



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2465

Admission authority: Kent County Council for Otford Primary School, Sevenoaks

Date of decision: 18 November 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 Kent County Council for Otford Primary School for September 2025.

I determine that the published admission number for the school will be 30.

The referral

1. Kent County Council (the local authority (LA)) has referred to the adjudicator a proposal for a variation to the admission arrangements of Otford Primary School (OPS or the school) for September 2025 (the arrangements).
2. The school is a community school for children aged 5 to 11 in Otford, Sevenoaks. It is a co-educational, non-selective primary school with no designated religious character.
3. OPS was judged to be 'Good' by Ofsted at its last inspection in October 2023.
4. The proposed variation is for the published admission number (PAN) of the school to be reduced from 60 to 30 for September 2025.

Jurisdiction and procedure

5. 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”.

6. The arrangements were determined by the LA Cabinet on 16 January 2024. The LA has provided me with confirmation that the appropriate bodies have been notified and I have seen confirmation that the school’s governing body has been consulted on the proposed variation. I find that the appropriate procedures were followed, and I am also satisfied that the proposed variation is within my jurisdiction.

7. In considering the variation request 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 LA dated 7 August 2024 and supporting documents;
- b. the determined arrangements for 2025/26 and the proposed variation to those arrangements;
- c. responses received from the school and the LA in response to requests for further information;
- d. maps, including Google Maps and those showing the LA’s planning areas; and
- e. information available on the websites of the LA, the school, the Department for Education (DfE) (including ‘Get Information About Schools’ (GIAS) and ‘Financial Benchmarking and Insights Tool’ (FBIT)) and Ofsted.

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 2026/27 will not yet have been determined. This means that if I agree to the admission authority’s request to vary the arrangements for

2025/26 by reducing the PAN as proposed, it will set the 'baseline' PAN for subsequent years.

11. I wish to convey my thanks to the LA and the school for their prompt and comprehensive responses to my requests for further information.

Consideration of proposed variation

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 variation requested is justified by the change in circumstances.

13. The LA told me that the reason for it seeking a variation for the school is:

"The forecast numbers that were expected have not materialised, and there are indications that this situation will continue for some time.

[...]

The school is currently 2FE [forms of entry], but is experiencing low [admission] numbers, of about 1FE of Year R each year. If the school gets more than 30 Years R applicants, then they must start a second class of Year Rs. This has a deleterious effect on the school budget and every subsequent year worsens the situation.

[...]

The school will be able to produce a costed budget because they will not need to employ so many staff."

14. The LA has a duty to make sure that there are sufficient places for the children in its area. To fulfil this duty the LA assesses the likely future number of places to be needed and plans to meet that need. The LA uses planning areas, which are geographical areas and the schools within those areas, for this purpose.

15. The school is one of four schools for primary aged children in the LA's 'Sevenoaks Northern Villages Planning Group' (SNVPG or the planning area). The other three schools in the planning area are (in order of straight line distance (in miles) from the postcode of OPS's site taken from the DfE's GIAS website): Shoreham Village School (1.47); Halstead Community Primary School (2.56); and St. Katharine's Knockholt CE Primary School (3.7). Both Shoreham Village School and St. Katharine's Knockholt CE Primary School were graded 'Good' in the last inspections by Ofsted. Halstead Community Primary School recently converted to academy status and has not yet had an Ofsted inspection. However, its predecessor school was graded 'Requires Improvement' in its inspection in 2019.

16. The total number of places for children in this planning area in each year in Reception (YR) between 2021 and 2025 has been / will be 130, made up of 15 places at Shoreham Village School, 25 places at Halstead Community Primary School, 30 places at St. Katharine's Knockholt CE Primary School and 60 places at OPS. If I agree to the PAN at OPS being reduced to 30 from 2025, this will have the effect of reducing the overall number of YR places for children in the SNVPG to 100.

17. The LA provided data showing the number of parents expressing a preference for schools in the planning area between 2021 and 2024, which I have put into Tables 1 to 4. I note here that parents applying for places for their children in the LA area can express six preferences (labelled P1 (first preference) to P6 (sixth preference) in the Tables).

