



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2694

Admission Authority: Stockport Municipal Borough Council for
Hursthead Infant School

Date of decision: 17 March 2026

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 Stockport Municipal Borough Council for Hursthead Infant School for 2026/27.

I determine that for admission in 2026/27 the published admission number shall 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. Stockport Municipal Borough Council (the local authority) has referred to the adjudicator a proposal for a variation to the admission arrangements for Hursthead Infant School (the School) for 2026/27 (the arrangements).
2. The School is a community school for children aged four to seven years in Cheadle and is thus for infant children only. The School is linked to a junior school, Hursthead Junior School (the junior school). This means that most children from the School will continue their education at the junior school when they leave the School at the end of year 2.
3. The parties to the request are the local authority and the governing body for the School (the governing body).

4. The proposed variation is that the published admission number (PAN) for the School is reduced from 90 to 60 for admissions in 2026/27.

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 4 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 that the governing body of the School has been consulted on the proposed variation and supports it.

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 sent to the OSA on 6 March 2026 with supporting documents including the determined arrangements for 2026/27 and the proposed variation to those arrangements;
- b) responses from the local authority and the governing body to my requests for further information; and
- c) information available on government websites including:

- i. 'Get Information About Schools' (GIAS);
- ii. 'Financial Benchmarking and Insights Tool' (FBIT); and
- iii. 'Compare school and college performance in England' (the DfE website).

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. The admission arrangements for 2027/28 have been determined. This means that if I agree to the local authority's request to vary the arrangements for 2026/27 as proposed, it will be for that year only and will not have a bearing on subsequent years.

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. The School is located in an urban area with four other schools which admit children to reception year within one mile and 20 schools within two miles.

15. 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. The School is in a planning area with eight schools that admit children to reception year; there are also three junior schools which admit children to year 3. Table 1 below provides information on demand for the state funded schools in the planning area which admit children to reception year.

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

	2023	2024	2025	2026	2027
Sum of PANs	540	540	540	540	510
Number of first preferences	431	483	460	414	N/A
Number of children admitted (2023, 2024 and 2025) or forecast (2026 and 2027)	426	465	433	420	376
Vacant places (actual or forecast as above)	114	75	107	120	164

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 planning area, there are fewer places taken up than first preferences made. The evidence provided by the local authority shows that if the PAN were reduced by 30 places to 60 for admissions in 2026, there could still be around 90 vacant places in the planning area. The percentage of vacant places in the planning area for 2026/27, if the PAN for the School remains at 90, is forecast at around 22 per cent which is a high proportion. I am assured that if the PAN for the School were reduced to 60 for admissions in 2026/27 there would still be sufficient places in the planning area to meet demand.

17. The local authority also provided information on schools near to the School but in another planning area. The data provided indicated that additional places would be available at other nearby schools, as well as those in the planning area, if the PAN were to be reduced to 60.

18. I will now consider demand for the School and the reasons for requesting the variation. 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 schoolteacher 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. As an infant school, all classes at the School are subject to the Infant Class Size Regulations. Table 2 provides data on admissions to the School.

Table 2: data on admissions to the School

	2023	2024	2025	2026	2027
PAN	90	90	90	90	90
Number of first preferences	83	75	70	59	N/A
Number of children admitted (2023, 2024 and 2025) or forecast (2026 and 2027)	86	77	72	65	62
Vacant places or shortfall: actual or forecast as above	4	13	18	25	28

19. The local authority anticipates that there will not be any more children seeking a place at the School who live in another local authority area. I understand that the 65 children allocated a place is expected to be an accurate figure. This means that if I agree the variation that five children who could rationally have expected to be admitted to the

School will not. At this point in the offer year, this is a serious matter for those families who may have all sorts of reasons for having put the School as a preference. Of course, with 59 first preferences and the forecast 65 admissions, the School may not have been a first preference in all five cases. However, the School would have been the highest preference that could be achieved. There must be very good reasons to reduce the PAN at this point in the year. I therefore asked the governing body to explain the background and received a full and informative response.

