered in reaching my decision includes:
- the referral from the Local Authority dated 18 February 2025 and supporting documents;
  - the determined Arrangements for 2025 and 2026 and the proposed variation to those Arrangements;
  - responses from the Local Authority and school to my requests for further information;

- maps, including Google Maps and those submitted by the Local Authority 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 websites.
11. I would like to extend my thanks to the Local Authority 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.
  12. 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.
  13. If I agree to the Local Authority's request to vary the Arrangements for 2025 and 2026 by reducing the PAN as proposed, this will have the effect of fixing the number of places the school would have to admit to Year R in 2025/26 and 2026/27 at 60. If I do not agree the variation, the Local Authority would have to admit any applicant to Year R in 2025/26 and 2026/27 until the PAN of 90 is reached, including in-year applicants.
  14. For clarity, a determination to reduce the PAN to 60, or to leave it at 90, has no effect in 2025/26 or 2026/27 on any cohort of students other than Year R. The offering of places in other year groups depends on the number of students in each cohort and the organisation of classes, and the degree to which admitting an additional student would prejudice the provision of efficient education or the efficient use of resources or breach The School Admissions (Infant Class Sizes) (England) Regulations 2012 (the Infant Class Sizes Regulations).
  15. These requests are being addressed in a single adjudication because many of the issues needing consideration are common to both. Furthermore, determination on one request will materially impact on the other. As the arrangements were determined, the PAN for 2026 is 90. If this remains the case, and the variation for 2026 is not agreed, then a change for 2025 from 90 to 60 for 2025 affects that year alone, with no consequences for subsequent years. Importantly however, should I agree to the request for 2026, it will have the effect of forming the "baseline" for subsequent years. Should I approve a reduction in the PAN for 2026, there would be no need for the Local Authority to consult on a reduction to the PAN in 2027 as this would be carried forward from the amended arrangements for 2026. While the Local Authority has stated that it would "allow future decisions to align with the more appropriate consultation processes, as set out in the School Admission Code", it would not have to do so.

## Consideration of the proposed variations

16. 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.
17. The Local Authority has proposed that the PAN for the school for admission to Year R be reduced from 90 to 60 for both 2025 and 2026.
18. The Local Authority told me that the reason for it seeking a variation for the school is that there is a declining demand for places for Reception across the Rushden and Higham Ferrers planning area. This has led to a number of schools running with surplus capacity, with adverse impact on their finances and efficient organisation, and the school approached the Local Authority for a PAN reduction in 2022 on the basis of a trend of reduced demand for places. At that time, the Local Authority is said to have given a higher and absolute priority to its obligation as Local Authority to provide a sufficiency of school places in the planning area. A forensic revisit of the situation by school place planners has now been made, which has led the Local Authority to believe that, if the PANs for the school are reduced, this will not result in the authority being unable to ensure that there are sufficient school places available for children in its area.
19. The school is identified by the authority as having particularly large surplus capacity. The school as of May 2025 told me that 85 students are on roll in Year 2; but only 71 in Year 1 and 75 in Reception. There are 231 students in total, while the school capacity is at least 270. The number of students currently scheduled to be admitted in September 2025 is 52, with the PAN determined to be 90.
20. To fulfil the duty to ensure that there are sufficient school places for the children in its area the Local Authority assesses the likely future number of places needed and plans to meet that need. The Local Authority uses geographical areas and the schools within those areas, known as planning areas, for this purpose.
21. North Northamptonshire Council has submitted the following information on the number of places available for 2025 entry to Year R in the planning area containing the school (Rushden and Higham Ferrers), with the PAN for the school set at 90 as determined. Schools will have capacity to admit according to their determined arrangements up to the PAN shown below in Table 1.

