



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2602

Admission Authority: Hampshire County Council for New Milton Infant School

Date of advice: 28 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 New Milton 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 New Milton Infant School (the School) for 2025 (the Arrangements).
2. The School is a community school for children aged five to seven in New Milton, 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 27 June 2025, and supporting documents;
 - the determined Arrangements for 2025 and the proposed variation to those Arrangements;
 - responses from the Local Authority and School, received on 18 and 24 July 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 view. 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 view. 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.
14. The major change in circumstances relied upon by the Local Authority is set out in the referral, which states:

“[The PAN of the School] for the 2025/2026 academic year is currently 90.

On the national notification day for September 2025, the School offered 49 places for Year R children. The planning area of New Milton Primary made a total of 154 Year R offers, however there are 212 Year R places available within that planning area currently. Based on these figures, there are sufficient places to accommodate the demand in the area. At the time of writing, the School have only made 47 offers having received some declines, and across the planning area, there are now only 153 offers”.

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.

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 four 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. In 2024, having regard to similar reasoning as set out in this determination, an adjudicator approved that the PAN of the School should be reduced from 90 to 60 for September 2024 ([VAR2447](#)). 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
Number of places in Year R at schools in the planning area (with a PAN of 90 at the School in 2025)	212	212	182	212
Number of children admitted (2022, 2023, and 2024) or offered places (2025)	184	180	153	153
Vacant places	28	32	29	59
Vacant places as a percentage	13.2	15.1	15.9	27.8
Number of places in Year R if variation approved (with a PAN of 60 at the School in 2025)	NA	NA	NA	182
Vacant places if variation approved	NA	NA	NA	29
Vacant places as a percentage if variation approved	NA	NA	NA	15.9

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 two per cent in recent years and would, according to the number of places offered, 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 in 2025/26.
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	60	60
Number of children admitted (2022-2024) or offered places (2025)	62	72	44	47
Surplus places	28	18	16	13

21. I note that 49 children were offered places, on National Offer Day in April 2025, for admissions to the School in September 2025. Subsequently, two applicants declined the offers. 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 reduced to 60.
22. Local Authority data show that the School now has 13 vacant places to accommodate any late or in-year applicant. Furthermore, according to the Local Authority, two other schools in the same planning area shown in Table 1 will have a number of vacancies for admissions to Year R, including Ashley Infant School which is located within two miles of the School and has 14 vacant Year R places. This will mean that, if the proposed PAN reduction is approved, any parents unable to secure an in-year place at the School are likely to 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 are currently operating seven classes, with two classes in year R, and five mixed year group classes in years 1 and 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:

“Offer data for the 2025/2026 academic year is low and varying the school's PAN to 60 ensures that the School can continue operating 7 classes. If the PAN were to remain at 90, there is the potential that the school would have to operate an 8th class to comply with the infant class size regulations even though there is not the local demand and the forecast does not show an increase in numbers in the next few years. To operate 8 classes would not be financially viable under these circumstances”.

27. The Local Authority also stated:

“The reduction of the PAN to 60 will protect the School from financial difficulties and will enable them to plan their staffing and accommodation with certainty for future academic years”.

28. The FBIT website shows that for the financial year ending March 2024, the School had an in-year balance of about £24K and a revenue reserve figure of £90K. The School provided financial information which shows that an in-year deficit, caused by the falling roll and current staffing structure, is forecast for the 2025/26 financial year and three subsequent years, should the proposed variation not be approved.

29. The School stresses that,

“With a PAN of 90, we could potentially have a Year R intake group size of 61. Due to the infant class size [regulations] we cannot exceed 30 pupils per class in an infant school. This means we could potentially have to employ a teacher with a class of just

one pupil. As our budget share is funded mainly on a per-pupil basis, the income we receive would not be sufficient to pay for the class teacher with only one pupil...We are currently in surplus, but at the end of [2026/27] we would have a year-end deficit of [£113K], and [2027/28] would be [£411K]. This cannot be allowed to happen.

[In the longer term], this would support the School to run six classes (four Key Stage 1, and two year R), rather than seven classes and ensure the School remains financially viable, following the falling number on roll”.

30. 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.
31. 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 all those for whom the School was their highest available preference were offered a Year R place; 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.
32. 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 in the longer term this outweighs any potential frustration of parental preference, the likelihood of which is minimal.

33. I find that the variation for 2025 is justified by the circumstances and approve the proposed variation.

Other matters

34. In the interest of dealing speedily with this and the other requests for variations along the same or similar lines for schools, I have not considered other aspects of the Arrangements. Therefore, nothing in this determination should be taken as indicating that other aspects of the Arrangements do or do not conform with the requirements relating to admissions.

Determination

35. 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 New Milton Infant School for September 2025.
36. I determine that the published admission number, for admissions to the Reception Year in 2025, shall be 60.

Dated: 28 July 2025

Signed:

Schools Adjudicator: Jackie Liu