Table 1: Number of parents expressing a preference for places in YR in schools in the SNVPG for 2021

| Schools in the SNVPG / preferences | P1 | P2 | P3 | P4 | P5 | P6 | Total |
|---|-----------|-----------|-----------|-----------|-----------|-----------|--------------|
| Halstead Community Primary School | 4 | 5 | 3 | 0 | 0 | 0 | 12 |
| OPS | 47 | 26 | 32 | 0 | 2 | 0 | 107 |
| Shoreham Village School | 17 | 15 | 13 | 0 | 0 | 0 | 45 |
| St. Katharine's Knockholt CE Primary School | 18 | 8 | 2 | 2 | 1 | 0 | 31 |
| Total preferences | 86 | 54 | 50 | 2 | 3 | 0 | 195 |

Table 2: Number of parents expressing a preference for places in YR in schools in the SNVPG for 2022

| Schools in the SNVPG / preferences | P1 | P2 | P3 | P4 | P5 | P6 | Total |
|---|-----------|-----------|-----------|-----------|-----------|-----------|--------------|
| Halstead Community Primary School | 8 | 6 | 2 | 0 | 0 | 0 | 16 |
| OPS | 38 | 30 | 27 | 0 | 0 | 0 | 95 |
| Shoreham Village School | 7 | 14 | 11 | 0 | 0 | 0 | 32 |
| St. Katharine's Knockholt CE Primary School | 21 | 6 | 5 | 0 | 1 | 0 | 33 |
| Total preferences | 74 | 56 | 45 | 0 | 1 | 0 | 176 |

Table 3: Number of parents expressing a preference for places in YR in schools in the SNVPG for 2023

| Schools in the SNVPG / preferences | P1 | P2 | P3 | P4 | P5 | P6 | Total |
|---|-----------|-----------|-----------|-----------|-----------|-----------|--------------|
| Halstead Community Primary School | 7 | 3 | 1 | 0 | 0 | 0 | 11 |
| OPS | 32 | 27 | 25 | 0 | 0 | 0 | 84 |
| Shoreham Village School | 9 | 10 | 12 | 0 | 0 | 0 | 31 |
| St. Katharine's Knockholt CE Primary School | 20 | 14 | 5 | 1 | 0 | 0 | 40 |
| Total preferences | 68 | 54 | 43 | 1 | 0 | 0 | 166 |

Table 4: Number of parents expressing a preference for places in YR in schools in the SNVPG for 2024

| Schools in the SNVPG / preferences | P1 | P2 | P3 | P4 | P5 | P6 | Total |
|---|-----------|-----------|-----------|-----------|-----------|-----------|--------------|
| Halstead Community Primary School | 4 | 6 | 2 | 0 | 1 | 0 | 13 |
| OPS | 30 | 27 | 36 | 0 | 0 | 1 | 94 |
| Shoreham Village School | 7 | 13 | 5 | 0 | 1 | 0 | 26 |
| St. Katharine's Knockholt CE Primary School | 17 | 15 | 7 | 0 | 0 | 1 | 40 |
| Total preferences | 58 | 61 | 50 | 0 | 2 | 2 | 173 |

18. The data in Tables 1 to 4 show that over the period covered, the total number of preferences expressed for places in schools in the SNVPG dropped between 2021 and 2023, with a slight rise in 2024. Applying a linear trendline to the total preference numbers shows a decline over that period. The number of preferences expressed for places at OPS remains the highest out of all of the schools in the planning area although the number of first preferences declined from 47 to 30 between 2021 and 2024.

19. The LA provided data to show the number of children admitted to the schools in the SNVPG (2021 to 2024) and the forecast demand for (2025 to 2026) places in YR in those schools. I have put that data into Table 5 and added my own calculation of the surplus (both as numbers and as a percentage), based on the number of places in the planning area being 130.

Table 5: Number of children admitted to (2021 to 2024) / forecast demand for (2025 to 2026) / surplus number of places in schools in the SNVPG

| Schools in the SNVPG | 2021¹ | 2022¹ | 2023¹ | 2024¹ | 2025² | 2026² |
|-----------------------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|
| Halstead Community Primary School | 5 | 8 | 8 | 9 | 9 | 8 |
| OPS | 54 | 40 | 38 | 29 | 40 | 36 |
| Shoreham Village School | 15 | 7 | 9 | 10 | 11 | 10 |

| Schools in the SNVPG | 2021¹ | 2022¹ | 2023¹ | 2024¹ | 2025² | 2026² |
|---|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|
| St. Katharine's Knockholt CE Primary School | 22 | 21 | 24 | 20 | 25 | 22 |
| Totals | 96 | 76 | 79 | 68 | 85 | 76 |
| Surplus places (number) | 34 | 54 | 51 | 62 | 45 | 54 |
| Surplus places (per cent) | 26.2 | 41.5 | 39.2 | 47.7 | 34.6 | 41.5 |

Key:

¹ Numbers admitted

² Forecast demand for places

20. The data in Table 5 show that the number of surplus places in the SNVPG increased sharply between 2021 and 2022 and remains high. Over the period 2021 to 2024, the number of surplus places has increased such that nearly half of all available places in the planning area were not required. The number of surplus places is forecast to be 34.6 per cent in 2025 and 41.5 per cent in 2026. If I agree to reduce the PAN at OPS to 30 from 2025, then there would still be a number of surplus places; 15 in 2025 and 24 in 2026.

