



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** VAR2570 & VAR2576

**Admission Authority:** The Royal Borough of Windsor and Maidenhead for Alwyn Infant School, Maidenhead, Berkshire

**Date of decision:** 18 August 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 the Royal Borough of Windsor and Maidenhead for Alwyn Infant School, Maidenhead, Berkshire for September 2025. I determine that the published admission number for admission will be 60.

I also approve the proposed variation to the admission arrangements determined by the Royal Borough of Windsor and Maidenhead for Alwyn Infant School, Maidenhead, Berkshire for September 2026. I determine that the published admission number for admission will be 60.

I have also considered the arrangements under section 88I(5) and find that they do not comply with requirements relating to admission arrangements in the ways set out in this determination.

By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of this determination.

## The referral

1. The Royal Borough of Windsor and Maidenhead (the Admission Authority and the local authority and referred to in this determination as both) has referred to the adjudicator a proposal for variations to the admission arrangements (the Arrangements) for Alwyn Infant School (the School) for September 2025 and 2026.
2. The School is a community school for children aged four to seven years of age. It is a co-educational non-selective school with no designated religious character and is part of the Alwyn and Courthouse Federation. The School is one of twenty-five infant, junior and primary schools in Maidenhead and the surrounding area and is part of a two-tier system.
3. The School was judged as “Good” by Ofsted at its last inspection in November 2023.
4. The proposed variations are:
  - a reduction in the Published Admission Number (PAN) from its current 90 to 60, to apply to the September 2025 Reception year group (VAR 2570);
  - a reduction in the PAN from its current 90 to 60, to apply to the September 2026 Reception year group (VAR 2576).

## 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 2025 Arrangements were determined by the Admission Authority on the 20 February 2024 and the 2026 Arrangements were determined by the Admission Authority on the 25 February 2025.

7. The Admission Authority has provided me with confirmation that the appropriate bodies were notified of the proposed variations in line with the Code. The Admission Authority has also provided me with confirmation that the governing body of the School was consulted on the proposed variations.
8. I find that the appropriate procedures were followed, and I am satisfied that the proposed variations are within my jurisdiction.
9. I have also used my power under section 88I of the Act to consider the Arrangements as a whole and to determine whether they conform with the requirements relating to admissions and, if not, in what ways they do not so conform. I will refer to these as 'other matters' and they are covered in the section of the determination under that name.
10. In considering the variation requests and the matters considered under section 88I, I have had regard to all relevant legislation and the Code.
11. The information I have considered in reaching my decision includes:
  - the referral from the Admission Authority dated 19 May 2025 and the supporting documents provided;
  - the determined Arrangements for September 2025 and 2026 and the proposed variations to those Arrangements;
  - responses from the Admission Authority and the School to my requests for further information;
  - maps showing the location of the School and other schools in the relevant planning areas; and
  - information available on the websites of central government, in particular the Department for Education (DfE) (including the 'Get Information About Schools' (GIAS), the School Capacity (SCAP) Survey, and the 'Financial Benchmarking and Insights Tool' (FBIT) websites), the local authority, the School, and Ofsted.
12. 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 been provided with a substantial amount of information and data by the local authority, for which I am grateful. I have referred only to that which has a bearing on my determination.
13. 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.

14. If I approve the request to vary the Arrangements for 2025 and 2026 by reducing the PANs as proposed, this will have the effect of fixing the number of places the School would have to admit to Reception in 2025/26 and 2026/27 at 60. If I do not agree the variations, the School would have to admit any applicant to Reception in 2025/26 and 2026/27 until the PAN of 90 is reached, including any in-year applicants.
15. Any 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 pupils other than in Reception. The allocation 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).
16. 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 could 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 approved, then a change for 2025 from 90 to 60 for 2025 affects that year alone, with no consequence for subsequent years. Importantly however, should I approve 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 for admissions to the School in 2027 as a PAN of 60 could be carried forward from the varied arrangements for 2026.

