



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2739

Admission Authority: Hertfordshire County Council for Layston Church of England First School

Date of decision: 24 June 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 Hertfordshire County Council for Layston Church of England First School for 2026/27.

I determine that the published admission number for admissions to the Reception Year in 2026/27 shall be 10.

The referral

1. Hertfordshire County Council (the Admission Authority; the Local Authority) has referred to the adjudicator a proposal for a variation to the admission arrangements (the Arrangements) for Layston Church of England First School (the School) for 2026/27.
2. The School is a voluntary controlled school for children aged five to nine in Buntingford, East Hertfordshire. It is a co-educational school with a Church of England religious character. The Diocese of St Albans (the Diocese) is the religious authority for the School.
3. The proposed variation is that the published admission number (PAN) of the School, which applies to admissions to the Reception Year (Year R), be reduced from 30, as determined, to 10 for 2026/27.

Jurisdiction and procedure

4. Section 88E of the School Standards and Framework Act 1998 (the Act) makes provision for variations to determined arrangements. Paragraphs 3.6 and 3.7 of the School Admissions Code (the Code) say (insofar as is relevant here):

“3.6 Once admission arrangements have been determined for a particular school year, they cannot be revised by the admission authority unless such revision is necessary to give effect to a mandatory requirement of this Code, admissions law, a determination of the Adjudicator or any misprint in the admission arrangements. Admission authorities may propose other variations where they consider such changes to be necessary in view of a major change in circumstances. Such proposals **must** be referred to the Schools Adjudicator for approval, and the appropriate bodies notified. Where the local authority is the admission authority for a community or voluntary controlled school, it **must** consult the governing body of the school before making any reference.

3.7 Admission authorities **must** notify the appropriate bodies of all variations”.

5. The Arrangements were determined by the Local Authority on 24 February 2025.

6. 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. I find that the appropriate procedures were followed, and I am satisfied that the proposed variation is within my jurisdiction.

7. In considering the variation request, I have had regard to all relevant legislation and the Code.

8. The information I have considered in reaching my decision includes:

- the referral from the Local Authority dated 26 May 2026, and supporting documents
- the determined Arrangements and the proposed variation to those Arrangements
- responses from the Local Authority, the Diocese, and the governing body of the School to my requests for further information
- maps, including Google Maps and those showing the location of the School
- 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

9. There is no formal consultation required for a variation and so parents and others do not have the opportunity to express their view. Clearly it is desirable that changes to arrangements are made via the process of determination following consultation as the consultation process allows those with an interest to express

their view. It also allows for objections to the adjudicator. None of this is afforded by the variation process.

10. I note here that the Arrangements for 2027/28 have been determined, and the PAN is set at 30. This means that if I agree to the Admission Authority's request to vary the Arrangements for 2026/27 by reducing the PAN as proposed, it will be for that year only and will not have a bearing on subsequent years.

11. In the interest of dealing speedily with this and other requests for variations for schools, I have not considered other aspects of the Arrangements. Therefore, nothing in this determination should be taken as indicating that other aspects of the Arrangements do or do not conform with the requirements relating to admissions.

Consideration of proposed variation

12. 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.

13. The Local Authority has proposed that the PAN of the School be reduced from 30 to 10 in 2026/27. The proposed variation has the support of the Diocese and the School's governing body.

14. Having regard to the declining birth rates and admissions to Year R in recent years, the Local Authority told me the following reason for it seeking a variation to the PAN for the School:

"Layston First School's numbers have been reducing over the last three years and, despite falling demand, we had envisaged a more gradual reduction... The key issue is affordability. Due to legal limitations on infant class sizes and staffing ratios the school cannot afford to fund a Reception class of only 10 children. The only alternative is to vertically group the 2026/27 Reception intake with Year 1 as a temporary measure. An In Year Variation to reduce the 2026/27 PAN to 10 is required to ensure the mixed class will not exceed 30."

15. I have considered the latest available data to form a view about the sufficiency of school places in the local area if the PAN of the School is reduced from 30 to 10 in 2026/27. I have also considered the demand for places at the School, the reasons given for the change in demand, the potential effect of the proposed PAN reduction on parental preference, and whether the proposed reduction is justified taking into account all relevant circumstances.

16. 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 located in 'Buntingford and Villages

primary planning area' (the planning area), and I have considered the data that the Local Authority has provided for that area.

