



Office of
the Schools
Adjudicator

Determination

Case references: VAR2777 and VAR2778

Admission Authority: Hampshire County Council for Elson Infant School

Date of decision: 4 August 2026

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I do not approve the proposed variation to the admission arrangements determined by Hampshire County Council for Elson Infant School for 2025/26.

The published admission number for admissions to the Reception Year in 2025/26 shall remain at 90.

In accordance with section 88E of the School Standards and Framework Act 1998, I do not approve the proposed variation to the admission arrangements determined by Hampshire County Council for Elson Infant School for 2026/27.

The published admission number for admissions to the Reception Year in 2026/27 shall remain at 90.

The referral

1. Hampshire County Council (the Admission Authority; the Local Authority) has referred to the adjudicator a proposal for variations to the admission arrangements for Elson Infant School (the School) for the school years 2025/26 (the 2025 arrangements) and 2026/27 (the 2026 arrangements).
2. The School is a community school for children aged four to seven years in the coastal town of Gosport, just across the harbour from Portsmouth. It is a co-educational school with no designated religious character.
3. The proposed variations are that the published admission number (PAN) of the School, which applies to admissions to the Reception Year (Year R), be reduced from 90, as determined, to 60 for each of 2025/26 and 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 2025 arrangements were determined by the Local Authority on 20 February 2024. The 2026 arrangements were determined by the Local Authority on 12 February 2025.

6. The Local Authority 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. I find that the appropriate procedures were followed, and I am satisfied that the proposed variations are within my jurisdiction.

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

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

- the referral from the Local Authority dated 9 July 2026 and supporting documents;
- the determined arrangements for the two school entry years in question, and the proposed variations to those arrangements;
- responses from the Local Authority 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; and
- information available on the websites of .gov.uk. (including ‘Get Information About Schools’ (GIAS) and ‘Financial Benchmarking and Insights Tool’ (FBIT) websites), 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 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. I note here that the Arrangements for 2027/28 have been determined, and the PAN is set at 90. This means that if I agree to the Admission Authority's request to vary the 2026 arrangements by reducing the PAN as proposed, it will be for that year only and will not have a bearing on the 2027 arrangements or those of subsequent years.

11. In the interest of dealing speedily with this and other requests for variations for schools, particularly those from Hampshire County Council, I have not considered other aspects of the 2025 arrangements and the 2026 arrangements. Therefore, nothing in this determination should be taken as indicating that other aspects of those arrangements do or do not conform with the requirements relating to admissions.

Consideration of proposed variations

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. I will consider below whether the proposed variations are justified by the change in circumstances.

13. The Local Authority has proposed that the PAN of the School be reduced from 90 to 60 for admissions in each of 2025/26 and 2026/27. The governing body of the School supports the proposed variations.

14. I will deal with the proposed variation to the 2025 arrangements first. It is rare for an admission authority to seek a variation to the PAN towards the end of the school year. As stated in the referral dated 9 July 2026, there were 61 pupils on roll at Year R of the School in 2025/26. Prior to the school summer holiday, they were accommodated in three classes (two Year R classes, and one mixed-age Year R / Year 1 class).

15. The Local Authority has confirmed that it had not received any application for in-year admission to Year R or Year 1 at the time when it submitted the referral. I asked the Local Authority why it was keen to reduce the PAN of the School from 90 to 60 for 2025/26 when the School was about to close for summer holiday. In response, the Local Authority stated on 17 July 2026:

“Because until 31 August, the cohort will remain the relevant age group for the school, the concern for the LA was being in a position to limit further applications between the date of the OSA application and the cohort moving into Year 1. Currently, the school will need to continue offering to 90 if further applications are received.”

16. Paragraphs 1.2 and 1.4 of the Code read as follows (insofar as is relevant here):

“1.2 As part of determining their admission arrangements, all admission authorities **must** set an admission number for each ‘relevant age group’.

1.4 Admission authorities may also admit above their PAN through in-year admissions. The PAN only applies to the relevant age group. This means that admission authorities may not refuse admission to other age groups on the grounds that they have already reached their PAN. They may, however, refuse admission where the admission of another child would prejudice the provision of efficient education or efficient use of resources.”

17. Footnote 11 of the Code defines ‘relevant age groups’ as follows:

“This is the age group at which pupils are or will normally be admitted to the school e.g. reception, year 7 and year 12 where the school admits external applicants to the sixth form (Section 142 of the SSFA [School Standards and Framework Act] 1998).”

18. Although a parent can apply for a place for their child at any school at any time pursuant to paragraph 2.23 of the Code, the School has already commenced its summer holiday when I am determining the proposed variation to the 2025 arrangements. If a parent wishes to secure a Year 1 place for their child at the School in September 2026, this is essentially an application for in-year admission to Year 1 at the School for September 2026. The PAN of the School in 2025/26 only applies to the ‘relevant age group’ (i.e. Year R), and the Admission Authority may not refuse an in-year admission to Year 1 in 2026/27 on the grounds that the School has reached their PAN for Year R entry (if approved to be reduced to 60 for 2025/26) unless the admission of that additional pupil would prejudice the provision of efficient education or efficient use of resources. In other words, Year R has ended, and the PAN for Year R in 2025/26 does not apply to Year 1 admissions in 2026/27.

