



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2642

Admission Authority: Milton Keynes City Council for Giffard Park Primary School

Date of decision: 10 November 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 Milton Keynes City Council for Giffard Park Primary School for 2026.

I determine that for admission in 2026 the published admission number will be 30.

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. Milton Keynes City Council (the local authority) has referred to the adjudicator a proposal for a variation to the admission arrangements for Giffard Park Primary School (the School) for 2026 (the arrangements).
2. The proposed variation is that the published admission number (PAN) is reduced from 45 to 30 for admissions in 2026. The PAN is the minimum number of children who must be admitted to the year of entry (reception in this case) if there is demand.
3. The local authority explained that the area was experiencing a decline in demand for places in reception year (YR) and said, "If no action is taken to reduce the number of places available, the city is expecting 1000 surplus places in Year R for September 2026."

4. The School provides education for children aged three to eleven years old. Ofsted judged the School to be good overall in its last inspection report in September 2024.

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 arrangements were determined by the local authority on 11 February 2025. 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 confirmation 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. I have also used my power under section 88I of the Act to consider the arrangements as a whole and to determine whether or not 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.
9. In considering the variation request and the matters considered under section 88I, I have had regard to all relevant legislation and the Code.
10. The information I have considered in reaching my decision includes:
 - a) the referral from the local authority received 8 October 2025, the determined arrangements for 2026 and the proposed variation to those arrangements;
 - b) responses to my requests for further information from the local authority and the governing body for the School;

- c) information on the website, 'Get information about schools' (GIAS);
 - d) information available on the websites of the Department for Education (DfE) including 'Find and compare schools and colleges in England (the DfE website) and the 'Financial benchmarking and insights tool (FBIT); and
 - e) websites for the School, the local authority and Ofsted.
11. 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.
 12. I note here that the arrangements for 2027 have not yet been determined. This means that if I decide to vary the arrangements for 2026 so the PAN is 30 as proposed, it will have the effect of forming the 'baseline' for subsequent years. It is therefore appropriate for me to consider future years in this determination. I note, however, that the local authority has expressed its intention to consult on setting the PAN at 30 for 2027.

Consideration of proposed variation

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. I will first consider whether there would be sufficient school places in the planning area for the School to meet demand if the PAN for 2026 were reduced from 45 to 30, which would be a reduction of 15 places. I will then consider demand for the School and the reasons for the proposed reduction in the PAN.
15. GIAS records the School as urban. The DfE website records five schools which admit children to YR within one mile of the School with 15 schools within two miles. There are therefore many schools in close proximity to the School. Local authorities have a duty to make sure that there are sufficient school places in their area. They normally assess demand on the basis of planning areas, which are geographical areas containing schools. The planning area for the School has 13 schools which admit children to YR, including the School. Table 1 below provides information on demand for the schools in the planning area in recent years.

Table 1: data on admissions to schools in the planning area to YR

	2023	2024	2025	2026	2027
Sum of PANs	582	542	542	527	512
Number of first preferences	372	363	347	N/A	N/A
Number of children admitted (2023, 2024 and 2025) or forecast (2026 and 2027)	433	399	376	476	468
Vacant places (actual or forecast as above)	149	143	166	51	44