17. Along with the School there are four other schools in the planning area for which the usual year of entry is Year R. In relation to Year R entry for September 2026, the combined PAN of the planning area is 190, and the latest number of children offered a place is 130.

18. 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". From the data above, there would be a surplus of Year R places for September 2026 (about 40 places, representing 23.5 per cent of the reduced combined PAN of 170 places), which is well above the suggested two per cent, if I agreed the proposed variation to reduce the School's PAN by 20 places.

19. I am satisfied that if the PAN of the School were to be reduced to 10 for 2026/27, there would be sufficient places in the planning area for any parents seeking a Year R place for their child both for September 2026 and in-year admissions.

20. I turn now to the demand for places at the School. The Local Authority advised me that it made 10 offers on National Offer Day (16 April 2026) for applications for Year R places at the School. The Local Authority added:

"We do not expect any children to be disadvantaged by the proposed PAN reduction; sufficient places will be available across the local area. The data shows the reduction in first preference applications and allocations to the school in recent years, and, for September 2026, there were 8 first preference applications and 10 children initially allocated a place in the Reception class with numbers not forecast to grow over the next planning phase."

21. I do not anticipate that there will be a large number of late or in-year applications. In any event, if any parents were unsuccessful in securing a place for their child at the School, they will likely be able to secure a place at another nearby school, such as Millfield First and Nursery School (within one mile of walking distance) which has surplus Year R places.

22. I am satisfied that there is unlikely to be any substantial frustration of parental preference if the variation were to be agreed for September 2026.

23. I will now consider the impact on the School of my approving, or not approving, the proposed variation.

24. The School is one affected by the provisions of the School Admissions (Infant Class Sizes) (England) Regulations 2012 (the Infant Class Sizes Regulations) 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 (paragraph 2.16 of the Code). The Infant Class Sizes Regulations apply to Year R, Year 1, and Year 2.

25. At present, the School is operating five classes, with one class in year R (with 18 pupils only), and one class each from Year 1 to Year 4.

26. As schools are largely funded on the number of pupils on roll and the most expensive element of a school budget is staff, it is generally considered financially efficient to have infant classes that have 30 pupils or close to, but below, 30 pupils. If a school has classes that are many fewer than 30, then 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 have severe financial challenges.

27. The governing body of the School indicated that, should the variation to the Arrangements be approved, the School would restructure from the five classes currently to four classes (by introducing mixed-age teaching for Year R and Year 1) in September 2026.

28. The FBIT website shows that for the financial year ending March 2025, the School had an in-year deficit of about £34,000, and a revenue reserve around £88,000. Both the Local Authority and the School have shown me budgetary information to demonstrate that maintaining five classes is financially unsustainable for the School, and that a move to a four-class structure would enable the School to reduce staff cost and improve its long-term financial viability.

29. The School stressed that:

“The variation is requested in order to assist a stable educational and financial position for 2026/27. If the variation is not agreed, then the school will have to operate with an increased level of uncertainty.

The significant drop in entries for 2026/27 means that the school will suffer a further significant fall in income for FY2027/28. Plans are being prepared to seek to boost entries in 2027, but the school recognises that with the current significant oversupply of places in Buntingford we are unlikely to see a return of entries to our previous PAN of 30.”

30. In response to my request for further information, the Diocese stated:

“I confirm that the Diocesan Board of Education fully supports this application, as the proposed one-year PAN reduction for 2026-27 will ensure that the school is able to create and maintain a mixed Reception/Year 1 class from this September and for the whole of that academic year.”

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

- If the proposed variation is approved, the reduction in the School's PAN will be unlikely to result in a frustration of parental preference. There is compelling evidence that a reduction in the PAN to 10 will allow the School to plan with more certainty knowing the number of classes and staff members that will be required for 2026/27. This will enable the School to make the best use of its resources, thereby benefitting the School financially in the longer term.
- If the proposed variation is not approved, the School would be obliged to offer a Year R place up to the existing PAN of 30 for any applicant in 2026/27. There is a risk, however remote, that up to that number could be admitted, thus preventing the switch to the planned four-class structure starting from September 2026.

32. Taking everything into consideration, I find that the variation is justified by the circumstances and approve it.

Determination

33. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Hertfordshire County Council for Layston Church of England First School for 2026/27.

34. I determine that the published admission number for admissions to the Reception Year in 2026/27 shall be 10.

Dated: 24 June 2026

Signed:

Schools Adjudicator: Jackie Liu