19. In my judgment, it is not necessary now to reduce the School’s PAN from 90 to 60 for the school year 2025/26. Such a variation is irrelevant.

20. As far as the 2026 arrangements are concerned, the Local Authority gave the following rationale for seeking a variation to the PAN for the School:

“As of 2nd of July 2026, Elson Infant School received 63 offers against a PAN of 90. Across the Gosport Central Primary planning area for September 2026, there are just 270 offers made against a total PAN of 330 places, leaving 60 places unallocated. Offer numbers at other schools within the area are Alver Valley Infant School (PAN 60, 52 offers), Brockhurst Primary School (PAN 30, 29 offers), Grange Infant School (PAN 60, 60 offers), Peel Common Primary School (PAN 30, 22 offers) and Rowner Infant School (PAN 60, 44 offers). The lower than PAN offers demonstrate a clear surplus of places within the planning area and indicates that there is sufficient capacity to accommodate additional pupils should the proposed PAN reduction be approved.

As the number of offers is well below the PAN, the school is unable to viably operate 8 classes into the future and maintaining the current PAN of 90 would place significant financial pressure on the school. Implementing the proposed reduction would enable the school to be able to plan a move to a 7 class structure from September 2027, creating a more financially sustainable model that better reflects the demand for places at the school.”

21. 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 90 to 60 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.

22. 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 ‘Gosport Central primary planning area’ (the planning area), and I have considered the data that the Local Authority has provided for that area.

23. Along with the School there are five other schools in the planning area for which the usual year of entry is Year R. The combined PAN of the planning area is 330 for Year R entry for September 2026, and the latest number of children offered a place is 270. There are, therefore, 60 vacant places forecast.

24. 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 “to provide an operating margin for local authorities. This helps to support parental choice, pupil population movement, and general manageability of the system.” Although a reduction of the School’s Year R places by 30 places in 2026/27 will render a surplus of 30 vacant places for the entire planning area (about 10 per cent), these vacancies within the wide ‘planning area’ may not be easily accessible to those living near to the School.

25. Most parents seeking a Year R place for their child for admissions in 2026/27 would have been offered a place on National Offer Day in April. That said, if a family who just moved into the locality were to make a late or in-year application for a Year R place at the School, the School could still provide a place with its many vacancies. The proposed PAN reduction by 30 places will, in effect, make the School ‘oversubscribed’ and remove entirely an operating margin for the Local Authority in relation to the provision of Year R places for the local area which the School serves. The nearest primary or infant school with vacant Year R places is Rowner Infant School which is 1.6 miles away from the School by car, or requires more than 30 minutes of walking from the School.

26. It is therefore not possible to say that, if the PAN of the School were to be reduced to 60 for 2026/27, there would be sufficient places for any parents living close to the School

and seeking a Year R place for their child for 2026/27, including those who make late or in-year admissions.

27. I turn now to the demand for places at the School. There are 63 applicants who are now allocated Year R places at the School for September 2026.

28. The Admission Authority is required to admit all these 63 children in September 2026. This suggests that it is likely that the School will admit more than 60 pupils for Year R in September 2026, and that there may be a small demand for late or in-year applications. This may particularly be the case as Gosport has an UK Armed Forces community, and thus moves into and out of the area are more likely. If any parents were unsuccessful in securing a place for their child at the School due to the proposed variation, their alternative would be seeking a place at another school which is, likely and undesirably, to be some distance away.

29. However small the possibility might be, there could be some frustration of parental preference in relation to late or in-year applicants seeking to secure a Year R place at the School, if the variation were to be agreed for 2026/27.

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

31. 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 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.

32. The Local Authority acknowledged that, in order to meet the statutory requirement under the Infant Class Sizes Regulations, the School will accommodate all the 63 children offered admissions to Year R into three single-age classes in September 2026. Whether or not the variation to the 2026 arrangements is approved, an admission authority must not withdraw an offer unless an exception under paragraph 2.13 of the Code applies. Also, the School says that there will be five other classes in Year 1 and Year 2, of which one will likely be a mixed-age class to optimise the class size.

33. 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.

34. As stated by the Local Authority in the referral, the objective of seeking a reduction of the School's PAN from 90 to 60 for 2026/27 is as follows:

“Reducing the PAN to 60 from September 2026 will enable the school to reduce from 8 to 7 classes from September 2027. This will be achieved through the operation of a mixed Reception and Year 1 class, alongside the mixed Year 1 and Year 2 class that the school already runs, removing the need for an 8th class.”

35. The Local Authority has included in the referral a proposed class structure scenario in which the numbers of each class in each year group could be tidily organised into a total of seven classes, with some mixed-age teaching across year groups, for September 2027. In my judgment, this scenario planning may be useful, but these numbers are premature and may change throughout the school year 2026/27 due to in-year admissions in any age group. The Local Authority stated, in its response dated 17 July 2026 to my request for further information, that:

“The main admission round will continue to have late applications being processed by the Local Authority until 31 August 2026, so more [in-year applications] may be received.”

