



Office of
the Schools
Adjudicator

Determination

Case references: VAR2606, VAR2607

Admission Authority: The Royal Borough of Windsor and Maidenhead for Hilltop First School

Date of advice: 12 August 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 Royal Borough of Windsor and Maidenhead for Hilltop First School for September 2025 and September 2026.

I determine that the published admission number, for admissions to the Reception Year in 2025, shall be 30.

I determine that the published admission number, for admissions to the Reception Year in 2026, shall be 30.

The referral

1. The Royal Borough of Windsor and Maidenhead (the Admission Authority or the Local Authority) has referred to the adjudicator a proposal for variations to the admission arrangements for Hilltop First School (the School) for September 2025 and 2026 (the Arrangements).
2. The School is a community school for children aged three to nine in Windsor. 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 November 2022.
3. The proposed variations are that the published admission number (PAN) of the School, which applies to admissions to the reception year (Year R), be reduced from 45 to 30 for September 2025 and 2026.

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 for 2025 were determined by the Local Authority on 20 February 2024. The Arrangements for 2026 were determined by the Local Authority on 25 February 2025.
6. The Local Authority has provided me with confirmation that the appropriate bodies have been notified of the proposed variations in line with the Code, and that the governing body of the School has been consulted on the proposed variations.
7. I find that the appropriate procedures were followed, and I am satisfied that the proposed variations are within my jurisdiction.
8. In considering the variation requests, 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 2 July 2025, and supporting documents;
 - the determined Arrangements for 2025 and 2026, and the proposed variations to those Arrangements;
 - responses from the Local Authority and the School 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), the School Capacity (SCAP) Survey, 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. 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 30. If I do not agree the variations, the School would have to admit any applicant to Year R in 2025/26 and 2026/27 until the PAN of 45 is reached, including in-year applicants.
12. Any determination to reduce the PAN to 30, or to leave it at 45, 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.
13. These requests are being addressed in this single determination because many of the issues needing consideration are common to both. Furthermore, a determination on one request will materially impact on the other. As the arrangements were determined, the PAN for 2026 is 45. If this remains the case, and the variation for 2026 is not agreed, then a change for 2025 from 45 to 30 for 2025 affects that year alone, with no consequence 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 such a reduction in 2027 as a PAN of 30 could be carried forward from the varied arrangements for 2026.

Consideration of proposed variations

14. The Local Authority has proposed that the PAN of the School is reduced from 45 to 30 for entry to Year R in September 2025 and 2026. The governing body of the School supports the proposals.

15. 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 in certain other limited and specified circumstances.

16. The major change in circumstances relied upon by the Local Authority is summarised as follows:

“The number of children allocated places at [the School] on National Offer Day has been falling... For Reception September 2024, 22 pupils were allocated places as at National Offer Day, which is the lowest for at least a decade. This has improved for September 2025, but [at 33] was still well below the 45 places available.

The falling demand and increasing surplus at [the School] should be viewed within the context of Windsor as a whole ... The overall number on roll has dropped from 2,447 in 2020/21 to 2,320 in 2024/25, a fall of 127.

The number of children allocated Reception places at Windsor First Schools for September 2025 was 465 on National Offer Day. This gives a surplus of 50 (9.7%) on the 515 Reception places available. Following the second round of admissions, the number allocated places currently stands at 470, giving a surplus of 45 places (8.7%).

[The referral form] provides the pupil projections for Windsor, as reported to the DfE in July 2024 as part of the School Capacity (SCAP) survey... The table indicates that the Reception intake will fall in September 2025 and continue to fall in subsequent years. By September 2028, demand for Reception places is projected to have fallen to 377, giving a surplus of 138 places (27%)...”

17. In short, the Local Authority is submitting a case of falling birth rates in the planning area, as well as the resultant drop in the demand for Year R places at the School, to support the variations.
18. I have considered the latest available data to form a view about the sufficiency of school places in the local area if the PAN of the School is reduced from 45 to 30 for 2025 and 2026. 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 reductions on parental preference, and whether the proposed reductions are justified taking into account all relevant circumstances.
19. 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 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 Windsor, and I have considered the data that the Local Authority has provided for that area.