21. I raised my concern with the LA in respect of the projected demand for places at the school in 2025 and 2026 which, if I was to agree to reduce the PAN to 30 from 2025 may appear to result in parental preference not being met for 10 children (and six children in 2026) as projected demand is for places at the school is 40 places in 2025 (and 36 in 2026). I asked the LA for its explanation of how it will meet parental preference if the PAN at the school is reduced to 30. It told me:

“We have a couple of concerns about these figures, which probably came from the latest SCAP report.

KCC has an excellent record for forecast accuracy, with a better than +/- 1% across the entire county. When forecast accuracy is pushed down to Area, or District, there is likely to be more variance. Although we do calculate individual school forecasts, we do not use them, as they are inaccurate. The lowest tier of forecast that we use, is the forecast for Planning Groups.

When looking at individual schools, we will consider the planning group forecast, the latest admissions data, local information from the schools themselves (i.e. how much face-to-face local interest has there been), and of course past trends of parental preference.

Sevenoaks is different from many other areas because parents tend to do a lot more analysis on individual school performance, Ofsted, league tables, and other opinions. Armed with this information, Sevenoaks parents are much more inclined to travel further to get a place for their child. This adds another significant variable to making sense of the forecasts.

For example. The individual school forecast for the recent 2024 intake suggested that the intake would be 36. Currently, the number of reception pupils at the school is at 29. Future suggested intakes of 40 (2025) and 36 (2026) are expected to reflect the same sort of variance. There is significant local capacity, not just in the planning group but in every adjacent planning group. You will see from the projections for the relevant planning group, that the number of surplus places actually increases slightly in future years.”

22. The data in the tables above clearly show a decrease in demand for places in schools in the SNVPG, leaving a considerable number of surplus places over the period covered. Taking into account the LA’s response to my concern about projected demand, it does not appear to me, therefore, that the reduction in the PAN at OPS will result in a situation where there will be insufficient places in the planning area or at the school to meet the projected need. There is clear evidence that there will be spare places in 2025 (and 2026) in the planning area should they be needed.

23. Turning now to the school. The governing body told me about the school that:

“The primary aim of the governing body is to ensure that the school can deliver quality education and support the wellbeing of children and staff whilst operating within the available financial envelope. The school has worked hard since the pandemic to implement a new curriculum, develop a number of early career teachers, and establish a well-being approach which recognises the link between children’s wider well-being and their ability to learn. Despite falling pupil numbers, it remains a vibrant school which sits at the heart of a small village. The governing body is committed to supporting the school through a period of transition as it adapts to demographic changes which have resulted in falling admission numbers.”

24. About the variation request made by the LA, the governing body told me that:

“The governing body has been consulted on the variation and supports the proposal. We believe that reducing to a PAN of 30 is a necessary step forward to sustain quality of education, SEN [special educational needs] support and staff retention/development over the coming years.

- We are familiar with the figures for admissions, unfilled spaces, and expected trajectory by the local authority as part of the proposal. The governing body has monitored changing pupil numbers over the last three years.
- The issue of sustained low pupil numbers was first highlighted by the local authority during the 2022-23 academic year, and subsequently discussed at a number of meetings during the 2023-24 academic year. The local authority has also inputted to the development of a balanced three-year budget and is aware of the impact of the ongoing trend of falling pupil numbers on the school’s finances.

- The governing body discussed possible approaches to falling pupil numbers in March 2023 and initially agreed on a ‘watch and wait’ approach to understand the impact of the anticipated Ofsted inspection and any policy or funding changes that might be implemented following a change in government.
- Neither the school’s strong Ofsted inspection (October 2023) nor the anticipated introduction of VAT on private school fees has resulted in a notable increase in applications for reception admission or in-year admissions.
- The full governing body discussed the option of in-year variation in July 2024 and agreed unanimously that applying for an in-year variation was a necessary next step for the school. This discussion is recorded in the confidential minutes of the 9th July Full Governing Body meeting.
- The proposed reduction to PAN is part of a wider set of measures aimed at sustaining financial balance/surplus.”

25. I first looked at the school's financial position. This is because schools are funded, in large part, on a per child basis. A reduction in the number of children admitted, therefore, results in a reduction in income. I noted from the FBIT website that in the financial year 2023-24 (up to March 2024), the school had an in-year deficit of -£986 and a revenue reserve of £271,709. This shows that the school’s finances were under pressure in-year which if it continued could place pressure on the revenue reserve over time. The governing body showed me that the school’s budget projection is such that the school’s revenue reserve would be in deficit from 2025 if the PAN is not reduced. The school told me that there is no plan for housing development in Otford or the surrounding areas in the future which would impact on the school roll such that an increase in income could be expected. The LA later told me that there is a planned housing development, but there is yet to be any indication when the building work will be starting.

