



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2780

Admission Authority: Hertfordshire County Council for The Giles Nursery & Infant School

Date of decision: 16 July 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 The Giles Nursery & Infant School for 2026/27.

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

The referral

1. Hertfordshire County Council is the admission authority for The Giles Nursery & Infant School (the School) and has referred to the adjudicator a proposal for a variation to the admission arrangements for the School for 2026/27 (the arrangements).
2. The School is a community school for children aged three to seven years and thus known as an infant school. Hertfordshire County Council is also the local authority for the area in which the School is located and I shall refer to it as the local authority. The School is in an urban area, with five other schools which admit children to reception year within one mile and around 30 within three miles.
3. The proposed variation is that the published admission number (PAN) for the School is reduced from 90 to 60 for admissions in 2026/27; a reduction of 30 places. The normal year of entry is reception year and this is the year group to which the PAN applies.

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 2026/27 arrangements were determined by the local authority on 24 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 and supports it.

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

7. In the interest of dealing speedily with this and other cases, 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.

8. In considering the variation request, I have had regard to all relevant legislation and the Code. The information I have considered in reaching my decision includes:

- a) the referral from the local authority dated 15 July 2026;
- b) the determined arrangements for 2026/27 and the proposed variation to those arrangements; and
- c) information available on government websites including:
 - ‘Get Information About Schools’ (GIAS); and
 - ‘Find and compare schools and colleges in England’ (the DfE website).

9. 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.

10. The arrangements for 2027/28 have been determined. This means that if I decide to approve the proposed variation to the arrangements for 2026/27, it will have an effect for that year only. The local authority has proposed a variation to the admission arrangements for 2027/28 which I will consider separately.

Consideration of proposed variation

11. 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.

12. The local authority told me that the reason for it seeking the variation for the School is that the number of children needing a place in reception year is falling across the area and has fallen suddenly and unexpectedly at the School. Schools are funded largely on a per pupil basis and the greatest cost is staffing. This means that if a school has several small classes, it is unlikely to receive sufficient funding to meet its costs. Most primary schools seek to have close to 30 pupils to a class in order to be financially efficient.

13. All the classes at the School are subject to the School Admissions (Infant Class Sizes) (England) Regulations 2012 (the Infant Class Size 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. The Infant Class Size Regulations apply to reception year, year 1 and year 2, which is the entirety of the School.

14. The local authority is concerned that the combination of falling demand for the School and the requirements of the Infant Class Size Regulations means that the School will accrue a financial deficit if the PAN is not reduced. I will first consider the applications and admissions overall including whether there would be sufficient school places in the area if I were to agree the variation. I will then consider demand for places at the School and the reasons for the variation requested.

15. The local authority has a duty to ensure that there are sufficient school 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 of eight schools, including the School, which admit children to reception year.

Table 1: number of school places, and the number of children offered places in reception year in the planning area

	2026
Sum of PANs of schools for reception year	450
Number of first preferences	365
Number of children offered a place as on 16 April 2026	379
Vacant places based on offers	71

16. Table 1 shows that there are 71 vacancies expected for September 2026. If the PAN for the School were to be reduced by 30, there would be 41 vacancies. This would be nearly ten per cent of the total which is a generous proportion. I am assured that if the PAN were to be reduced to 60, there would be sufficient places in the area to meet any in year applications.

17. I will now consider demand for the School and parental preference. Table 2 shows forecast admissions to reception year for 2026.

Table 2: the number of first preferences and the number of children offered places at the School for September 2026

	2026
The PAN for the School	90
The number of first preferences	53
Number of anticipated admissions in September 2026 based on information provided on 15 July 2026	60

18. The local authority had offered 63 school places for September but there were three withdrawals. Sixty pupils in reception year would allow the School to have two classes of 30 pupils each. At this stage in the school year, it is entirely reasonable that the School wishes to arrange its class organisation for September 2026. If the PAN is not reduced, then the local authority would have to admit any child seeking a place at the School. If one more child were to join, then other arrangements would have to be made in order to meet the Infant Class Size Regulations. This is likely at least to mean employing another teacher with all the costs and implications for the School which that would bring.

19. There is unlikely to be any effect on parental preference if the PAN is reduced to 60. There are ample school places in the local area if additional places were to be needed. There would be financial challenges for the School if over 60 children were admitted. I therefore agree that the variation is justified by the circumstances and agree the variation.

Determination

20. 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 The Giles Nursery & Infant School for 2026/27.

21. I determine that for admission in 2026/27 the published admission number will be 60.

Dated: 16 July 2026

Signed:

Schools Adjudicator: Deborah Pritchard