**Table 1: 2025 (and 2026) determined PANs for the schools in the Rushden and Higham Ferrers planning area.**

Town	School	Current PAN
Higham Ferrers Schools	Henry Chichele Primary	60
	Higham Ferrers Nursery & Infants	60
Rushden Schools	Denfield Park Primary School	60
	Alfred Lord Tennyson Primary	30
	Newton Road Primary	30
	Whitefriars Primary	60
	Rushden Primary Academy	60
	South End Infant School	90
Total Year R places		450

22. The Local Authority has compared the capacity available above to the following forecast need for Year R places.

**Table 2: primary school forecast of places needed in Year R across the Higham Ferrers and Rushden Planning area:**

	R
2020/21	419
2021/22	468
2022/23	428
2023/24	409
2024/25	400
2025/26	393
2026/27	422
2027/28	348
2028/29	385

23. The Local Authority has stated that there is an evident trend towards a reduced need for Reception places in the planning area, even allowing for need arising from the current and planned additional housing which is being built. The Admission Authority forecasts

that, with the PAN for the school as currently set, the number of surplus places in Year R, Year 1 (Y1), and Year 2 (Y2) will be as follows:

**Table 3: Projected surplus capacity across the Higham Ferrers and Rushden Planning Area with the school PAN set at 90.**

	R	Y1	Y2
2025/26	57	71	62
2026/27	28	43	58
2027/28	102	10	25
2028/29	65	86	-6

24. The Local Authority has stated that the Rushden part of the planning area is forecast to have most of the surplus places. Rushden provides three quarters of the school capacity at Year R, and the school is in the South of Rushden, furthest from Higham Ferrers.

**Table 4: Projected surplus capacity across the Rushden part of the Planning Area with the school PAN set at 90.**

	R	Y1	Y2
2025/26	57	52	39
2026/27	25	49	43
2027/28	71	11	33
2028/29	46	60	-2

25. The Local Authority has stated that “this level of surplus capacity may not in isolation be problematic if it were to be spread equally across all the schools within the planning area. However, the geography of the schools within the two towns and patterns of applications – as illustrated by an initial analysis of the preferences of applications at the 15<sup>th</sup> January closing date for primary aged applications in table 5 below – the surplus capacity is not evenly spread across the schools with a significant surplus being within the Rushden schools. Given the numbers of 1<sup>st</sup> preferences compared to the overall capacity, it is clear that the majority of the surplus capacity will fall at South End Infant School.”

**Table 5: Comparison of 1<sup>st</sup> Preferences for Year R in September 2025 entry received as of 16<sup>th</sup> January 2025 compared to available school places.**

School	1 <sup>st</sup> Pref	PAN	Surplus Places
Henry Chichele	39	60	21
Higham Ferrer's Infants	69	60	-9
Denfield Park	67	60	-7
Alfred Lord Tennyson	18	30	12
Newton Road	23	30	7
Whitefriars	40	60	20
Rushden Primary Academy	57	60	3
South End Infants	50	90	40
<i>Total</i>	<i>363</i>	<i>450</i>	<i>87</i>

26. The Local Authority contends that there is a significant lack of first preference demand for Reception places at the school. It has stated, "SEIS has been affected by the opening and increase in popularity of Rushden Primary Academy which frequently fills to capacity, including drawing pupils from parts of Rushden who would historically have attended South End Infants, and then South End Junior." The Local Authority further contends that historically, provision of Year R places across the planning area has meant that parental preferences for school places have been entirely met in 2023/24 and 2024/25, both for on-time and subsequent applicants.

**Table 6: first preferences for on-time applications for places at schools in the Higham Ferrers and Rushden Planning area compared to PAN, 2022 to 2024 along with the number ultimately admitted.**

		2022/23		2023/24		2024/25	
<b>School</b>	<b>PAN</b>	<b>1<sup>st</sup> Pref</b>	<b>Admitted</b>	<b>1<sup>st</sup> Pref</b>	<b>Admitted</b>	<b>1<sup>st</sup> Pref</b>	<b>Admitted</b>
Henry Chichele	60	61	60	55	55	42	47
Higham Ferrers Infants	90	53	56	65	89	71	74
Denfield Park	60	72	79	55	55	58	58
Alfred Lord Tennyson	30	9	12	9	9	9	10
Newton Road	30	19	23	22	23	24	40
Whitefriars	60	67	60	54	54	45	45
Rushden Primary Academy	60	44	55	54	55	41	41
South End Infants	90	72	83	65	65	62	63

27. The Local Authority has stated that "changes in patterns of pupils attending schools, combined with the need to continue maintaining an organisational structure allowing the school to operate with a PAN of 90, have placed the school in a very challenging financial situation. The school is at a stage where, with the projected pupil numbers,

they are not able to finance a school organisational structure which would allow them to meet the requirements of admitting to their PAN of 90. This is also having a challenging impact on the school's ability to organise in a manner that supports the delivery of good educational outcomes for their pupils across all cohorts."