## Consideration of proposed variation

17. 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.
18. The Admission Authority told me that the reason for it seeking the variations is due to lower than projected numbers of allocated places for Reception in September 2025 and falling numbers at the School overall. This is leading to increasing financial challenges for the School with the current structure of the School, which is based on a PAN of 90, being unsustainable. The School, via the Admission Authority, has therefore asked for “urgent consideration” to reducing the PAN as maintaining the PAN at current levels “ would place undue strain on [the School’s] resources and negatively impact the quality of education.”
19. The variations are therefore proposed to reduce the Reception PAN for the School in September 2025 and 2026 from 90 to 60 to support the School in operating a reduced class structure. The reduction in PAN will reduce the costs for the School and help

significantly with mitigating a projected budget deficit. The proposed variations have the support of the School's Governing Body.

20. I have considered the extensive data provided by the Admission Authority in support of the variations. For Reception in September 2025, 60 pupils were originally allocated places on National Offer Day. The Admission Authority advises me that this is the lowest number for at least a decade and well below the current PAN of 90.
21. The latest information received from the local authority indicates that there has been a further reduction of pupil numbers, due to pupil withdrawals, with only 49 pupils due to start in Reception at the School in September 2025.
22. First preference applications for the School fell to 41 for September 2025, with all first preferences being offered a place at the School. Historically, the vast majority of first preference applications come from parents who live within the Maidenhead Town (95.4%), particularly the North West Maidenhead subarea, and the Maidenhead Rural (3.4%) planning areas (which see below at paragraph 25).
23. In addition, the School will be undersubscribed in Key Stage 1 year groups in September 2025. Table 1 below sets out the anticipated numbers in Years 1 and 2 at the School as from September 2025.

**Table 1: Projected numbers on roll in Years 1 and 2 (excluding Reception) in September 2025**

<b>Class Name</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Total (by class)</b>
Beech	28	-	28
Hazel	27	-	27
Maple	26	-	26
Holly	-	30	30
Pine	-	28	28
Spruce	-	29	29
<b>Total (by year)</b>	<b>81</b>	<b>87</b>	<b>168</b>

24. This therefore means that total numbers on roll at the School, in September 2025, including the projected Reception intake, will be 217 with a projected surplus of places of 53 if the PAN for the School is to remain at 90.
25. This pattern of falling demand for places at the School and increasing surplus is set to continue and needs to be viewed within the context of Maidenhead as a whole. The local authority has a duty to ensure 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. For the purposes of school place planning, the local authority uses planning areas, which are geographical areas and the number of places available at schools within those areas. Maidenhead is divided into two planning areas: Maidenhead

Town and Maidenhead Rural. The local authority further divides the planning areas into subareas and the School is in the North West Maidenhead subarea and largely takes children from this subarea as mentioned above.

26. Although it is a common methodology for local authorities to use planning areas to help determine whether it would be able to meet its statutory duty to ensure there are sufficient school places in its area, parents are unlikely to take account of planning areas when applying for a school place. I have therefore considered the availability of surplus places in both the Maidenhead Town and the Maidenhead Rural planning areas.
27. The projected numbers on roll and the number of places available in each of the planning areas and resulting surplus of places is set out below in Table 2a and 2b. The 2025 numbers are based on the latest Reception allocation figures supplied by the local authority with the projected numbers for 2026 to 2028 being from the local authority's 2024 SCAP submission to the DfE.
28. These show that in Maidenhead Town and Maidenhead Rural, there will be current and projected overall surpluses of places in Reception, in some years at substantial levels (more than 10% in Maidenhead Town and more 20% in Maidenhead Rural), for several years to come.

**Table 2a: Maidenhead Town projected numbers on roll and surplus places**

Reception			
Year of Intake	NOR	Places	+/-
2025	577	660	+83
2026	573	660	+87
2027	638	690	+52
2028	629	690	+61

**Table 2b: Maidenhead Rural projected numbers on roll and surplus places**

Year of intake	NOR	Places	Reception +/-
2025	239	282	+43
2026	216	282	+66
2027	200	282	+82
2028	198	282	+84

29. The level of surplus places is consistent with demographic data supplied by the local authority for the Maidenhead Town and Maidenhead Rural planning areas which indicates an actual and projected declining live birth rate over the period 2020 to 2028.