20. The School only has three year groups (reception year, year 1 and year 2) and all must meet the requirements of the Infant Class Size Regulations (unless there are exceptional cases as allowed by the legislation). There are 239 pupils in the School now and table 3 below summarises the class organisation provided to me by the governing body on 13 March 2026.

Table 3: class structure for the School

	Number of pupils in classes	Total number of pupils per year group
Reception year	25 21 24	70
Year 1	28 29 28	85
Year 2	26 29 29	84

21. Year 2 will leave in July 2026. This means that in September 2026, the number of pupils in the School is forecast to be either 220, if the PAN remains at 90, or 215 if I agree that the PAN can be 60. The School organises its classes by year groups but has given serious consideration to combining year groups in one or more classes. The consideration has been because the School is forecast to go into deficit if it provides nine classes (the current model) with 220 pupils. Currently, with 239 pupils, the teacher: pupil ratio is one teacher to 26.5 pupils. If 65 children were admitted in September 2026, the teacher: pupil ratio would be one teacher to 24.4 pupils. The School forecast that this would lead to a financial deficit for 2026/27 of £60,000. If there were 60 pupils in reception year, there could be two classes for these pupils and eight for the whole school and no financial deficit.

22. The year group of 65 and three classes would work its way through the School and the School forecast that if this occurred, the financial deficit would be £481,000 by the end of the 2027/28 academic year. The governing body does not want to mix year groups in the same class and gave the reasons below. The governing body was also of the view that year 1 and 2 could not combine without breaching the Infant Class Size Regulations. This is because the 85 pupils in year 1, which will be year 2 in September 2026, combined with the current 70 in reception year, which will year 1, would be 155 pupils. If, instead of six

classes, there were five, in order to economise, there would be 31 pupils per class, and this would not meet the requirements of the Infant Class Size Regulations.

23. The alternative is to mix reception year and year 1, which would be 135 pupils. This would be 27 per class. However, the School brought my attention to the following factors.

- a. "even in schools where mixed-age classes are standard practice, the Early Years Foundation Stage (EYFS) is typically maintained as a separate, distinct cohort due to its unique statutory curriculum. At [the School], however, the specific pupil numbers would leave us with no choice but to mix EYFS and Year 1 pupils within the same classroom, resulting in the simultaneous delivery of two different educational frameworks."
- b. The curriculum is geared to single year group teaching and combining year groups in one class would require significant changes to the curriculum.
- c. Staff workload would increase accordingly, and this could lead to staff leaving with an effect on the quality of provision.
- d. There are three well resourced outdoor areas for the EYFS. If there were five classes combining pupils in reception year and year 1, then two could not access this provision which would affect meeting the EYFS standards and equity amongst the pupils.
- e. Parents have applied for the School in the expectation of single year group classes. Combining year groups could affect parental confidence and some families may leave or not apply in future. This would affect the sustainability of the School.

24. An alternative of one mixed-year class and the others of single-year groups was felt to have similar effects although on a different scale. These are largely sound reasons to justify the reduction of the PAN to 60. However, I remain conscious that five families will have their preferences frustrated at a very late stage in the offer year if the PAN were to be set at 60.

25. The local authority told me that all five children are likely to be offered a place at a school that has been put as a preference if the PAN is reduced to 60. In addition, the local authority told me that the School is not the closest school to the children's homes. For four of the children (one is from another local authority area and detail is scant) both the School and the alternative school suggested is at least over two miles from the child's home.

26. The distances are not a great comfort to me as families will have good reasons for applying for a school that is over two miles from their home when there are closer schools, I cannot know what those reasons are.

27. Nor am I comforted by the School saying that there may be changes before September 2026 so that fewer families are disappointed by saying, "Data suggests

that at least 1 or 2 families typically do not take up their offered place by September”, as the data I have seen does not support this view; the number of offers and admissions have been the same in the last two years of admissions.