16. A first preference is made for the school that a parent most wants their child to attend. The number of first preferences across a planning area gives an indication of demand for places at the time of application. In this instance, in 2023, 2024 and 2025 there was an addition of around 20 children between the number of first preferences and the number admitted. The evidence provided by the local authority shows that if the PAN were reduced by 15 places to 30 for admissions in 2025, there would still be 151 vacant places. The percentage of vacant places in the planning area for 2025, if the PAN for the School had been 30, would have been around 28 per cent which is a very high proportion.
17. I asked the local authority to explain the sudden increase in demand predicted for 2026 and 2027 as shown in table 1. The local authority told me,
- “The projected demand for Year R is based on actual births of children born within the planning area that are due to start school in the relevant year. A retention rate is then applied to this figure based on the number of births in comparison to the number of children living in the area at the point at which they are due to start school. The retention rate for children born within the catchment area of Giffard Park Primary School is 91.2%. Birth data is available for projections for 2026, 2027 and 2028 and, beyond this, are based on trends. Demand from new housing is also factored in to the projected demand, however for Giffard Park Primary School, there is very little impact from new housing within the catchment area. Parental preference is not factored in to our projections. Giffard Park Primary School is currently not popular with catchment pupils; only 54% of catchment pupils attend the school”.
18. As parental preference is not factored into the forecast demand for places, I consider that the forecast demand for 2026 and 2027 is much higher than is likely to occur in reality. However, even if the forecast of 476 children seeking places in the planning area for 2026 were to be accurate, there would be sufficient places to meet demand if the PAN for the School were to be reduced by 15 places. This is because, as shown in table 1, there are 51 vacant places forecast for 2026. A reduction of 15 places overall, as would occur if the variation were agreed, would reduce this to 36 vacant places. Thirty six vacant places would be around seven per cent, still a generous proportion. I

am therefore satisfied that if the PAN for the School were set at 30 for 2026 there would be sufficient places to meet demand in the planning area.

19. I will now consider the situation for the School and forecast demand. The School is one subject to the School Admissions (Infant Class Sizes) (England) Regulations 2012 (the Infant Class Size Regulations). These 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. It is more economical to provide classes that have 30 or close to 30 pupils. If the class size is significantly smaller, then the costs of providing the class can be higher than the income derived from the pupils. In other words, if a class has around 23 pupils, for example, then the costs of providing the class are likely to be higher than the income derived from the pupils within it. This can lead to financial deficit over time if not addressed.
20. The PAN for the School for 2024 was 60 and as one measure to address this reduction in demand, the local authority consulted on and then set the PAN for the School at 45 for 2025. The PAN was set at 45 for 2025 but as the local authority explained, “only 30 pupils have been admitted into Year R for September 2025 and both the LA and the governing board consider that a PAN of 30 will ensure the school’s longer-term sustainability.” Table 2 provides data on recent admissions to the School and potential future demand.

Table 2: data on admissions to the School

	2023	2024	2025	2026	2027
PAN	60	60	45	45	30 ¹
Number of first preferences	30	34	28	N/A	N/A
Number of children admitted (2023, 2024 and 2025) or forecast (2026 and 2027)	34	34	30	45	44
Vacant places or shortfall: actual or forecast as above	+26	+26	+15	0	-14

21. Clearly the future forecasts are largely in line with the current PAN of 45. I could not agree a variation for 2026 to set the PAN at 30, which would also form a baseline for 2027, with a forecast of 45 children needing places. However, as explained above, this is not so much a forecast as an estimate of the number of children of the right age

¹ As proposed by the local authority in its consultation

who live in the catchment area for the School. The local authority explained that given the number of vacant places across its area, parents had much choice and said,

“Parental preference trends in recent years show that only 54% of catchment pupils attend the school (May 2025 school census). For admission to Year R in September 2025, 50% of catchment pupils have been allocated a place at the school.”

22. In other words, the numbers admitted in previous years, are a better indication of demand than the forecast provided; these forecasts are not supported by the pattern of admissions. Based on the evidence, it would appear that demand, as opposed to the estimates of children living in the catchment area of the right age, would be around 23 children for 2026 and 22 for 2027 as these figures are 50 per cent of the number of children estimated to be living in the catchment area who might seek a place in YR. Of course, there may be out of catchment children whose parents prefer the School but I have been given no evidence of this occurring. This means that a PAN of 30 is very likely to meet parental preference in 2026 and 2027.
23. The governing body provided, at my request, the number of pupils in each year group and the class organisation as summarised in tables 3 and 4 below.