30. Some level of overcapacity in the planning areas is prudent but too much may lead to financial difficulties for schools, and a balance therefore needs to be struck by local authorities to ensure they have enough capacity to satisfy their statutory duties but not too much as to lead to budget deficits in schools.
31. 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, the proportion of vacant places across the planning areas would be and would remain, according to the number of places offered this year and the forecast numbers for next year, well above two per cent if I approve the proposed variations for both years.
32. I would note at this point, that I am concurrently considering another variation to the admission arrangements for Wessex Primary School submitted by the Admission Authority for both September 2025 and 2026. This school is also based in the Maidenhead Town planning area. If the variations requested for both the School and Wessex Primary School are approved, the places available in Maidenhead North would reduce from 660 to 600 places for 2025 and 2026. Even with this reduction, there would still be a surplus of places within the Maidenhead planning area of 23 (circa 4 per cent) and 27 (circa 5 per cent). This, coupled with the significant spare capacity in Maidenhead Rural, should be sufficient to support operational flexibility for the local authority whilst still allowing for parental preference.
33. The local authority has also provided me with information to indicate that there are currently 22 spare places at schools less than 1.5 miles from the School which is in addition to the 11 spare spaces that would remain unfilled should the September 2025 PAN variation be approved.
34. I therefore conclude that should the variations be approved, there is sufficient spare capacity within the School, schools in proximity, and the planning areas to cater for any in-year admissions in September 2025, with pupil projections also suggesting an increased surplus of places in the planning areas for September 2026.
35. It was also clear from the data provided, that as the local authority has a picture of recent/ projected demand in schools in its planning areas, that the matter raised in respect of the PAN at the School and the number of surplus places in the planning area projected for 2025 and 2026 would have been obvious in enough time for what has been requested to have been dealt with through the consultation process prior to the determination of the Arrangements particularly for September 2026.
36. I will now consider the reason for the proposed variations and why the governing body supports the reduction in the PAN from 90 to 60 in September 2025 and 2026.

37. The School is an infant school and this means that every class is affected by the provisions of the Infant Class Size Regulations and paragraph 2.16 of the Code 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. The Infant Class Size Regulations apply to Reception, year 1 (Y1) and year 2 (Y2).
38. Schools are largely funded on the number of pupils and the highest cost to a school budget is its staff. Most infant and primary schools aim to have around 30 pupils to a class. If a school has classes that are less than 30, this can then 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 face financial challenges. Currently, all but one class at the School is below 30 pupils to a class.
39. If the School are unable to reduce the PAN for Reception in 2025, and they receive any in-year applications for admission beyond 60 pupils, they may then need to run an additional class for Reception pupils in the academic year 2025/26 which would lead to further financial challenges for the School. If they can reduce the PAN, they will then have certainty that they only need to run two classes in Reception in September 2025. Similarly, the reduction in PAN for Reception in 2026 would then allow the School to plan teaching and learning based on a seven class structure as from September 2026.
40. Information provided by the Admission Authority showed that if the variations are not approved, the School project that they will have a deficit budget of £287,000 by 2027/28. If the variation request is not approved and the School received in-year admissions prior to the end of the academic year which took them over 60 pupils in Reception, then the School would be required to provide three classes in Reception in the academic year 2025/26 in order to comply with the Infant Class Sizes Regulations. In this situation, the School anticipates that the Reception year group would run at a deficit of £20,000 for each financial year.
41. I have considered the impact of decreasing admission numbers on the School's finances balanced against the impact of the effect that reducing the School's PAN will have on meeting any potential in-year applications or projected demand for places at the school. I have tried to ensure that I have considered the competing needs of providing the school places that parents may want for their children and the financial viability of the School. I am satisfied that there are sufficient places in the School and the planning areas for any potential in-year admissions and any projected demand. I am also satisfied that agreeing the variation requests will mitigate any potential financial risk for the School and enable them to plan with certainty for the academic years 2025/26 and 2026/27 whilst not, given the current indications of demand for future years, causing there to be a problem complying with parental preference.
42. I, therefore, find that the variations are justified by the circumstances and approve the



proposed variations to reduce the PANs in September 2025 and 2026 from 90 to 60.

43. I also note here that reducing the PAN does not reduce the overall capacity of the School unless accommodation is being removed from the premises. The local authority has confirmed that there are no plans to reduce the amount of accommodation available at the School with the physical capacity of the School remaining the same. Reducing the PAN will not change that. What this means is that should there be a need for the School to increase its PAN and/or admit more children in the future, there remains the capacity in the building for it to do so.