36. I can only determine the matters now on the assumption that there has so far been no clear indication if the number of Year R pupils being admitted to the School will be dropped to 60 or below in September or some point in the future. If the School is to offer three Year R classes in 2026/27 anyway, it is unnecessary to cap the number of Year R admissions so early now below the established PAN of 90 and to remove all the flexibility and capacity of it serving more Year R pupils in the coming school year. The Local Authority noted in its reply to my request for further information that it had not consulted relevant parties on reducing the PAN of the School for 2027/28 (paragraph 10 above). I take it that the School may potentially admit up to 90 pupils for Year R in September 2027, and if this materialises the pupil numbers may not necessarily sit well anyway with the proposed class structure scenario for September 2027 attached to this referral.

37. I have considered the competing needs of providing the school places that parents want for their children and the financial viability of the School. I am sympathetic to the financial and other consequential challenges brought to the School by the lower-than-expected number of Year R pupils. The FBIT website shows that for the financial year ending March 2025, the School had an in-year deficit of about £61,000, and a revenue reserve of £25,000. Both the Local Authority and the School have shown me budgetary information to demonstrate that maintaining eight classes is financially unsustainable for the School.

38. In response to my request for further information, the School stated:

“If the variations were not to be agreed, we would need to pay for extra staffing to support surplus places in case there was an increase in applications to the school during the academic year. It would be highly unlikely these places would be filled but we would have to have the staffing in place just in case which would have a detrimental impact on the budget and the money we would be able to spend on supporting the children currently in school.”

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

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- There is little merit in considering the PAN reduction for the School for 2025/26 now that the School has already commenced the school summer holiday. The PAN of the School applies only to 'the relevant age group' (i.e. Year R), and so the Local Authority should not seek to refuse admission to Year 1 at the School for September 2026 on the grounds that the PAN for Year R was 60 (if approved) in 2025/26.

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- Even if the proposed variation to the 2026 arrangements is approved, the School would still be required to admit all the 63 children given offers for entry to Year R in September 2026. Unless any of them changed their plan resulting in the School having 60 Year R pupils or fewer on roll, or unless one of the exceptions about 'excepted pupils' referred to in paragraph 2.16 of the Code applies, the School would unavoidably provide for more than two Year R classes (or employ more than two qualified teachers) anyway. In other words, the variation would not change the fact that the School is to plan now for the number of classes and teachers on the assumption of having more than 60 pupils for Year R for September 2026 and the rest of the school year. This variation, if approved now, would not make a material difference in terms of outcome unless the number of Year R pupils for September 2026 dropped to 60 or below, but there is no certainty at this point in time that this is or would be the case. However, there is a possibility that a few children who might otherwise be admitted through late or in-year applications and whose parents in such circumstances have expressed a preference for a Year R place at the School will have that preference denied and might need to travel some distance to find an alternative.
- If the proposed variation to the 2026 arrangements is not approved, the School would be obliged to offer a Year R place up to the existing PAN of 90 for any applicant in 2026/27. This will provide an operating margin for the Local Authority and will help support parental choice and pupil population movement. I acknowledge that the School would undertake measures to economise on its resources, and that it wishes to secure its level of staffing and budget position in 2026/27 and beyond. It remains open to the Local Authority to request a lower PAN if the situation were to change for 2026/27 at any point in the school year. The Local Authority may also consider applying for a variation to the PAN for 2027/28 if the forecast data support such a request, and parents would be able to apply for places for 2027/28 in the knowledge of the reduced PAN for the School (if approved) and make their decisions accordingly. Otherwise, if a fresh referral comes after National Offer Day in April 2027, the School would hopefully still have time to make any necessary change to its staffing and class organisation to accommodate the allocated pupils for September 2027. Furthermore, the Local

Authority would, by then, have been able to consult on a PAN reduction for 2028/29 following the normal procedures for making changes to admission arrangements under paragraphs 1.45 to 1.48 of the Code (see paragraph 9 above). I stress that my determination here has no bearing on any process of consultation, or on the PAN that is to be determined by the Local Authority for the School for 2028/29.

40. Taking everything into consideration, I find on balance that the variations are not justified by the circumstances and so I do not approve them. The PAN of the School for each of 2025/26 and 2026/27 remains at 90 as the Local Authority determined in February 2024 and February 2025 respectively.

Determination

41. In accordance with section 88E of the School Standards and Framework Act 1998, I do not approve the proposed variation to the admission arrangements determined by Hampshire County Council for Elson Infant School for 2025/26.

42. The published admission number for admissions to the Reception Year in 2025/26 shall remain at 90.

43. In accordance with section 88E of the School Standards and Framework Act 1998, I do not approve the proposed variation to the admission arrangements determined by Hampshire County Council for Elson Infant School for 2026/27.

44. The published admission number for admissions to the Reception Year in 2026/27 shall remain at 90.

Dated: 4 August 2026

Signed:

Schools Adjudicator: Jackie Liu