Table 3: number of pupils by year group at the School as on 20 October 2025

	Number of pupils
Reception year	30
Year 1	32
Year 2	27
Year 3	43
Year 4	33
Year 5	33
Year 6	45

24. Table 3 shows that most year groups are hovering around 30 pupils. The exceptions are Year 3 and Year 6, these year groups would have been admitted in 2022 and 2019 respectively. The School has had to arrange classes to try to accommodate numbers which are just above 30, at times, and meet the Infant Class Size Regulations where appropriate. The class organisation is shown in table 4.

Table 4: class organisation at the School as on 20 October 2025

	Number of classes	Number of pupils per class
Reception year: 30 pupils	1	30
Year 1 and year 2 combined: 59 pupils	3	20 19 20
Year 3: 43 pupils	2	21

	Number of classes	Number of pupils per class
		22
Year 4: 33	1	33
Year 5: 33	1	33
Year 6: 45	2	22 23

25. Each school will make its own decisions regarding the best class organisation to balance the needs of the pupils, the financial constraints and the Infant Class Size Regulations. The current reception year class of 30 pupils will be cost effective, as will the classes for years 4 and 5 with 33 pupils in each class (these year groups are not affected by the Infant Class Size Regulations). However, seven classes have 20 or around 20 pupils. This would explain why FBIT records the School as, in the previous financial year (2024 – 2025), spending £5,931 per pupil which is “higher than 100% of similar schools.”
26. The FBIT website shows that the School had an in year balance of minus £197,893 for the 2024 – 2025 financial year. This would have been met by reserves so the School is not yet in deficit. The governing body said,

“Maintaining a PAN of 45 when admissions are consistently below this figure has placed significant financial strain on the school due to the complications linked to Infant Class Size Legislation. We are currently required to fund additional staffing that is no longer sustainable, resulting in a projected budget deficit of approximately £40,000 by 2027/28...

Reducing the PAN to 30 will enable the school to transition to a one-form entry model, aligning provision with local need and ensuring long-term financial and organisational sustainability. This step is an essential part of the school’s wider plan, developed in partnership with Milton Keynes City Council, to address the projected deficit and secure the future viability of the school. The Governing Board has been fully consulted and unanimously supports this proposal as being in the best interests of our pupils, staff, and community.”

27. Patterns of admission to the School have been hovering around 30 children in recent years. A reduction of the PAN for the School from 45 to 30 for 2026 will allow the School to plan accordingly in an educationally and financially efficient manner. There will be sufficient places in the area in nearby schools if the PAN is reduced. There is minimal evidence that parental preference will be frustrated. I agree the variation that the PAN for the School is reduced from 45 to 30 for admissions in 2026.
28. I take this opportunity to remind the local authority that the PAN of 45 set for 2025 will remain until the end of this academic year, July 2026. This means that if any parent seeks admission for their child to the School in that period, that child must be admitted

– as would any other child until the PAN is reached. As there are 30 pupils in YR, just one more child in YR would mean that the School would have to take measures to avoid breaching the Infant Class Size Regulations. It remains open to the local authority to request a variation to the admission arrangements for 2025 so that the PAN is reduced to 30.

Other matters

29. 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 local authority. Paragraph 14 of the Code is relevant,

“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.”

30. The matters I brought to the attention of the local authority are as follows.

Rights of parents and information on compulsory school age

31. The arrangements say (my underlining added for emphasis),

“By law, a child must have started primary school at the beginning of the term after their fifth birthday, this is the start of compulsory school age. The council’s policy is to enable the admission of pupils at the beginning of the academic year in which their fifth birthday falls, meaning that children may be admitted below compulsory school age. Pupils who were born between 1 September 2021 and 31 August 2022 may start school in September 2026. When applying for a school place for the first time the council’s policy is that:

- Parents/carers can request that the date their child is admitted to the school is deferred until later in the school year or until the term after the child reaches compulsory school age in that school year (see below)
- Parents/carers can request that their child attends part-time until the child reaches compulsory school age.”

