



Office of  
the Schools  
Adjudicator

## Determination

**Case reference: VAR2378**

**Admission authority: Oxfordshire County Council for Woodstock Church of England Primary School**

**Date of decision: 26 February 2024**

## 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 Oxfordshire County Council for Woodstock Church of England Primary School for September 2023.

I determine that the published admission number for 2023 will be 45.

## The referral

1. Oxfordshire County Council (the local authority) has referred a proposal for a variation to the admission arrangements for September 2023 (the arrangements) for Woodstock Church of England Primary School (the school) to the adjudicator. The school is a voluntary controlled primary school for children aged three to eleven. The school has a Church of England religious character and the faith body for the school is the Diocese of Oxford (the diocese).
2. The proposed variation is that the published admission number (PAN) be reduced from 60 to 45.

## Jurisdiction and procedure

3. The referral was made to me in accordance with section 88E of the School Standards and Framework Act 1998 (the Act), which deals with variations to determined arrangements. Paragraphs 3.6 and 3.7 of the School Admissions Code (the Code) say (in so far as 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”.

4. The local authority has provided me with confirmation that the appropriate bodies have been notified. I find that the appropriate procedures were followed, and I am satisfied that the proposed variation is within my jurisdiction.
5. The local authority has provided evidence that the arrangements, which are those for all community and voluntary controlled schools in its area, were determined on 21 February 2022. During my consideration of this case I had cause to refer to the arrangements. Having had sight of them, it appeared to me that they did not conform with the requirements relating to admissions. These matters have been considered in a separate determination, case reference REF4237.
6. The parties to this case are the local authority, the school’s governing board and the diocese.
7. In considering these matters I have had regard to all relevant legislation, and the Code.
8. The information I have considered in reaching my decision includes:
  - a. the referral from the local authority dated 8 November 2023, supporting documents and further information provided at my request;
  - b. the determined arrangements for 2023;
  - c. comments on the proposed variation from the school;
  - d. the statutory proposal for the enlargement of the premises of the school; and
  - e. information available on the websites of the local authority, the school and the Department for Education (DfE).
9. It was necessary for the case manager dealing with this case to write to the local authority three times, on my behalf, to request additional information or clarification; on two of these occasions the local authority provided their response some time after the deadline

for doing so, following numerous reminders from the case manager. This resulted in a delay in my consideration of this case and added to the amount of time which the case manager and I were required to dedicate to it. Given that the Office of the Schools Adjudicator is a publicly funded body this is regrettable. I am grateful to the local authority for their prompt and helpful response on the third occasion.

## The proposed variation

10. The local authority set the PAN at 60 for admission under the 2023 arrangements but now believes that this should be reduced.

11. The local authority proposes that the PAN for 2023 is reduced to 45 and its reasons for seeking the variation are, in summary, that:

- a. due to delays in building work, the school is unable to support a PAN of 60; and
- b. a PAN of 45 would enable the school to use a mixed-age teaching model as the current Year R “progresses through the school”.

12. The school has expressed its support for the proposed variation and the headteacher stated:

“The proposed variation is as a result of delayed building works. The works were due to expand the reception class to a PAN of 60 for September 2023 in response to local housing development. The reception works were delayed and have been postponed until summer 2024. The variation is necessary as the current building cannot accommodate 60 reception pupils.”

13. 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 variation requested is justified by the change in circumstances.

## Background

14. The local authority has provided evidence that, on 24 May 2023, a decision was taken by Oxfordshire County Council to expand the premises of the school to allow it to become a two form entry school; that is, to replace the previous model of a PAN of 45 and children organised into mixed-age classes with a PAN of 60 and two, single-age classes per year group. This decision was taken following a period of consultation, and publication of a statutory proposal.

