



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2743 and VAR2744

Admission Authority: West Northamptonshire Council for Millway Primary School, Northampton

Date of decision: 17 July 2026

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I do not approve the proposed variations to the admission arrangements determined by West Northamptonshire Council for Millway Primary School for September 2026 and September 2027.

By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority.

The referral

1. West Northamptonshire Council (the admission authority, the LA) has referred to the adjudicator a proposal for a variation to the admission arrangements (the arrangements) for Millway Primary School (the school) for 2026/27 (VAR2743) and 2027/28 (VAR2744).
2. The school is a community school for children aged 4 to 11 in Northampton. It is a co-educational school. The parties to the request are the school and the LA.
3. The proposed variation is that the PAN for Year R be reduced from 60 to 30 for admissions in both September 2026 and September 2027.

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 LA on 11 February 2025 for admissions in September 2026 and on 16 February 2026 for admissions in September 2027.

6. The LA has provided me with confirmation that the appropriate bodies have been notified of the proposed variations in line with the Code, and that the governing body of the school has been consulted on the proposed variations.

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

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

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

- the referral from the LA dated 15 May 2026 and supporting documents;
- the determined arrangements for admissions in September 2026 and September 2027, and the proposed variations to those arrangements;
- responses from the LA and the school to my requests for further information;
- maps, including Google Maps and those showing the location of the school; and
- information available on the websites of GOV.UK (including the ‘Get Information About Schools’ (GIAS) and the ‘Financial Benchmarking and Insights Tool’ (FBIT) websites), those of the LA and the school.

10. I have been provided with a substantial amount of information by the LA and the school. I have referred only to that which has a bearing on my determination.

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 2027/28 have been determined. This means that if I agree to the LA's request to vary the arrangements for 2026/27 by reducing the PAN for Year R, it will be for that year only and will not have a bearing on subsequent years. A separate request to reduce the PAN for 2027/28 has been made, which I will also consider here.

13. The arrangements for 2028/29 have not yet been determined. If I agree the proposed variation for 2027/28 it will have the effect of forming a 'baseline' for subsequent years.

Consideration of proposed variations

14. 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 in certain other limited and specified circumstances. I will consider below whether the proposed variations are justified by the change in circumstances.

15. The arrangements for both years set out the following oversubscription criteria to be used if there are more parents requesting a place than the number of places afforded by the PAN:

- a) Looked after and previously looked after children (as defined)
- b) Children with a sibling (as defined) continuing at the school at the time of admission
- c) Children of staff (as defined)
- d) Children whose home address is closer to the school than any other primary school
- e) Other children.

Distance of the child's home from the school is used as a tie-breaker if necessary, with random allocation used to separate any ties.

16. The LA has proposed that the PAN for Year R for both 2026/27 and 2027/28 be reduced from 60 to 30. It says that the school has suffered a "significant drop in demand" in common with other schools in the area "arising from a drop in the birth rate circa 5 years ago and less inward migration". It says lower pupil numbers are "now impacting on the school's budget." It says that a PAN of 30 will "allow the school to operate one class and give them greater certainty when planning the numbers of staff required and allow for more robust financial planning."

17. Millway Primary School is situated in the western part of Northampton, in a residential area in which there are several primary schools. For planning purposes, the LA has designated a planning area called the NN5 Planning Area (which appears to be the NN5 postcode area) in which there are a total of 12 primary schools.

The school

18. The school has told me that the current number on roll in each of the year groups across the school (as at 16 June 2026) is as shown in Table 1.

Table 1: Number on roll in each year group across the school (as at 16 June 2026)

Year group	Year R	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
Number on roll	33	42	55	55	46	55	59

19. There are a total 345 children in the school, and the request states that the school seeks the PAN reduction in order to be able to operate a single form of entry in each of the coming two years. That is to say, the school currently operates with two classes for each year group, or a total of 14 classes across the school. The school has said that this leads to “unsustainable staffing pressures” which I take to mean unsustainable financial pressures.

20. The LA appended to the request figures for recent preferences expressed by parents for places at all schools across the planning area, and “allocations” of Year R places that resulted from these preferences. The recent history shown in this data of the number of first preferences expressed by parents for a Year R place at the school and the number of Year R admissions in the relevant year (those for 2026 being those anticipated), together with the totals for the planning area as a whole (in brackets), are shown in Table 2.