28. The school Governing Body support the PAN reduction and state that "the school will be able to run efficiently in September 2025 with seven classes rather than nine, moving to six classes by 2027...The Governors of SEIS are fully supportive of this request for in-year variation seeing it as both financially and educationally sound for the school community at this point. Should the sufficiency in the local area become more pressured in the future, Governors would support regrowth at that point in order to support the local need."
29. The Governing Body has provided a development plan and forecast budgets to demonstrate the implications of the number of students being admitted falling short of the PANs for the four years ending in the 2025 admission process and being likely to continue to do so in the future. The plans rely in part on a reduction to two forms of entry to produce savings but also introduce a degree of mixed age teaching with one combined Year 1 and Year 2 class in 2025/26 in order to secure efficiencies. Moving from single year to mixed age classes can produce excellent results but such results cannot be achieved without planning and the mixed age class model will place additional demands upon teaching staff. Adopting this form of organisation might be taken as an indication of the budget pressure which the school is under.
30. The Governing Body has submitted budget figures for 2025-26 showing that if it sustains staffing three forms of entry, a carry forward from 2024-25 of £86,508 would be insufficient to outweigh an in-year deficit of £174,044. The school would end 2025-26 in deficit to the sum of £87,563 on a budget for that year of £1.4 million. In that scenario the position then rapidly deteriorates further.
31. In an alternative scenario, where the PAN is reduced and the school moves to two forms of entry in 2025, some of the carry forward is still needed to support the budget for 2025-26, which is in deficit to the sum of £36,828. However, the school still ends 2025-26 materially better off than the three form of entry model, with a positive carry forward sufficient to ensure the school can end 2026-27 without a significant overall deficit. Even on this scenario, additional savings would need to be made in 2027-28 whatever my decision on the requested variations.
32. As Adjudicator, a fundamental concern is whether reducing the school's PAN would place the Local Authority at risk of not being able to ensure that there are adequate school places for children in its area. For the 2025 arrangements, there appears to be little or no risk in the Rushden portion of the planning area of the Local Authority not being able to meet expected need. Table 5 above shows a considerable surplus in



Rushden, and an adequacy of places in Higham Ferrers, even allowing for applications between offer day and the point of admission.

33. While the request for a PAN reduction for 2025 applies only to Year R in 2025/26, it is clearly the intent of the school to respond to approval by moving to two classes for Reception in September 2025. If that format carries on up the school, and given the Infant Class Sizes Regulations, that will limit the ability of the school to admit children in-year in 2026/27 and 2027/28, to Year 1 and Year 2 as the cohort will then be. However, on the figures provided by the Local Authority, the forecast in-year demand over that period never exceeds the projected ability of schools in the area to admit into those year groups.

**Table 7: expected surplus places in Rushden schools, 2025 to 2028, with PAN for the school set at 60 for the 2025/26 entry.**

	R	Y1	Y2
2024/25	57	46	35
2025/26	17	52	39
2026/27	25	19	43
2027/28	71	11	3

34. This surplus helps to compensate for an anticipated shortfall in places in Year 1 and 2 in Higham Ferrers over the same period:

**Table 8: expected surplus places in Higham Ferrers schools, 2025 to 2028.**

	R	Y1	Y2
2024/25	23	25	16
2025/26	0	19	23
2026/27	3	-6	15
2027/28	31	-1	-8

35. It is clear to me that were the determined PAN of 90 to be maintained for the school for September 2025 entry to Year R, this figure in conjunction with the effect of the Infant Class Sizes Regulations could lead to the school being required, possibly at short notice, to provide an additional class or class teacher as the number of children in Year R could go above 60 either before September or during 2025/26. This would have an adverse effect on the finances of the school and the efficient delivery of education. Notwithstanding that it may be unlikely that in-year demand in 2025/26 would create this

situation, it would be preferable for the governing body of the school to have clarity that this challenge will not arise. The governing body of the school has said that the school budget is in deficit, and ensuring efficient delivery of education to reception age students by reducing the PAN to 60 is central to addressing that deficit.

