



Office of  
the Schools  
Adjudicator

## Determination

|                             |  |
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| <b>Case reference:</b>      | <b>VAR 2644</b>  |
| <b>Admission Authority:</b> | <b>Oxfordshire County Council for Five Acres Primary School, Ambrosden, Bicester</b> |
| <b>Local Authority:</b>     | <b>Oxfordshire County Council</b>  |
| <b>Date of decision:</b>    | <b>4 March 2026</b>  |

### 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 Oxfordshire County Council for Five Acres Primary School, Ambrosden, Bicester for September 2025.

I determine that for admission in 2025/26, the published admission number is 30.

### The referral

1. Oxfordshire County Council (the Admission Authority or the Local Authority) has referred to the adjudicator a proposal for a variation to the admission arrangements for Five Acres Primary School, Ambrosden, Bicester (the School) for 2025/26 (the Arrangements).
2. The School is a community school for children aged three to eleven years. It is a co-educational, non-selective school with no designated religious character. The School is located in the Oxfordshire County Council area.
3. The parties to the request are the Admission Authority and the School.
4. The proposed variation is that the published admission number (the PAN) for admission to Reception Year in the academic year 2025/26 is reduced from 60 to 30.

### 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 Admission Authority on 21 February 2024.
7. The Admission Authority has provided me with confirmation that the appropriate bodies have been notified of the proposed variation in line with the Code. I have also received confirmation that the governing body of the School has been consulted on the proposed variation.
8. I find that the appropriate procedures were followed, and I am satisfied that the proposed variation is within my jurisdiction.
9. In considering the variation request, I have had regard to all relevant legislation and the Code.
10. The information I have considered in reaching my decision includes:
  - the referral from the Admission Authority dated 19th November 2025 and supporting documents;
  - the determined Arrangements for 2025/26 and the proposed variation to those Arrangements;
  - responses from the Admission Authority and the School to my requests for further information; and
  - information available on gov.uk websites (including the ‘Get Information About Schools’ (GIAS) and ‘Financial Benchmarking and Insights Tool’ (FBIT) websites), and on the websites of the Local Authority and the School.
11. I have reviewed information and data provided by the Admission Authority and the School. I have referred only to that which has a bearing on my determination.
12. 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.

13. I note here that the Arrangements for 2026/27 have been determined. This means that if I agree to the Admission Authority's request to vary the Arrangements for 2025/26 by reducing the PAN from 60 to 30 as proposed, it will be for that year only and will not have a bearing on subsequent years.
14. Any determination to reduce the PAN to 30, or to leave it at 60, has no effect on any cohort of pupils other than those in Reception Year. The allocation of places in other year groups depends on the number of pupils in each cohort and the organisation of classes and the degree to which admitting an additional pupil 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).
15. In the interests of dealing speedily with this and the many other requests for variations at this time, 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.

## Consideration of proposed variation

16. 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.
17. The Admission Authority told me that the reason for it seeking a variation for the School is that pupil numbers at the School are declining with only 19 places at the School filled on National Offer Day on the 16 April 2025 and current numbers in Reception Year being significantly below the PAN of 60.
18. The proposed variation has the support of the School's Governing Body which was consulted at the Full Governing Board meeting held on the 17 September 2025.
19. I have considered the data provided by the Admission Authority. Table 1 below shows the current numbers on roll at the School. The School is currently undersubscribed in all year groups, with a total spare capacity, without the PAN reduction, of 135 places (around 32 per cent). This is contributing to the School's financial challenges.

**Table 1: Current numbers on roll at the School as at November 2025**

| Class  | Reception | Year 1 | Year 2 | Year 3 | Year 4 | Year 5 | Year 6 | Total |
|--------|-----------|--------|--------|--------|--------|--------|--------|-------|
| Cherry | 28        |        |        |        |        |        |        | 28    |