28. In summary, if the PAN is not reduced for admissions in 2026 then the School is likely to have 65 pupils in three classes of around 22 and this will lead to a deficit which will increase if other steps are not taken. As an infant school, the School has limited flexibility compared to primary schools with the full age range, or a junior school.
29. If the PAN is reduced these matters are addressed but the families of five children who all live over two miles from the School will be disappointed at a very late stage in the application process.
30. Given the difficulties that the School, and the pupils which it serves, will experience if the PAN is not reduced, I have, on balance, decided that the variation is justified by the circumstances.
31. I do, however, remind the local authority that this situation is not desirable and it is better that parents know, before they make their applications, how many places are available at a school. In most circumstances this situation could and should be avoided.

Other matters

32. Having considered the arrangements as a whole it appeared to me that there were matters which may not conform with the requirements of the Code and so I brought them to the attention of the local authority. These matters are explained below.

33. The arrangements say in section 2.5,

“Children in Stockport are eligible for a Reception place from the beginning of the school year in which they become 5 years old. However, they do not become of compulsory school until the start of the term after their fifth birthday. Parents may therefore request that their school place be deferred until later in the school year and if they do this the place will be held for the child. However, they cannot defer entry beyond the beginning of the term after the child’s fifth birthday or for children born between 1st April and 31st August, not beyond the beginning of the final term of the school year for which the offer is made. Parents can also request that their child attend on a part time basis until the child reaches compulsory school age.”

34. The use of the word ‘request’ used in this paragraph does not comply with paragraph 2.17 of the Code which 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."

35. In other words, these are parental rights, not something that needs to be requested. The local authority explained that it was necessary for schools to plan to know if a parent intended to defer admission or for their child to attend part time (or both). I agree that parents should inform schools of their plans and that the wording could reflect that but in a way that makes it clear that this is not a right that can be denied. The arrangements do not meet the requirements of paragraphs 14 and 2.17 of the Code.

36. The arrangements say:

"Parents have a right to defer their child's entry to primary school. A child's entry to primary education as described above can be deferred if the child is under compulsory school age, without loss of the allocated full-time place. A full-time place can be deferred up to the term following the child's fifth birthday, however, not beyond the academic year for which the original application was accepted. Parents also have a right to have their child attend on a part time basis until the child reaches compulsory school age."

37. This is consistent with paragraph 2.17 of the Code but not with section 2.5 in the arrangements. The arrangements then say, "A request to defer entry should be made in writing at the time of application and in conjunction with the Headteacher." This use of the term 'request' again implies that these are not parental rights. This inconsistency makes the arrangements unclear, which means that the requirements of paragraph 14 of the Code are not met.

38. Paragraph 2.18 of the Code says:

"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."

39. Paragraphs 2.19 and 2.20 of the Code explain what sort of information a parent might want to provide and the basis for decision making. The arrangements say:

“15.1 If your child was born between 1 April and 31 August, you can request to delay their reception start date until the September after their fifth birthday.

15.2 For Stockport Council schools, you should make your choice known to the Council. If the school is an academy or has Voluntary Aided status, they will consider your request, but you should still apply to the Council so that we can coordinate the request.

15.3 A summer-born child request is different to deferred entry which allows you to delay starting until the first term after their fifth birthday, which is either January or Easter. Such requests should be submitted directly to the school the child has been offered a place at, after offer day.

15.4 Before making a summer-born child request, you must apply for a reception place for the child's chronological year group.”

40. These statements are unlikely to meet the requirements of the Code nor align with the Department for Education guidance on the admission of summer born children. It is not clear how to apply as required by paragraph 2.18 of the Code. In addition, the Code does not require that a parent has applied for a reception place for the child's chronological year group before making such a request. The parent may be encouraged to do so but the child will not have reached compulsory school age, so doing so cannot be required. The arrangements are not clear in this respect and so do not comply with paragraphs 14 and 2.18 of the Code.

41. 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

42. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Stockport Municipal Borough Council for Hursthead Infant School for 2026/27.

43. I determine that for admission in 2026/27 the published admission number shall be 60.

44. 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.

45. 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: 17 March 2026

Signed:

Schools Adjudicator: Deborah Pritchard