## Other matters

44. Having considered the Arrangements as a whole it appeared to me that there are matters which may not conform with the requirements of the Code and so I brought them to the attention of the Admission Authority. Paragraph 14 of the Code is relevant to all the points that I raised and provides as follows:

“In drawing up their admission arrangements, admission authorities **must** ensure that the practices and the criteria used to decide the allocation of school places are fair, clear, and objective. Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated.”

45. The matters raised are (paragraphs of the Code are indicated where relevant):

- a. Section 1.6 of the Arrangements provides for an admission above PAN where “applications for siblings whose birthdays are in the same academic year fall either side of a school’s PAN.”

Paragraph 2.16 of the Code provides that Infant class sizes must not contain more than 30 pupils with a single schoolteacher and only allows “excepted pupils” in defined circumstances. Siblings who are twins or siblings of multiple births are “excepted pupils” pursuant to Paragraph 2.16 g), but the current wording in the Arrangements could apply to **all** siblings and not just those who are twins or siblings of multiple births. I therefore asked the Admission Authority to clarify how a pupil could be accommodated above PAN in Reception whilst complying with the infant class size regulations if they are not siblings who are twins or siblings of multiple births.

The Admission Authority, in its response, conceded that the wording of section 1.6 of the Arrangements could be considered unclear and as a result, will adjust the wording of section 1.6. I am grateful for this.

- b. Paragraphs 2.18 and 2.19 of the Code provide as follows in relation to an application for admission of children outside their normal age group:

2.18: “Parents may seek a place for their child outside of their normal age group, for example, if the child is gifted and talented or has experienced problems such as ill health. In addition, the parents of a summer born child may choose not to send that child to school until the September following their fifth birthday and may request that they are admitted out of their normal age group – to reception rather than year 1. Admission authorities **must** make clear in their admission arrangements the process for requesting admission out of the normal age group.”

2.19: “Admission authorities **must** make decisions on the basis of the circumstances of each case and in the best interests of the child concerned. This will include taking account of the parent’s views; information about the child’s academic, social, and emotional development; where relevant, their medical history and the views of a medical professional; whether they have previously been educated out of their normal age group; and whether they may naturally have fallen into a lower age group if it were not for being born prematurely. They **must** also take into account the views of the head teacher of the school concerned. When informing a parent of their decision on the year group the child should be admitted to, the admission authority **must** set out clearly the reasons for their decision.”

I raised three points in relation to this with the Admission Authority. The Admission Authority has satisfied me in its responses to one of them. The other two are as follows:

(i) Sections 1.7 and 1.9 of the Arrangements require parents of summer-born entry children to obtain “written confirmation from the headteacher of their chosen school/s, outlining their agreement.” and “written agreements” respectively.

Although the Code provides for the admission authority to take into account the views of the headteacher of the school concerned, there is no requirement in the Code for parents of pupils to obtain the consent of the head teacher or “written agreements.”

The Admission Authority responded as follows:

“The presence or absence of a written agreement with the headteacher of their chosen school does not prevent a parent or carer of a summer-born from exercising their rights under 2.18 of the Admissions Code. Written agreements serve to ensure that the requirements of 2.19 are met, namely that “Admissions authorities **must** make decisions on the basis of the circumstances of each case and in the best interests of the child concerned,” and Admission authorities “**must** take into account the views of the headteacher of the school concerned”, and “the Admission authority **must** set out clearly the reasons for that decision.” Without a written record of the process, there is no way to demonstrate that the process has been followed correctly,

and that the parents or carers' rights have been respected. Written agreements ensure that the entire process is transparent for all parties, and for any subsequent appeal panellists. These written confirmations are merely a tool used within the process; they do not prevent the process from being exercised.

The written confirmations also confirm to all parties the decision that has been made in that particular child's case. This means that in the event of personnel turnover or data issue, the records are preserved. No party can then renege on the agreement, and places (in the case of deferred starts under 1.9) are not given away to others in error. Also, in the case of deferred starts, the local authority can ensure that the school understands their obligations in terms of the census and financial reporting. As well, the local authority can ensure that children are not missed by the CME officers, nor unduly approached, and all appropriate staff are aware of the decision made and can follow up appropriately in the future to support the family.