| <b>Class</b>                               | <b>Reception</b> | <b>Year 1</b> | <b>Year 2</b> | <b>Year 3</b> | <b>Year 4</b> | <b>Year 5</b> | <b>Year 6</b> | <b>Total</b> |
|--|------------------|---------------|---------------|---------------|---------------|---------------|---------------|--------------|
| <b>Orange</b>                              |                  | 14            | 13            |               |               |               |               | <b>27</b>    |
| <b>Lime</b>                                |                  | 13            | 13            |               |               |               |               | <b>26</b>    |
| <b>Lemon</b>                               |                  | 13            | 13            |               |               |               |               | <b>26</b>    |
| <b>Pear</b>                                |                  |               |               | 13            | 14            |               |               | <b>27</b>    |
| <b>Plum</b>                                |                  |               |               | 12            | 14            |               |               | <b>26</b>    |
| <b>Apple</b>                               |                  |               |               | 12            | 15            |               |               | <b>27</b>    |
| <b>Melon</b>                               |                  |               |               |               |               | 20            |               | <b>20</b>    |
| <b>Mango</b>                               |                  |               |               |               |               | 22            |               | <b>22</b>    |
| <b>Apricot</b>                             |                  |               |               |               |               |               | 24            | <b>24</b>    |
| <b>Peach</b>                               |                  |               |               |               |               |               | 25            | <b>25</b>    |
| <b>Coconut<br/>(Enhanced<br/>pathways)</b> |                  | 3             | 1             |               | 3             |               |               | <b>7</b>     |
| <b>Total</b>                               | <b>28</b>        | <b>43</b>     | <b>40</b>     | <b>37</b>     | <b>46</b>     | <b>42</b>     | <b>49</b>     | <b>285</b>   |

20. The variation is proposed to reduce the current Reception Year PAN from 60 to 30 to support the School to operate four classes across Key Stage 1 for the academic year 2025/26. The Admission Authority assert that “[l]imiting intake to 30 will therefore allow for better planning and management and provide the opportunity for the School to aim for financial stability.” The School also views a PAN of 30 as “more financially viable and can be better managed in the future.”
21. The School is a primary school and this means that it is affected by the provisions of the Infant Class Sizes 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, Year 1, and Year 2.
22. If the School are unable to reduce the PAN for the current Reception Year, any in-year applications for admission above 30 would be likely to require the School to create an extra class in the academic year 2025/26. This would increase staffing costs and place further strain on the School’s finances. If they can reduce the PAN, they will then have certainty that they can continue to run a four class structure at Key Stage 1 in the 2025/26 academic year.
23. 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 and the schools within those areas, for this purpose.

24. The School is located in the Bicester Planning Area. The Admission Authority provided data relating to the schools in closest proximity to the School, being in the planning sub-areas of Bicester South-East, Bicester South-West, and Bicester North Town. The School also borders a neighbouring local authority, Buckinghamshire, with two nearby primary schools which were also included in the data provided by the Admission Authority. The Reception Year allocations for September 2025 are analysed and summarised in Table 2 below:

**Table 2: Reception Year allocations for September 2025**

| School                    | Allocations | Places*    | +/-         | % surplus |
|---------------------------|-------------|------------|-------------|-----------|
| Brill CES (Bucks)         | 30          | 30         | 0           | 0         |
| Brookside PS              | 35          | 45         | +10         | 22        |
| Bure Park PS              | 56          | 60         | +4          | 7         |
| Charlton-on-Otmoor CEPS   | 15          | 15         | 0           | 0         |
| Chesterton CEVAPS         | 30          | 30         | 0           | 0         |
| Five Acres PS             | 19          | 30         | +11         | 37        |
| Glory Farm PS             | 35          | 60         | +25         | 42        |
| Graven Hill PS            | 32          | 60         | +28         | 47        |
| King's Meadow PS          | 52          | 60         | +8          | 13        |
| Langford Village CPS      | 53          | 60         | +7          | 12        |
| Launton CEPS              | 14          | 20         | +6          | 30        |
| Longfield P&NS            | 45          | 45         | 0           | 0         |
| Marsh Gibbon CEPS (Bucks) | 30          | 30         | 0           | 0         |
| St Edburg's CEVAS         | 90          | 90         | 0           | 0         |
| St Mary's CPS, Bicester   | 21          | 45         | +24         | 53        |
| Southwold PS              | 34          | 45         | +11         | 24        |
| <b>Total</b>              | <b>591</b>  | <b>725</b> | <b>+134</b> | <b>18</b> |

\* with proposed PAN reduction of 30 applied

25. The data provided shows that there were significant surplus places across the planning area upon allocation of places for September 2025. 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.