Table 2: PAN, number of first preferences and number of children admitted to YR at the school (and in the planning area) (as at 15 May 2026)

Year	Year R PAN	First Preferences	Number of Year R admissions
September 2024	60 (630)	34 (477)	37 (495)
September 2025	60 (630)	32 (458)	37 (472)
September 2026	60 (630)	26 (445)	27 (456)

21. I note that this shows:

- (i) A decrease in the number of first preferences and admissions each year, both for the school and across the planning area.

- (ii) A larger number of actual admissions each year than the number of expressed first preferences, both for the school and for the planning area.

22. The LA had not initially complied with the request that it provide the individual forecast of the need for Year R places for all the schools in the planning area. It supplied this on 11 June 2026, showing forecasts as far as 2029/30. Surprisingly, the figures for the school were:

2026/27: 49

2027/28: 51

2028/29: 51

2029/30: 53

23. Clearly, these figures do not support the requested variation. I therefore asked the LA to describe its forecasting methodology to me, to say when the forecasts were made and to explain why its forecast figures are so much higher than would be expected given the actual number of recent admissions to the school. For example, the forecast which the LA provided showed the following for the number on roll in each year at the school for the 2026/27 school year is shown in Table 3.

Table 3: Forecast number on roll in each year group across the school for 2026/27
(provided by LA)

Year Group	Year R	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
Number on roll	49	49	40	61	58	42	50

24. I pointed out to the LA that it had told me that there had been 37 children admitted to the school's Year R in September 2025, but that its forecast said that this cohort would have increased to 49 as the school's Year 1 in September 2026. It is also the case that the school says that this group now numbers 33.

25. The LA told me that:

- (i) These are annual projections, "based on a three-year rolling average of historic cohort data, including Schools Census returns, admissions data, and local demographic trends, with adjustments for expected migration and housing growth."
- (ii) "The apparent discrepancy between the reception intake of 37 pupils in 2025 and the forecast Year 1 cohort of 49 in 2026/27 arises because forecasts are not a simple progression of a single cohort. Instead, they incorporate a blended trend

derived from previous higher intake years as well as anticipated movement between schools, such as in-year admissions and transfers.”

- (iii) “The decline in Reception demand at Millway Primary School is a relatively recent change, emerging primarily from the 2025 and 2026 admission rounds.”
- (iv) That it was “unexpected” that the anticipated number of Year R admissions at the school would be as low as 27, and that prior to this “data did not demonstrate a consistent downward trend sufficient to justify a statutory PAN reduction.”
- (v) That there has been an unexpectedly low yield of children from housing developments in the area.
- (vi) That “it was not reasonable at the time [the arrangements were determined] to conclude that a permanent reduction in PAN was required, and therefore the formal consultation route was not triggered earlier.”

26. It therefore seems clear to me that what is being described by the LA is a very recent phenomenon of lower demand for places at the school which its forecasting system, because it is heavily influenced by historical and not recent trends, is not sufficiently sensitive to accommodate fully.

27. Given these problems, I asked the LA on 14 July 2026 to let me know the latest position concerning the number of Year R places for September 2026 which had now been allocated, and to say what it was now forecasting as the number of Year R places which will be needed for September 2027 at the school. Its response was that September 2026 allocations have risen to 28. It provided me with what it said were “our most up to date pupil forecasts....[which] have only just been finalised”. It stated its view that “trends are now showing consistently low numbers” (I presume in continuing support of the requested variations). The figures it has now provided for the need for Year R places at the school are:

2026/27: 33

2027/28: 34

2028/29: 35

2029/30: 32

2030/31: 35

So, although these are indeed lower than the forecast figures originally provided by the LA, they exceed the requested PAN of 30 in each year for which the forecast has been made.

28. When the school replied to my request for its comments on the effects of the request either being agreed or not agreed, and to parts of the further information which I had requested from the LA, it referred to the fact that Year R admissions had been “just over 30” in the last two years. This is clearly not completely accurate, since the school’s own figures are 33 admissions in 2025, but 42 in 2024.