Furthermore the written agreements streamline the subsequent application process for parents using the delayed start option - as parents are outside of the expected year group, they are then sent the appropriate CAF directly from the admissions team, who ensure the child applies as expected, and follow up appropriately if they do not. If the child moves out of the area, the original decision can be forwarded to their new local authority at the parent or carers' request, so they do not have to obtain supporting paperwork a second time.

If no written agreement is forthcoming, or the written agreement or refusal is flawed in some way, the local authority will approach the headteacher directly, remind them of the legislation, and give them the opportunity to address any LA concerns. We use this interaction to ensure the process has been followed fairly. If the headteacher chooses not to adhere to the legislation, we will, as the admitting authority for these schools, "override" their views and take the appropriate action to ensure the statutory rights are upheld.

This is the exact same process that exists for own authority schools, with the exception of the 'headteacher override' as the local authority does not have that power. Instead, in the case of own admitting authorities, the appropriate referrals are made as per the Admissions Code, if the school refuses to adhere to the legislation."

Although the local authority has clarified that this does not, and I would add, could not, prevent a parent or carer of a summer-born from exercising their rights under 2.18 of the Code and I understand the need to have an administrative process to ensure the efficacy of any such request by a parent or carer, I find that the current wording in the Arrangements is non-compliant with the Code.

The use of the words "written confirmation from the headteacher of their chosen

school/s, outlining their agreement.” and “written agreements” implies some form of consent is required from the headteacher. There is no such requirement in the Code. Indeed, the Code makes clear that decisions on admissions outside the normal age group are to be made by the admission authority, as opposed to the headteacher. Other terminology could be used in the Arrangements and/or guidance provided to document the process appropriately and to demonstrate that it has been followed correctly, is transparent for all parties, and that parents’ or carers’ rights have been respected. The wording in the Arrangements therefore needs to be revised so that it is clearer for parents and accurately reflects the Code.

Section 1.13 of the Arrangements outlines what is taken into account when the admission authority receives a request for admission of children outside their normal age group. I was concerned that this does not accord with the provisions of paragraph 2.19 the Code as it does not appear to include all the areas that an admission authority must include in their consideration of any such requests.

The Admission Authority has told me that it will address this, as permitted by paragraph 3.6 of the Code, by rewording to match the provisions in 2.19 of the Code for which I am grateful.

46. As a final point, and in its response to my enquiries, the local authority commented as follows:

“While the Admission Authority understands that using the language directly from the Code is preferable to the OSA, it does cause issues with the accessibility of the arrangements for parents. Parents struggle to understand the admission arrangements already, and attempts have been made to summarise and simplify language to make the arrangements shorter and more accessible, especially to parents with English as an additional language. Insistence on using all the language quoted directly from the legislation will inevitably lead to two different versions of admissions arrangements - one ‘official’ version and one ‘simplified’ version.”

47. I would like to clarify that adjudicators review admission arrangements in terms of their compliance with the Code. That does not mean that the language used in admission arrangements by admission authorities must be a carbon copy of the Code or quoted directly from legislation. More accessible language can be used if all the provisions of the Code and legislation are observed. The issues highlighted above are those which may lead to confusion for parents or are specific non-compliances rather than a situation where the exact wording of the Code has not been adopted.

## Determination

48. In accordance with section 88E of the School Standards and Framework Act 1998, I

approve the proposed variation to the Arrangements determined by the Royal Borough of Windsor and Maidenhead for Alwyn Infant School, Maidenhead, Berkshire for September 2025. I determine that the PAN for admission will be 60.

49. I also approve the proposed variation to the Arrangements determined by the Royal Borough of Windsor and Maidenhead for Alwyn Infant School, Maidenhead, Berkshire for September 2026. I determine that the PAN for admission will be 60.
50. I have also considered the Arrangements under section 88I(5) and find that they do not comply with requirements relating to admission arrangements in the ways set out in this determination.
51. By virtue of section 88K(2) the adjudicator's decision is binding on the Admission Authority. The School Admissions Code requires the Admission Authority to revise its Arrangements within two months of this determination.

Dated: 18 August 2025

Signed:

Schools Adjudicator: David Holland