26. The DfE document, “Basic need allocations 2026-27 and 2027-28: 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.” It is clear from the data in Table 2 above that the proportion of vacant places across the planning area, 18 per cent, will be well above two per cent if I approve the proposed variation.
27. Although planning areas are a common methodology to guide local authority forecasting and help determine whether it would be able to meet its statutory duty, parents are unlikely to consider planning areas when applying for school places. As part of my review, I therefore also looked at the primary schools in closest proximity to the School. These are Graven Hill Primary, Langford Village Primary and Launton CofE Primary. The nearest alternative school is Graven Hill School and the Local Authority confirmed that this school currently has 28 surplus places.
28. I, therefore, conclude that should the variation be approved, there is sufficient spare capacity at schools in close proximity and/or within the planning area to cater for any in-year admissions for places in the 2025/26 Reception year group.
29. I will now consider the reason for the proposed variation and why the Governing Body supports the reduction in the PAN from 60 to 30 in September 2025.
30. 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 30 pupils to a class. If a school has several classes that are many less than 30, 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 face financial challenges. In order to mitigate the impact of declining admissions whilst still complying with the Infant Class Sizes Regulations, the School is already delivering mixed-age teaching in Key Stages 1 and 2. In other words, some classes contain more than one year group.
31. If the School were to admit more than 30 pupils to Reception Year in 2025/26, it would then be in a position where the School could have to have more than one Reception Year class in order to meet the requirements of the Infant Class Sizes Regulations. This would mean that more than one Reception Year class teacher would need to be employed by the School with the income coming from the number of pupils unlikely to be enough to cover the costs of providing the class. Having to provide two classes where there were low number of pupils would then potentially have a knock on adverse effect for future years. Reducing the PAN to 30 would alternatively allow the School to plan for this and future academic years.
32. I asked the School for details of the impact of the current surplus in places was having on the School’s finances and was told that:

“A snapshot of the current projected finances as presented at the Governors Resources sub-committee meeting on 12 November and subsequent FGB on 27 November 2025 showed that the forecast planned in year position of minus £23.2k had worsened to minus £41.9k which would reduce the carry over in to 2026/27 from the planned £39.6k down to £20.9k. Although a year-end financial forecast was not available for month 7, the Resources Committee Chair reviewed the month 7 actual figures to date with the School’s Financial Officer. This revealed a significant in month increase in agency spend resulting from difficulty in the recruitment of staff. The impact of this is that the school [is] now forecasting an increase [in] its forecast in year deficit from £41.9k to £72.9k. If realised this would exceed the carry-over of budget from 2024/25 (£63.5k) by £9.4k. The school is currently working on a finance recovery plan to avoid carrying over a negative balance. Based on the three year financial plan that was produced at the time of the 2025/26 budget, and assuming that there are no changes in the financial assumptions for 2026/27 and 2027/28, a nil carry over figure from 2025/26 would result in a negative carry over balance of £2.4k in 2026/27 and £39.6k in 2027/28.”

33. I have considered both the financial impact of falling pupil numbers and the effect that reducing the School’s PAN will have on meeting parental preference for in-year admissions. Parents have a right to express a preference as to where their children go to school but there is no guarantee that all preferences will be met.
34. In this variation request, the long-term adverse financial consequences for the School of declining numbers threaten its sustainability. The Local Authority has provided clear evidence that it will still be able to manage school places in the planning area whilst reducing the PAN at the School and providing choice to parents. Parents will also be able to find suitable alternative places at local schools where there is capacity.
35. Having weighed the School’s need for financial stability and compliance with the Infant Class Sizes Regulation against the availability of alternative places for local families, I am satisfied that the proposed variation is justified and appropriate. I, therefore, find that the variation is justified by the circumstances and approve the proposed variation to reduce the PAN for admissions in 2025/26 from 60 to 30.
36. I note here that reducing the PAN does not reduce the overall capacity of the School unless accommodation is being removed from the premises. It is not being suggested that accommodation is being removed and so the physical capacity of the School remains the same. Reducing the PAN will not change that. This means that should the School need to increase its PAN and/or admit more children in the future, there is sufficient physical capacity to do so.

## Determination

37. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Oxfordshire County Council for Five Acres Primary School, Ambrosden, Bicester for 2025/26.

38. I determine that for admission in 2025/26, the published admission number is 30.

Dated: 4 March 2026

Signed:

Schools Adjudicator: David Holland