



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2781

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

Date of decision: 28 September 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 2027/28.

I determine that for admission in 2027/28 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 2027/28 (the 2027 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 of the School, and around 30 other such schools 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 to reception in 2027/28; a reduction of 30 places. The year of entry is reception year and this is the year group to which the PAN applies. I have agreed a similar request for a variation for admissions to the School in 2026/27 in a separate determination (case reference VAR2780).

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 2027 arrangements were determined by the local authority on 11 February 2026. 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) a previous determination (case reference VAR2780) in which I agreed a variation to the determined admission arrangements for 2026/27 to reducing the PAN for that year from 90 to 60;
- c) the determined 2027 arrangements and the proposed variation to those arrangements;
- d) a map showing the locality of the School and other local schools which admit children to reception year; and
- e) information available on government websites including:
 - Get Information About Schools (GIAS);
 - Financial benchmarking and insights toolkit (FBIT); 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 2028/29 have not been determined. This means that if I decide to approve the proposed variation to the arrangements for 2027/28 as proposed, it will have an effect of setting a baseline for future years.

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 by the number of pupils 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 the 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

	2025/26	2026/27	2027/28	2028/29
Sum of PANs of schools for YR	450	450	450	450
Number of first preferences	405	365	N/A	N/A
Number of children admitted (based on October census), offered a place for 2026 or forecast to require a place	407	379	Forecast 387	Forecast 370
Vacant places based on admissions, offers or forecast	43	71	63	80

16. Table 1 shows a slight increase in demand for 2027/28. If the PAN for the School were to be 60, a reduction of 30 places, the forecast is 33 vacant places in the planning area for admissions in 2027/28. Thirty three vacant places would be nearly 12 per cent of the whole, which would be a generous proportion. I am assured that if the PAN were to be reduced by 30 places then there would be sufficient places in the area for reception year in 2027/28.

17. I have also considered admissions in 2028/9. As described above, if I agree that the PAN is reduced to 60 for admissions in 2027/28, this would set a baseline for the arrangements for 2028/29. In other words, the local authority would not have to consult to set the PAN at 60 for admissions in 2028/29. However, as table 1 shows, there would be a higher number of vacant places in 2028/29 and so I am assured that setting the baseline at 60 for admissions to the School would not cause a lack of places in that year.

18. I will now consider demand for the School and parental preference. Table 2 shows demand for the School and offers for 2026/27.

Table 2: demand for the School

	2024	2025	2026 ¹	2027
The PAN for the School	90	90	60	90
The number of first preferences	84	76	53	N/A
Number of children based on October census and offered for 2026	88	89	60	N/A

¹ PAN set at 60 following the previous variation.

19. Table 2 shows demand reducing at the School and based on the information shown in table 1, this is unlikely to increase by much for admissions in 2027/8. The FBIT shows that in the last financial year, the School had an in-year revenue deficit of £192,332. The School is not yet in a deficit overall as it has financial reserves.

20. I am aware that if the PAN were to remain at 90 then it is possible that just over 60 children would be admitted and the School would provide three classes of just over 20 pupils which is likely to cause financial problems. I could wait to make my decision until all the applications have been made. However, if I make it now, then the School can plan accordingly and parents can make their applications in the knowledge of the number of places available.

21. The evidence shows that there would be ample places at schools close to the School if the PAN were to be reduced to 60 and that there is minimal likelihood of frustrating parental preference. I therefore agree that the variation is justified by the circumstances and agree the variation.

Determination

22. 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 2027/28.

23. I determine that for admission in 2027/28 the published admission number will be 60.

Dated: 28 September 2026

Signed:

Schools Adjudicator: Deborah Pritchard