



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** VAR2575

**Admission Authority:** Hampshire County Council for Shakespeare Infant School

**Date of advice:** 3 July 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 Hampshire County Council for Shakespeare Infant School for September 2025.**

**I determine that the published admission number, for admissions to the Reception Year in 2025, shall be 60.**

### The referral

1. Hampshire County Council (the Admission Authority; the Local Authority) has referred to the adjudicator a proposal for a variation to the admission arrangements for Shakespeare Infant School (the School) for 2025 (the Arrangements).
2. The School is a community school for children aged five to seven in Eastleigh, Hampshire. It is a co-educational school with no designated religious character. The School was judged to be 'Good' by Ofsted at its last inspection in April 2023.
3. The proposed variation is that the published admission number (PAN) of the School, which applies to admissions to the reception year (Year R), be reduced from 90 to 60 for 2025.

### 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 20 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.
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 Admission Authority, received on 23 May 2025, and supporting documents;
  - the determined Arrangements for 2025 and the proposed variation to those Arrangements;
  - responses from the School and the Local Authority, received on 16 and 26 June 2025 respectively, to my requests for further information;
  - maps, including Google Maps and those showing the location of the School; and
  - information available on the websites of the Department for Education (DfE) (including the ‘Get Information About Schools’ (GIAS) and ‘Financial Benchmarking and Insights Tool’ (FBIT) websites), the Local Authority, the School, and Ofsted.
10. 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.

11. I note here that the Arrangements for 2026 have been determined, and the PAN is set at 90. This means that if I agree to the Admission Authority's request to vary the Arrangements for 2025 by reducing the PAN as proposed, it will be for that year only and will not have a bearing on subsequent years.

## Consideration of proposed variation

12. The Local Authority has proposed that the PAN of the School is reduced from 90 to 60 for entry to Year R in 2025. The proposed variation has the support of the School's governing body.
13. 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.
14. The major change in circumstances relied upon by the Local Authority is set out in the referral, which states:

"The Published Admission Number (PAN) at Shakespeare Infant School for the 2025/2026 academic year is currently 90. On the national notification day for September 2025, the school offered 59 places for Year R children. Since that date, there has been a further decline, leaving the school with 58 offers at the time of writing.

Only 296 offers were made in the Eastleigh Primary year R planning area [in which the School is situated] on national offer day. However, there are 399 Year R places within this school place planning area, so there is capacity and sufficient places to accommodate demand in the area, even if this reduction is agreed."

15. I have given careful consideration to the latest available data in order to form a view about the sufficiency of school places in the local area if the PAN of the School is reduced from 90 to 60 for 2025. 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 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 each containing a number of schools, for this

purpose. The School is based in the planning area of Eastleigh, and I have considered the data that the Local Authority has provided for that area.

17. I have considered the data that the Local Authority has provided for the planning area to which the School belongs, in which there are six schools (including the School) that admit pupils to Year R. The data set out in Table 1 show the number of Year R places and the number of pupils admitted to, or offered a place at, those schools. Table 1 also demonstrates the effect of the proposed PAN reduction for the School on surplus places in the planning area.

**Table 1: Places available at schools within the planning area, and the number of children admitted to, or offered places at, those schools**

	2022	2023	2024	2025
<b>Number of places in Year R at schools in the planning area (with a PAN of 90 at the School in 2025)</b>	399	399	399	399
<b>Number of children admitted (2022, 2023, and 2024) or offered places (2025)</b>	346	362	359	295
<b>Vacant places</b>	53	37	40	104
<b>Vacant places as a percentage</b>	13.3	9.3	10.0	26.1
<b>Number of places in Year R if variation approved (with a PAN of 60 at the School in 2025)</b>	NA	NA	NA	369
<b>Vacant places if variation approved</b>	NA	NA	NA	74
<b>Vacant places as a percentage if variation approved</b>	NA	NA	NA	20.1

18. The DfE document, “Basic need allocations 2025-26: 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 has been far higher than this in recent years and would, according to the forecast, remain well above this percentage if I agree the proposed variation.

19. I am satisfied that if the PAN of the School were to be reduced to 60 for 2025, there would be sufficient places in the planning area for any children who might be seeking a Year R place.
20. I turn now to the demand for places at the School. Table 2 shows the number of children admitted to the School in recent years, plus the number of places offered in 2025. This table uses the proposed PAN of 60 for 2025.