29. In response to my specific request to be told the current position concerning the school's financial reserves and its financial forecast depending on whether the variation is approved or not, it said no more than: "The school budget has been carefully managed to allow for increase in SEND etc despite recent low intakes. By reducing PAN and allocating 1 teacher we have been able to balance the budget. If we are unable to reduce the PAN class teacher capacity (sic) and oncosts would have to come from our carry forward that has been earmarked for other things." It added, although I am not quite sure why since this was in response to my question about its own finances, that "We are also aware that there are a lot of schools within the local area where numbers on role (sic) are below PAN, so are confident there is still sufficiency within the area."

30. I understand what the school has said to mean that if the variation is approved, and admissions to Year R are capped at 30 in the next two years, then it would employ one teacher and not two in Year R, and that it assumes this saving to notionally achieve a balanced in-year budget.

31. It is unhelpful when a school does not provide answers to specific requests. As I have said above, I have access to a range of websites. The FBIT website shows for the financial year April 2024 to March 2025 that the school had an in-year balance (which I understand to mean surplus) of £8,857 and a revenue reserve (which I understand to be the "carry forward" referred to by the school) of £189,501. The school has not told me what "other things" this money has been earmarked for in its planning, and so I am not able to take this into account.

32. There are of course a range of alternatives available to any school to manage the effects of reduced rolls but principally these are the class organisation of the school and the consequential need for teaching and other classroom staffing. I had asked the LA whether the school has considered mixed-age teaching as an alternative to PAN reduction. The school replied to this question, saying "At this stage, mixed cohorts do not seem to provide the same stability and financial assurance as reducing a PAN does (sic)".

33. From the information which has been given to me by the LA, it is indeed likely that there would be Year R places at alternative schools within the planning area for any children unable to achieve a place at the school in 2026 and 2027, should the variation requests be approved. However, not all the schools in the planning area are likely to be so placed, with three being expected to admit up to their PAN (or very nearly so) in 2026, and four being in this position for 2027 (according to the most recent allocation and forecast figures given to me by the LA). This means that the parents of any displaced children would have reduced alternative options within the planning area overall, although some nearby schools are likely to have capacity.

34. I need to balance the possibility of any such denial of parental preference against what the school and the LA have said to me about the reasons for the variation request. I am not convinced that there will not be more than 30 parents wishing to have a place at the school for their child, in either 2026 or 2027, for the following reasons:

- (i) The larger number of admissions historically than expressed first preferences, as shown in the data discussed above.
- (ii) The fact that there are now only just fewer than 30 allocations for the school for September 2026, this having increased in the last month.
- (iii) Notwithstanding what the LA has said about the effect of “historical lag” in its forecasting methodology, the latest (14 July 2026) projections set out above show 33 and 34 Year R admissions at the school in 2026 and 2027 respectively.
- (iv) The recent trend of lower demand at the school, which appears to be greater than the slower decline for the area as a whole, may just as unexpectedly reverse.

35. It has been a cornerstone of educational policy for many years that parental preference is supported wherever possible. In my view, this means that any likely denial of parental preference should be avoided when there are viable alternatives. Schools are given powers to manage their classroom organisation, staffing and finances with this as a background. The school has the option of reducing staffing in the way it says it needs to for financial reasons (although the evidence which I have to hand does not appear to make these pressing and immediate) by introducing mixed-age teaching without the need for PAN reductions on which there has been no local consultation. The combined likely number of Reception and Year 1 children at the school in September 2026 clearly permits, for example, a classroom organisation of three and not four classes across the two years without a PAN reduction, which would also allow more than 30 Reception admissions should that be needed. The school has given me no substantive reason for not adopting this approach. I should not need to point out that mixed-age teaching is the norm for a very large number of primary schools nationally. I have never seen evidence that it is not educationally perfectly viable.

36. It appears to me that it would have been obvious in enough time for what has been requested to have been dealt with through the consultation process prior to the determination of the arrangements, at least those for 2027. I have said what the LA has had to say on this matter above.

37. In summary, I am of the view that the LA as the school’s admission authority, and the school itself, have not presented a compelling argument for the variations that are being proposed.

38. I therefore do not agree that the school’s PAN should be reduced from 60 to 30 for admissions in September 2026, or for admissions in September 2027.

Determination

39. In accordance with section 88E of the School Standards and Framework Act 1998, I do not approve the proposed variations to the admission arrangements determined by West

Northamptonshire Council for Millway Primary School for September 2026 and September 2027.

40. By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority.

Dated: 17 July 2026

Signed:

Schools Adjudicator: Dr Bryan Slater