



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** VAR2581, VAR2582

**Admission Authority:** Buckinghamshire Council for Claytons Primary School in Bourne End, Buckinghamshire

**Local Authority:** Buckinghamshire Council

**Date of advice:** 16 July 2025

## 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 the Buckinghamshire Council for Claytons Primary School for 2025/26 and 2026/27.

I determine that for admission in 2025/26, the published admission number will be 30 and that for admission in 2026/27, the published admission number will be 30.

## The referral

1. Buckinghamshire Council (the Local Authority) has referred to the adjudicator proposals for variations to the admission arrangements (the Arrangements) for Claytons Primary School (the School) for 2025/26 and 2026/27.
2. The School is a community school for children aged three to eleven in Bourne End, Buckinghamshire, and the Local Authority is the admission authority for the School.
3. The proposed variations are that the published admission number (the PAN) for 2025/26 is reduced from 45 to 30 and that the PAN for 2026/27 is reduced 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 Local Authority has provided me with confirmation that the appropriate bodies have been notified of the proposed variations in line with the Code.
6. I find that the appropriate procedures were followed, and I am satisfied that the proposed variations are within my jurisdiction.
7. In considering the variation requests, I have had regard to all relevant legislation and the Code.
8. The information I have considered in reaching my decision includes:
- the referral from the Local Authority dated 9 June 2025, supporting documents and further information provided by the School at my request;
  - the determined Arrangements for 2025/26 and 2026/27 and the proposed variations to those Arrangements;
  - maps showing the location of the School and other relevant schools; and
  - information available on the websites of the Department for Education, the Local Authority and the School.

## Consideration of proposed variations

9. 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.
10. I note here that if I decide to vary the Arrangements for 2026/27 by reducing the PAN from 45 to 30 as proposed, it will have the effect of forming the 'baseline' for subsequent years, so that the PAN could be set at 30 without any need for consultation.
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 variations are justified by the change in circumstances.
12. The major change in circumstances relied upon by the Admission Authority is set out in the referral, which states:

"The school has fallen into financial difficulty due to the fact pupil numbers have fallen more than were predicted over the past few years. A surplus has covered the in-year deficit across the last three years, but pupil numbers have continued to be low, and the school budget can no longer be sustained. The school have submitted a deficit budget for 2025/6 of £110,487.

The school have only been allocated 31 pupils for Reception in September 2025 and believe this will fall to 30 as one child is seeking to defer their application. We are not expecting many further applications for places. The latest pupil projections suggest numbers will remain at this level for some years.

[The proposed variations] will allow the school to reorganise so they only run a single class in Reception and therefore reduce staffing numbers.

The school have stated:

'Enabling us to have one reception class will cut costs considerably. Employment of one less teacher and LSA will enable the expenditure to be less, leading to less deficit in March 2026 and a positive carry over in March 2027' "

### Overall demand for Reception Year (YR) places in the area

13. 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 PANs are reduced as proposed. I have also considered the demand for places at the School, the reasons

given for the changes in demand, the potential effect on parental preference of the proposed PAN reductions and whether the proposed reductions are justified taking into account all relevant circumstances.

14. The Local Authority has a duty to make sure that there are sufficient places for the children in its area. To fulfil this duty, it 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 sits within the Bourne End Planning Area (BEPA).
15. The Local Authority has provided me with data showing the actual and projected YR intakes for BEPA schools from 2020 onwards. Relevant extracts are shown in the following table:

**Table 1: Number of children admitted, or forecast to be admitted, to reception year (YR) at BEPA schools**

	<b>2023/24 (Autumn Census)</b>	<b>2024/25 (Autumn Census)</b>	<b>2025/26 (allocated)</b>	<b>2026/27 (projected)</b>	<b>2027/28 (projected)</b>
<b>Number of children</b>	219	228	234	205	230
<b>Sum of PANs for YR</b>	255	255	255	255	255
<b>Vacant places in YR</b>	39	27	21	50	25
<b>Sum of PANs for YR, if proposed variations are approved</b>	N/A	N/A	240	240	240
<b>Vacant places if proposed variations are approved</b>	N/A	N/A	6	35	10
<b>Proportion of places vacant if proposed variations are approved</b>	N/A	N/A	2.5%	14.6%	4.2%

16. From the above data, I am satisfied that a reduction of the School's PAN to 30 for 2025/26 would not leave a shortage of places in the local planning area for children whose parents are seeking a place for their child to be admitted to YR in 2025/26. I am also satisfied that a reduction of the PAN to 30 for 2026/27 would leave sufficient surplus capacity in the area for admissions in 2026/27, and that, if the PAN for 2027/28 were also to be set at 30, there would be sufficient surplus capacity for admissions in 2027/28.

### Places at the School

17. I now turn to the number of children at the School and the reasons given by the School in support of the variation requests. The requests for the variations refer to the governing body's wish to align its staffing and budget to the reducing number of children. The provisions of the School Admissions (Infant Class Size) (England) Regulations 2012 (the infant class size regulations) apply to the School, and they 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.
18. The School has provided me with a detailed breakdown of how its classes will be organised in 2025/26 if the proposed variation for 2025/26 is agreed. It is already planning for mixed age classes across Year 1 and Year 2, and across Year 3 and Year 4. If no more children are admitted to YR, it will be able to operate a single YR class<sup>1</sup>. However, with the PAN of 45 currently in place for YR for 2025, any late applications to YR between now and September 2025, and any in-year applications to YR during 2025/26, would have to be admitted, which would be likely to require the provision of an extra YR class in order to comply with the infant class size regulations. The effect of the proposed variation for 2025/26 would be to avoid this scenario. A similar argument applies for admission to YR in 2026/27. In short, both of the proposed variations are necessary if the School is to plan with certainty for a single reception class in each of 2025/26 and 2026/27.
19. I have been provided with a detailed breakdown of the School's financial position to support the variation requests. This shows that at the end of the 2024-25 financial year, the School had an in-year deficit of £135,083 leaving £66,878 surplus reserves. The School has submitted a deficit budget of £110,487 for 2025-26, which already includes a staffing reduction of one teacher and one learning support assistant. The School, therefore, requires the approval of the proposed variation for 2025/26 if it is to be certain that it will not further increase its deficit due to unplanned staffing costs.

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<sup>1</sup> The School tells me that "30 children have accepted places for September 2025 of which one is deferring their place."

### Summary of findings

20. Having considered all the matters above, my reasoning can be summarised as follows:
- a. The proposed variations do not give rise to any concerns about the sufficiency of YR places in the area for 2025/26, 2026/27 or 2027/28.
  - b. There is no indication of any frustration of parental preference.
  - c. There is compelling evidence that the proposed variations will make a significant difference to the School's financial position, and hence to its ability to meet the needs of the existing children on roll. If the proposed variations are not approved, there will be a significantly negative financial and organisational impact on the School, with detriment to those children already at the School, and to others who may lose out if funding is diverted to pay for the provision of an extra infant class for 2025/26 and for 2026/27.
21. After carefully weighing up the above factors, I conclude that the proposed variations are justified by the circumstances, and I approve them.

### **Determination**

22. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variations to the admission arrangements determined by the Buckinghamshire Council for Claytons Primary School for 2025/26 and 2026/27.
23. I determine that for admission in 2025/26, the published admission number will be 30 and that for admission in 2026/27, the published admission number will be 30.

Dated: 16 July 2025

Signed:

Schools Adjudicator: Clive Sentence