**Table 2: The number of children admitted to the School in recent years, with the number of offered places for 2025**

	2022	2023	2024	2025
The PAN for the School	90	90	90	60
Number of children admitted (2022-2024) or offered places (2025)	82	79	88	58
Surplus places	8	11	2	2

21. I note at this point that 59 children were offered places, on National Offer Day in April 2025, for admissions to the School in September 2025. Since then one offer has been declined, leaving 58 offers for September 2025. The proposed variation will, therefore, have no effect on parental preference in respect of applications received during the normal admissions round, as all applicants have been accommodated. The concern, if at all, relates to late or in-year applicants whose preference could be frustrated if the PAN is so varied.
22. Local Authority data show that none of the schools in the planning area offering Year R places is oversubscribed for 2025. The School would have two vacant places to accommodate any late or in-year applicant, as one offer was not accepted subsequently. Furthermore, according to the Local Authority, four other schools in the same planning area shown in Table 1 will have a number of vacancies for admissions to Year R (around 72 places); and they are located within two miles of the School. This will mean that, if the proposed PAN reduction is approved, any parents unable to secure an in-year place at the School will be able to secure a place for their child at an alternative local primary school. For these reasons, I am satisfied that any adverse effect for late and in-year applicants will be minimal.
23. I will now consider the impact on the School of my approving, or not approving, the proposed variation.
24. The School is one affected by 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 (paragraph 2.16 of the Code). The infant class size regulations apply to Year R, Year 1, and Year 2.

25. 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.
26. The Local Authority has provided me with a breakdown of how the School's classes are currently organised. At present, the School has three classes in each year group (i.e. Year R, Year 1, and Year 2). The request for the variation refers to financial pressures faced by the School and the wish to align class organisation and staffing to the number of children. The request stated that if the variation request were not to be approved, the School may be required to create an additional class. The Local Authority described the associated implications of this as follows:

"The PAN for September 2024 admissions to the school was 90 however the school currently only have 251 pupils on roll. The low number of pupils in year 1, added to the lower than PAN cohort in year R is currently creating a lot of financial difficulties for the school.

Whilst there are 251 children on roll currently, if the PAN reduction is approved the school are proposing to operate an eight-class structure in 2025/26 allowing them to move to 2 classes in the cohort. Agreeing a reduction now will mean they can plan their staffing and curriculum with more certainty for September 2025."

27. The Local Authority also stated:

"The reduction of the PAN to 60 will protect the school from the financial difficulties associated with the employment of a 3<sup>rd</sup> teacher in Year R when there are insufficient children to justify this on a per pupil funding basis. This reduction will enable them to plan their staffing and curriculum with certainty for future academic years."

28. It is almost always the case that the largest proportion of a school's expenditure is on staffing. The situation the Local Authority and the School wish to avoid is staffing classes of a size that are not financially viable. To this end, the FBIT website shows that for the financial year ending March 2024, the School had an in-year balance of about £30,000 and a revenue reserve figure of £66.8K. The School provided financial information which shows that an in-year deficit, caused by the falling roll and current

staffing structure, is forecast for 2025/26 financial year and three subsequent years. The School stresses that, should the proposed variation not be approved,

“The school may be forced to operate with mixed-age classes, which we believe is educationally suboptimal. Class structures would be inefficient and harder to manage. Budget pressures may increase due to staffing inefficiencies and the need for additional support”.

29. The intention of the School is to arrange its Year R children into two classes in 2025. If the variation is agreed, save in exceptional circumstances, this would result in a maximum of 30 children in each Year R class. If the PAN of 90 remains in place, then the School would be obliged to admit up to 90 children when additional applications were received during the year. If numbers were to exceed 60, then it is likely that the School would need to reorganise its class structure, potentially resulting in logistical and financial challenges for the School.
30. Having considered all the matters above, my reasoning can be summarised as follows.
  - If the proposed variation is approved, there will be no frustration of parental preference as those who applied were offered a Year R place at the School on National Offer Day; some frustration could potentially arise in the future as the reduced PAN may result in detriment to the children whose parents make a late or in-year application for entry to the School. However, I do not anticipate that there will be a large number of such applications. In any event, if any parents were unsuccessful in securing a place for their child at the School, they will likely be able to secure a place at another nearby school.
  - If the proposed variation is not approved, the School would be obliged to offer a Year R place up to the existing PAN of 90 for late and in-year applicants during the rest of the 2025/26 academic year.
  - There is compelling evidence that a reduction in the PAN to 60 would, in the longer term, improve the School's financial position. The reduction should also improve the School's ability to plan its organisational structure in order to meet the needs of the existing children on roll.
31. For all the reasons above, I have concluded that a reduction of the PAN to 60 for 2025 would provide greater stability for the School and its pupils and benefit the School financially, and that this outweighs any potential frustration of parental preference in the longer term.
32. I find that the variation for 2025 is justified by the circumstances and approve the proposed variation.

## Determination

33. 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 Shakespeare Infant School for September 2025.
34. I determine that the published admission number, for admissions to the Reception Year in 2025, shall be 60.

Dated: 3 July 2025

Signed:

Schools Adjudicator: Jackie Liu