36. The Local Authority has presented a strong argument for the variation it proposes for 2025 entry, including evidence that it will still be able to provide required school places in the Higham Ferrers and Rushden planning area having reduced the PAN at the school. I have considered the competing need of providing the school places that parents want for their children, and the financial viability of the school. In this case it is possible to meet both priorities with a Published Admission Number of 60 as the Local Authority has requested. I therefore approve the proposed variation. The PAN for Year R in 2025 will be 60.
37. I shall now consider the request that the PAN also be reduced from 90 to 60 for the 2026 arrangements.
38. Using the pupil forecast figures provided by the Local Authority (see Table 3) but utilising a PAN of 60 for the school for 2026 entry onwards, the surplus of places is as follows:

**Table 9: Projected surplus capacity across the Higham Ferrers and Rushden Planning Area, with the school PAN reduced from 90 to 60 from 2026 entry onwards.**

	R	Y1	Y2
2026/27	-2	n/a	n/a
2027/28	72	-20	n/a
2028/29	35	56	-36

39. There appears to be a shortfall resulting from a single year forecast increase in demand for Reception places in 2026/27 to 422, albeit that this is followed by a subsequent decline in forecast need.
40. What had appeared to be an adequacy of places in the Rushden area in Table 4 becomes far less clear if the requested PAN for the school for 2026/27 is used:

**Table 10: Projected surplus capacity across the Rushden part of the Planning Area with the school PAN set at 60.**

	R	Y1	Y2
2026/27	-5	n/a	n/a
2027/28	41	-19	n/a

	<b>R</b>	<b>Y1</b>	<b>Y2</b>
<b>2028/29</b>	16	30	-32

41. On the Admission Authority's own forecast, therefore, there is an insufficiency of places for admissions to Year R in Higham Ferrers and Rushden for 2026/27. That cohort then becomes harder still to join in Year 1 and Year 2; and at a point where the shortfall becomes substantial in Rushden, there is no available capacity in Higham Ferrers.
42. I further note that the proximity of the school to the boundary of North Northamptonshire and Bedfordshire creates a possibility that parents from Bedfordshire may seek places at the school. In each of 2023 and 2024 three such students were allocated places in Rushden schools in Year R, with one student allocated in 2025.
43. Should there be an insufficiency of school places in the Rushden and Higham Ferrers planning area there are limited other schools in a position to admit children to Year R. The planning area forms a single conurbation, with the nearest alternative schools being in villages which are "nearby" in the common meaning of the term, but not when 2 miles is the maximum distance that an infant child can be expected to walk to school. To the south of Rushden, St Lawrence C of E Primary in Little Wymington (Beds) is within a mile of the school, has a safe walking route, and may have places, but unless children have a faith background, they would only meet the final criterion ("other children") for admission. To the south of the school is Irchester Community Primary School, which is currently under capacity, but which is 2 miles distant. To the southeast, in Bedfordshire, Christopher Reeves C of E VA Primary School is 2.21 miles from the school. At the other end of the planning area, the most northerly school in Higham Ferrers is Henry Chichele Primary School; beyond that, the closest alternative school is Stanwick Primary. Stanwick Primary is 1.89 miles distant from Henry Chichele, but with no apparent safe walking route available from Higham Ferrers. It is only accessible on foot using routes along the A45 or country lanes without footpaths. While by definition an unsuccessful applicant for the school in the south or Henry Chichele Primary School is likely to live some distance from the school, these schools may not be available or suitable alternatives.
44. I note that the evidence provided by the Local Authority suggests that the forecast need for places has not always been borne out by subsequent allocations.

**Table 11: Forecast need for places in Year R in Higham Ferrers and Rushden compared to number of first preferences and number of students admitted, 2022 to 2024.**

2022/23			2023/24			2024/25			2025/26		
Forecast	1st Pref	Admitted	Forecast	1st Pref	Admitted	Forecast	1st Pref	Admitted	Forecast	1st Pref	Admitted
428	397	428	409	379	405	400	352	378	393	363	n/a

45. Table 11 shows that the number of places forecast to be needed on offer day has often been lower than the number of places allocated by the time children were admitted in September. Only in 2023/24 did the under-estimated forecast number of places result in less than 2% surplus places at the point of admission. I do not view it as appropriate to make a decision which rests on the hope that forecast need will not arise, when forecasts have generally been accurate in the recent past.
46. The evidence before me suggests that if a reduced PAN for 2026 is approved there is a risk that the Local Authority will be unable to provide the number of school places needed in the planning area for that year within the aggregated PAN of schools. Beyond that however, the forecast need for Year R places in 2027 and 2028 suggests that there will be a sufficiency of Year R places in the planning area overall, even should the school settle as a two form of entry school with a PAN of 60 at that point.
47. It is also clear to me that the bulge in demand for Year R places which is forecast for 2026 is a bulge in demand across the planning area – not a likely bulge in the number of first preferences for the school, which is on a downward trend.