15. When I began my consideration of this case it seemed to me that there was some confusion regarding the PAN that had been agreed for 2023. There is no reference to the PAN in the arrangements; this breach of the requirements relating to admissions is considered in case reference REF4237. The local authority website contained two

documents which listed the PANs of the schools for which it is the admission authority; both stated that the PAN of the school was 45. I found no mention on that website, or on the website of the school, that the PAN had been raised to 60 as part of the determination of admission arrangements. Further, the local authority provided a copy of an email from the headteacher of the school to the local authority which read:

“Following a delay in the expansion project, the PAN has remained at 45 for this year [2023] as no work has commenced to expand the reception class. Once completed, (Sept 24) the existing reception unit will be expanded to accommodate a PAN of 60. External works to build 4 new classrooms are underway”.

16. As the headteacher was seemingly unaware of the PAN increase, and this increase did not appear on the local authority’s website, I queried this with the local authority who stated:

“a published admission number of 45 was agreed on 21 February 2022 by the Director of Children’s Services. However, on 24 May 2022 the Cabinet Member for Children, Education and Young People’s Services agreed to the statutory proposal to expand Woodstock Church of England Primary School physical capacity in order to increase the intake from 45 to 60 children per year from September 2023. This superseded the earlier decision to set a published admission number of 45.”

17. Paragraph 3.6 of the Code explains that admission authorities may increase a school’s PAN without any requirement for this to be referred to the schools adjudicator. I have, therefore, accepted the local authority’s assertion that the PAN was increased to 60 for 2023.

## **Consideration of proposed variation**

18. 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 PAN reductions 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.

19. The arrangements for 2024 have been determined and the PAN for that year has been set at 60. As stated in paragraph 3.6 of the Code, set out above, once admission arrangements have been determined they cannot be revised except in certain specific circumstances. The PAN for 2024 has already been set and this means that if the PAN for 2023 is reduced to 45 there will be no effect on future PANs. That is, the PAN for 2024 will remain at 60 unless, at some point in the future, the adjudicator agrees a variation to the contrary.

20. I have given careful consideration to the latest available data in order to form a view about the sufficiency of school places in the local area were the PAN to be reduced from 60

to 45 for 2023. I have also set out to consider the demand for places at the school, the potential effect on parental preference and whether the proposed PAN reduction is justified in the prevailing circumstances.

21. I will first consider demand for places in the area, which is defined on the DfE website ‘Get Information About Schools’ (GIAS) as “rural town and fringe”. GIAS indicates that there are no other schools which admit children to Year R within one mile of the school. There are five other schools that admit children to Year R within three miles of the school.

22. The local authority has a duty to make sure that there are sufficient places for the children in its area. To fulfil this duty the local authority assesses the likely number of places to be needed and plans to meet that need. The local authority uses planning areas, which are geographical groups of schools, for this purpose. Table 1 sets out data provided by the local authority and shows the number of places in the schools in the planning area and the number of children admitted to or expected to require a place at those schools, using a PAN of 60 for the school from 2023 onwards.

**Table 1: the number of school places and number of children admitted or forecast to require a place in schools in the planning area**

	2021	2022	2023	2024	2025	2026	2027
Sum of PANs for the schools in the planning area	191	181	186	186	187	187	187
Number of children admitted or forecast to require a place	157	161	143	173	176	171	171

23. Table 1 shows that for 2023 the sum of the PANs for the schools in the planning area is 186. If the PAN of the school were to be reduced to 45 then this sum would be 171. As there are 143 children who have been admitted or are forecast to be admitted this year, this leaves 28 spare places which equates to 16 per cent surplus capacity.

24. The DfE document, “Basic need allocations 2025-26: 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”. The data shows that in the event the PAN was reduced the surplus capacity in the area would be well above that recommended by the DfE. I am therefore satisfied that the local authority would be able to fulfil its obligation to provide sufficient places in the planning area.

25. I will now consider the demand for places at the school. To date, all parents who have wished to secure a place for their child in the current Year R have been able to do so. The local authority told me that on national offer day in 2023 they made 38 offers of places for the school and there are, as of February 2024, 39 children in Year R. If the PAN was 45

there would be six available places. That is, although most children are, at this point in the school year, likely to have a school place and to remain in that place, six further children could be admitted to the school if sufficient applications were received before the end of the school year. If there were more than six children who required a place then these children could be accommodated at other schools in the area, as shown in table 1. I am satisfied that there would not be a significant frustration of parental preference if the variation request was agreed.