32. Paragraph 2.17 of the Code says,

“Admission authorities **must** provide for the admission of all children in the September following their fourth birthday. The authority **must** make it clear in their arrangements that where they have offered a child a place at a school:

- a) that child is entitled to a full-time place in the September following their fourth birthday;
- b) the child’s parents can defer the date their child is admitted to the school until later in the school year but not beyond the point at which they reach compulsory school

age and not beyond the beginning of the final term of the school year for which it was made; and

c) where the parents wish, children may attend part-time until later in the school year but not beyond the point at which they reach compulsory school age.”

33. The use of the words, “parents can request” in the arrangements appears to imply that these are not parental rights but something that could be refused. This makes the arrangements unclear and so not compatible with paragraph 14 of the Code, which requires arrangements to be clear, and paragraph 2.17 of the Code as provided above.

PANs and Infant Class Size Regulations

34. The arrangements say,

“Infant classes (i.e. those where the majority of children will reach the age of 5, 6, or 7 during the school year) must not contain more than 30 pupils with a single, qualified school teacher. The council must therefore, refuse admission to a school if admission of an additional child to an infant class would result in the class being in breach of infant class size legislation and result in the school having to take ‘qualifying’ measures, e.g. employ another teacher.”

35. Paragraph 1.2 of the Code requires the relevant admission authority to set a published admission number for the relevant school each year. The glossary to the Code explains that the published admission number is, “The number of school places that the admission authority must offer in each relevant age group of a school for which it is the admission authority.”

36. Section 86(3)(a) of the School Standards and Framework Act (the Act) requires that, subject to specific exemptions not relevant here, admission authorities must comply with parental preference for a school place unless compliance with that preference would prejudice the provision of efficient education or the efficient use of resources. Section 86(3)(a) sets out that no prejudice can arise:

“from the admission to a maintained school in a school year of a number of pupils in relevant age group which does not exceed the number determined under section 88C as the number of pupils in that age group that it is intended to admit to the school in that year”.

37. In other words, in the year of admission, if a parent applies for a place at a school in the normal year of entry, then that child must be admitted until the PAN is achieved. In most instances the year of entry is reception year or year 7.
38. The section in the arrangements quoted above implies that a child will not be admitted to YR if their admission would breach the Infant Class Size Regulations. This would

not be the case with the School, for example, if at this point a parent or parents applied for their child to be admitted to YR as the PAN for 2025 is 45 and the local authority could not refuse admission until that number is reached. The PAN of 45 is relevant until July 2026 when the year ends.

39. The wording in the arrangements is therefore unclear as it implies otherwise and therefore the requirements of the Code are not met.

Admission to other than the normal age group

40. The arrangements say,

“By law, parents may seek a place for their child outside of their normal age group, for example, if the child has experienced problems such as ill health or summer born children. The council will only admit children outside of their chronological (age) year group in exceptional circumstances.”

41. The adjudicator is concerned that the use of the term ‘exceptional circumstances’ may easily be misunderstood by a parent as it implies such a request is rarely agreed. If this were to be the case, the arrangements would be unclear as such decisions are made in the best interests of the child and not as a blanket policy. The arrangements do explain that “The decision will be based on the individual circumstances of each case and in the best interests of the child concerned” and details what information should be provided but the use of the sentence regarding exceptional circumstances may cause misunderstanding. The arrangements are therefore unclear and do not meet the requirements of paragraph 14 of the Code.
42. The local authority has told me that it will address these matters, as permitted by paragraph 3.6 of the Code, which is welcomed. As the local authority has accepted that changes are required, I will not discuss them further other than to make clear that the Code requires that the arrangements be amended to address the points set out here.

Determination

43. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Milton Keynes City Council for Giffard Park Primary School for 2026.
44. I determine that for admission in 2026 the published admission number will be 30.
45. 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.

46. 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.

Dated: 10 November 2025

Signed:

Schools Adjudicator: Deborah Pritchard