20. In the planning area there are 14 schools, including the School, for which the usual year of entry is 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 or forecast to require a place at, those schools. Table 1 also demonstrates the effect of the proposed PAN reductions 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 or forecast to require a place at, those schools

	2024	2025	2026	2027
Number of places in Year R at schools in the planning area (with a PAN of 45 at the School)	515	515	515	515
Number of children admitted (2024), offered places (2025), forecast to require places (2026 and 2027)	452	470	443	428
Vacant places	63	45	72	87
Vacant places as a percentage	12.2	8.7	14.0	16.9
Number of places in Year R if variations approved (with a PAN of 30 at the School in 2025, 2026 and onwards)	NA	500	500	500
Vacant places if variations approved	NA	30	57	72
Vacant places as a percentage if variations approved	NA	6.0	11.4	14.4

21. I asked the Local Authority to explain how any new housing developments in the planning area may impact on the forecast demand for Year R places in the next few years, as the referral form included data from SCAP compiled in July 2024 showing that in each of the next five years there will be additional demand for Year R places due to housing development. The Local Authority stated, in its reply of 4 August 2025, that –

“The impact of new housing does not, however, come close to offsetting the impact of falling birth rates and reduced net inward migration, as the underlying decline is so large.”

“In terms of the July 2025 commentary, [the Local Authority] agreed with the DfE that we will not be submitting our 2025 projections until September... As it happens,

however, [the Local Authority is] currently working on the latest housing data - the one takeaway so far is that the housing completions are generally not happening as quickly as previously anticipated by the planning team, so any positive impact on demand from housing is likely to be pushed back. Certainly, the largest development in Windsor, of some 350 dwellings, was expected to commence in January 2025 and this still has not happened. It is very unlikely, therefore, that there will be any impact from new housing that requires a change in the borough strategy of looking to reduce the number of available first school places in Windsor.”

22. 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 would, according to the number of places offered this year and the forecast numbers for next year, remain well above two per cent if I agree the proposed variations for both years.
23. I am satisfied that if the PAN of the School were to be reduced to 30 for 2025 and 2026, there would be sufficient places within the planning area for any children who might be seeking a Year R place.
24. I turn now to the demand for places at the School. Table 2 shows the number of children admitted to the School last year, the number of places offered in 2025, and the forecast numbers for 2026 and 2027. This table uses the proposed PAN of 30 for 2025 onwards.

Table 2: The number of children admitted to the School in 2024 and offered places for 2025, and the forecast number of places required in 2026 and 2027

	2024	2025	2026	2027
The PAN for the School	45	30	30	30
Number of children admitted (2024), offered places (2025), forecast to require places (2026, 2027)	28	34	NA	NA
Surplus places	17	-4	NA	NA

Note: The Local Authority does not project the intake of individual schools for the Borough (including the School) for the future, hence data not available (NA) for 2026 and 2027.

25. I note that 33 children were originally offered places, on the National Offer Day in April 2025, for admissions to the School in September 2025, and that an additional offer has been recently made for a late applicant. As 34 places have already been allocated to

start at the School in Reception in September 2025, I queried this with the Admission Authority as this is above the proposed PAN variation requested of 30.

26. The Admission Authority confirmed that “all children allocated a place will continue to have a place”. The Admission Authority is expecting a few declines of the offers made due to home relocation of several families involved or for other reasons. The School also stated, in its reply of 4 August 2025, that -

“We know that one child in our current nursery cohort who was due to come to us has now accepted a place at [another primary school]. There is another child whose family are waiting for a house completion to come through. They were hopeful it would happen over the summer but they didn't want to reject the place just in case it takes a little longer... There is a third family who were talking about moving but [the School does not] have any actual details.

[The School has] however received an email from admissions about a new Reception allocation.”

27. The proposed variation will, therefore, have no effect on parental preference as all applicants to Year R in September 2025 (including those who have not had a higher preference met) are accommodated. Furthermore, 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, including any of the four schools which are within one mile of the School and now altogether have some 30 vacant places available in Year R for September 2025. For these reasons, I am satisfied that any adverse effect on late and in-year applicants for 2025/26 seeking admissions to the School will be minimal.
28. The Local Authority does not project the intake of individual schools for the Borough (including the School) for the future, but it showed me some forecasts about the projected aggregate number of Year R intake from 2026 to 2028 for the School and a group of five other schools within one mile of the School. They altogether form the two sub-planning areas (namely, South Windsor and North Windsor) within the entire planning area of Windsor. If the PAN of the School is reduced to 30 in future, there will be over 50 vacant Year R places at those schools within the two sub-planning areas in each of 2026, 2027 and 2028. Any frustration of parental preference, as far as the School is concerned, will therefore be mitigated by the availability of places at other local schools with vacant Year R places in 2026/27 and beyond.
29. I will now consider the impact on the School of my approving, or not approving, the proposed variations.