26. For the sake of completeness I have considered the local authority’s point regarding the school’s mixed-age teaching model. In its request for the proposed variation the local authority stated:

“Due to delays in building work, the school is unable to [financially] support a PAN of 60. Currently the school plans to continue to organise this year group in mixed-age classes from September 2024 (Year 1). Therefore, the intake to this Reception 2023 year group needs to be limited to PAN 45 (1½ form entry – 1.5FE) to enable mixed-age teaching.

And that the proposed variation is to:

“Revert to a PAN 45 (1.5FE) for the 2023/24 academic year to enable Woodstock Church of England Primary School to continue to organise the Reception 2023 intake year group in mixed-age teaching groups as it progresses through the school...This will mean the school will not incur the negative financial cost of having to appoint an additional teacher for the 2024/25 academic year onwards (to support 2 classes in Year 1 and following) with insufficient student numbers to offset the cost of additional staff”.

27. The school is one affected by the provisions of the School Admissions (Infant Class Size) (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 (paragraph 2.16 of the Code). The infant class size regulations apply to Year R, Year 1 and Year 2.

28. The local authority provided the pupil numbers at the school and how classes are organised; this is shown in table 2.

**Table 2: pupil numbers and class organisation at the school, as of February 2024**

Class	Year R	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Total
A	19							19
B	20							20
C		15	13					28
D		15	12					27
E		15	14					29

F				15	15			30
G				15	15			30
H				15	15			30
J						15	15	30
K						15	15	30
L						15	16	31
Total	39	45	39	45	45	45	46	304

29. As schools are largely funded on a per-pupil basis, classes of around 30 pupils are generally considered to be the most financially efficient. Other than Year R, classes at the school contain 30 pupils or are close to this number. The number of pupils in Year R is well below the PAN of 60 and, due to the requirements of the infant class size regulations, the school is obliged to organise these children into two small classes; this is not financially efficient.

30. The local authority told me that they have received 56 first preference applications for the school for 2024; their preferred plan is that the children admitted in 2024 will be organised into two classes and the remaining year groups will be organised into mixed-age classes. In this scenario all classes would be of a size that would be financially efficient.

31. There are 45 children currently in Year 1. If no children left that cohort before September 2024 and, say, there were 45 children in the current Year R this would result in 90 key stage one children in 2024 who could be organised into three classes of 30 and the local authority's preferred plan would be possible.

32. Paragraph 2.8 of the Code states: "With the exception of designated grammar schools, all maintained schools, and academies, including schools designated with a religious character, that have enough places available **must** offer a place to every child who has applied for one, without condition or the use of any oversubscription criteria." That is, admissions must be made at least up to PAN or, to put it another way, if the PAN of the school remains at 60 then a total of 60 pupils must be admitted to the current Year R if sufficient applications are received.

33. The difficulty that may arise is that, say, Year R could contain 46 pupils by the end of this school year resulting in 91 key stage one pupils in 2024. In this event the intended class model would not be possible due to the infant class size regulations and it is likely that some classes would be of a size which was not financially efficient. It is this situation which the local authority seeks to avoid via the proposed variation.

34. The school has told me that the current school buildings could not accommodate 60 pupils in Year R; I have not found it necessary to examine this in detail due to the weight of the other factors involved. The reduced PAN would still provide some surplus places at the school and there are surplus places at other schools in the area. I am satisfied that the local authority would be able to fulfil its duty to provide sufficient places in the area and that there

would be no significant frustration of parental preference. I am of the view that the proposed reduction of PAN will benefit the school by providing greater certainty regarding staffing and organisation and avoid the requirement for a financially inefficient model of class organisation in 2024.

35. I find that the variation for 2023 is justified by the circumstances and approve the proposed variation.

## Determination

36. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Oxfordshire County Council for Woodstock Church of England Primary School for September 2023.

37. I determine that the published admission number for 2023 will be 45.

Dated: 26 February 2024

Signed: 

Schools adjudicator: Jennifer Gamble