**Table 12: number of on-time first preference applications for the school.**

2022	2023	2024	2025
72	65	62	50

48. Sustaining the determined PAN of 90 in 2026 for the school would ensure adequate capacity in the planning area, and would support the authority in meeting parental preferences overall. However, even in 2026, trend data suggests that first preferences for the school could be met with a PAN of 60.
49. Moreover, if the forecast bulge for 2026 does materialise, it may be the case that the school is not the optimal place to host additional children. As a one-off circumstance in that year, it may be advantageous to the authority to have flexibility where in the planning area school places are made available in order to optimise meeting the particular parental preferences of that admissions round.

50. When challenged on the risk of not providing an adequate number of Year R places in the planning area in 2026, the Local Authority responded, "If the forecasts for school places in 2026/27 emerge, the Council would look to work with SEIS and/or other schools in the town to put on a bulge class to accommodate the need. Taking this approach would allow the school to be funded using the Growth Fund element of the Dedicated Schools Grant to ensure that the school was funded for this class from the outset. If we don't take this approach and SEIS remains with a PAN of 90 then they would not be funded for these pupils until April 2027 and the pressures on the school's budget would increase. We consider that this is a sensible approach for planning school provision in the town as it will help to safeguard the financial sustainability of SEIS and mitigate the potential challenges around funding having an adverse impact on the school's ability to deliver high quality educational outcomes." The Local Authority identified Higham Ferrers Nursery and Infants, which recently reduced its PAN, as an alternative host for additional students in a bulge year. The Local Authority stated, "it is not envisaged that any pupils would need to travel outside the town to secure a school place."
51. I have considered the competing need of providing the school places that parents want for their children, and the viability of the school. In this case approving the reduced PAN of 60 for the school in 2026 as well as 2025 provides the Headteacher and Governing Body of the school with the certainty needed for them to plan the staffing and organisation they feel will best meet the needs of current and future students within the constraints of their budget. It would enable the school to move forward with a PAN of 60 for 2027 beyond which the current evidence suggests that this would meet both demand from parents placing the school at first preference, and the demand for places in the planning area more broadly in the last part of the decade. It would mean that the school could ultimately move to a model of two classes in each year group, with no need to plan and deliver mixed-age teaching. To give such approval would however mean endorsing a forecast situation for 2026 where there may be insufficient Year R capacity, on paper, to meet expected need in the planning area overall, for that one year.
52. The school was challenged to model a scenario where the PAN reduction for 2025 was approved but that for 2026 not approved, applying an assumption of admitting 75 students to Year R in 2026. The school has been unable to show that it could balance its budget for 2026-27 with any reasonable adjustments to staffing and organisation.
53. It is for the Head Teacher and Governing Body of the school to ensure it operates in a way which is financially viable. However, in this case, it does not seem right to me to hamstring the school and students already enrolled by insisting that the determined PAN for 2026 should still apply, when the Local Authority has undertaken to create a bulge class if demand for places turns out to be as forecast. Should the school be asked to accommodate that bulge class, the authority has identified a potential benefit that

funding would be from September 2026, rather than the funding lagging the admission of the students.

54. The Local Authority has presented a strong argument for the variation it proposes for 2026 entry, by making a commitment to create a “bulge class” if needed that year to provide the required number of school places in the Higham Ferrers and Rushden planning area having reduced the PAN at the school. I have considered the competing need of providing the school places that parents want for their children, and the financial viability of the school. In this case it is possible to meet both priorities with a PAN of 60 as the Local Authority has requested. I therefore determine that the Published Admission Number for admissions in 2026 shall be 60.

## Determination

55. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variations to the admission arrangements determined by North Northamptonshire Council for South End Infant School for September 2025 and 2026.
56. I determine that the Published Admission Number for admissions in 2025 shall be 60.
57. I determine that the Published Admission Number for admissions in 2026 shall be 60.

Dated: 10 June 2025

Signed:

Schools Adjudicator: Patrick Storrie