30. According to the Local Authority, the School currently organises its pupils in seven classes, with a single Year R class, and six remaining classes with some mixed-year group teaching across Year 1 to Year 4 (i.e. Year 1, Year 1/2, Year 2, Year 2/3, Year 3, and Year 3/4). The School has prepared different scenarios for September 2025 and September 2026 to allow suitable mixed-year teaching, with the mixing dependent on the exact number of pupils in different year groups; but it hopes to keep Year R as a single-form entry for 30 pupils as far as possible, should the variations be approved.

31. The Local Authority notes that,

“If the Reception intake falls to 30 for September 2025, through children moving away and a reduction in PAN, then the School would still need to run seven classes from September as there would still be 95 children in Reception and Key Stage 1...

Additionally, it would move the School more quickly to a position of having 90 (or fewer) children across Reception and Key Stage 1... Even if the 2025 Reception intake stayed at 33, there would be the potential to mix the year groups slightly in 2026 and use the space in Year 2 to remain at 30 per class. If there is movement out of Year 1 and/or Year 2 during the 2025/26 academic year then such a change may be possible ahead of September 2026”.

32. The request for the variations refers to financial pressures faced by the School and the wish to align class organisation and staffing to the number of children. 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 -£73K and a revenue reserve figure of £309K. The School stresses that,

“We are increasingly concerned about the reduced birth-rate across the Borough. Our 2024/25 Reception intake has been less than 30 but we had hoped that the 2025/26 places offered on initial school offers day was an indication that our numbers would be higher, allowing us to continue to run as a one and a half form school....The budget is becoming increasingly difficult to manage and governors agree that running two classes with just a little over 30 children would not [be] viable”.

33. Having considered all the matters above, my reasoning can be summarised as follows.

VAR2606 – PAN reduction for 2025

- If the proposed variation is approved, there will be no impact on all those for whom the School was their highest available preference as they have been offered a

Year R place at the School for September 2025. The School has its planning in place to adopt a mixed-year group class if the actual number of pupils to be admitted to Year R in September 2025 is slightly over 30. Some frustration may potentially arise 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, although the admission authority may always admit above the PAN through in-year admissions according to paragraph 1.4 of the Code. And in any event, if any parents are unsuccessful in securing a place for their child at the School this year, they will likely be able to secure a place at one of the local schools nearby given the availability of vacant Year R places.

- If the proposed variation is not approved, the School would be obliged to offer a Year R place up to the existing PAN of 45 for late and in-year applicants during the rest of the 2025/26 academic year. If an additional class is required, this will require substantial cost to employ another teacher.

VAR2607 – PAN reduction for 2026

- The Local Authority has provided evidence to show that the projected number of applicants for Year R places at the School and nearby schools in the planning area will continue to fall in the next few years. There is compelling evidence that a reduction in the PAN to 30 would, in the longer term, improve the School's financial position. If the proposed variation is approved, the reduction should improve the School's ability to stick to its organisational structure (i.e. one-form entry) to meet the needs of the existing children on roll. In addition, parents will have known about the reduced PAN at the time when they consider their preferences for 2026. Any parent who is not successful in securing a place for their child at the School will likely be able to secure a place at another local school nearby in light of the projected vacancy Year R rate of over ten per cent as set out in Table 1 above.
- If the proposed variation is not approved, the School would be obliged to offer a Year R place up to the existing PAN of 45 for any applicant in 2026/27. This creates uncertainty as the School would not know if or when an additional class or a mixed Year R/Year 1 class would be required. As well as being potentially disruptive and unsettling for both children and staff, it would be financially inefficient.

34. Taking everything into consideration, I find that the variations for 2025 and 2026 are justified by the circumstances and approve the proposed variations for both years.

Other matters

35. In the interest of dealing speedily with this and the other requests for variations 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

36. 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 Royal Borough of Windsor and Maidenhead for Hilltop First School for September 2025 and September 2026.
37. I determine that the published admission number, for admissions to the Reception Year in 2025, shall be 30.
38. I determine that the published admission number, for admissions to the Reception Year in 2026, shall be 30.

Dated: 12 August 2025

Signed:

Schools Adjudicator: Jackie Liu