26. The school's financial projections are such that a reduction in PAN for YR from 2025 will significantly help the financial problems the school faces. The governing body of the school and the LA are concerned that continuing to staff and resource the school for a higher number of children than is currently projected to be admitted is an unsustainable situation for the school. The school would be expected to work with the LA to ensure a balanced budget. That is why the school are supporting the LA’s request for this variation.

27. The LA provided data on the number of children currently in each class (as of November 2024). I have put those numbers into Table 6.

Table 6: Numbers of children in each class in the school (as of November 2024)

| Class | YR | Year 1 | Year 2 | Year 3 | Year 4 | Year 5 | Year 6 |
|----------------|-----------|---------------|---------------|---------------|---------------|---------------|---------------|
| 1 | 29 | 14 | 19 | 22 | 24 | 17 | 29 |
| 2 | - | 15 | 19 | 25 | 20 | 23 | 26 |
| Totals: | 29 | 29 | 38 | 47 | 44 | 40 | 55 |

28. I also asked the school to provide me with information on how classes would be organised if the variation is agreed and if it is not agreed. I have put that data into Tables 7 (variation agreed) and 8 (variation not agreed).

Table 7: Numbers of children in each class in the school in 2025 (if variation agreed)

| Year Group / Classes | YR | Year 1 | Year 2 | Year 3/4 | Year 5 | Year 6 |
|-----------------------------|-----------|---------------|---------------|-----------------|---------------|---------------|
| 1 | 30 | 29 | 29 | 28 | 24 | 17 |
| 2 | - | - | - | 28 | 20 | 23 |
| 3 | - | - | - | 29 | - | - |
| Totals: | 30 | 29 | 29 | 85 | 44 | 40 |

Table 8: Numbers of children in each class in the school in 2025 (if variation not agreed)

| Year Group / Classes | YR | Year 1³ | Year 2³ | Year 3 | Year 4 | Year 5 |
|-----------------------------|-----------|---------------------------|---------------------------|---------------|---------------|---------------|
| 1 | 30 | 29 | 29 | 28 | 24 | 17 |
| 2 | 30 | - | - | 28 | 20 | 23 |
| 3 | - | - | - | 29 | - | - |
| Totals: | 60 | 29 | 29 | 85 | 44 | 40 |

Key:

³ The school told me it may have to employ mixed age teaching in Years 1 and 2 if numbers in those year groups were to increase.

29. The data provided by the school show that it would not only intend to reduce the number of teachers in YR, but also to employ mixed-age teaching (in Years 3 and 4) to further reduce the burden on the budget. The school told me that:

“We have thought at length regarding the class structure and the low numbers in the school in [YR to Year 2]. Due to the additional numbers in Year 3 and Year 4 we have decided to look to a mix of classes in these year groups. We have discussed how this would be beneficial for the curriculum for the children across the school. The children in Years 3 and 4 could then remain in these classes and have minimum future disruption as they move to Year 5 and 6. Consequently the classes would then remain as one form as the current “bulge” Year 5 and 6 leave the school and the school PAN moves gradually to one form entry. We also thought that this would enable our current Year 5 children to have a smooth transition to KS3. We do have a significant level of need in this year group and feel that this stability would benefit the children as they approach the end of KS2.”

30. In summary, these changes will reduce the number of classes from 13 to 10 or 11 depending on whether the variation is granted. The governing body at the school has

clearly thought through how it intends to address the projected financial shortfall by reorganising classes, as well as requesting the reduction in the PAN from 2025.

31. It was clear from the data provided by the LA, that it has a picture of recent / projected demand in schools in its planning areas. It appeared to me that the matter raised in respect of the PAN at OPS and the surplus places in the SVNPG in 2025 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 2025 arrangements. I raised this concern with the LA and its response was:

“I completely understand this question and why it is being asked. The situation in Sevenoaks District is probably unique, insofar that for the last six years we (KCC) have been working, collaboratively with Sevenoaks District Council (SDC), for them to be able to publish their new Local Plan.

We provided provision planning data and local context to SDC for them to be able to plan new housing development in various locations across the District. The aim was to ensure that there were sufficient school places for the students that were generated by the new housing, but without creating a surplus.

Unfortunately, on the 16 November 2022, SDC made the decision to withdraw their Local Plan with a view to reviewing and re-submitting in the future. The plan had originally been submitted on 30 April 2019. The reason for the decision to withdraw the plan, was on the basis of a report from the Government Inspector dated 2 March 2020. SDC had appealed the recommendations in the report but were subsequently unsuccessful, which precipitated the decision to withdraw the Plan.

Many of the school provision planning decisions that were to be made by KCC were based on the reasonable assumption that the plan would be adopted and housebuilding would commence. The SDC decision effectively created a delay to any planned housebuilding.

SDC then produced a new Local Plan (to 2040) which was submitted.

However, in July 2024, the new Government made changes to their National Planning Policy Framework (NPPF). The changes require significantly more new houses, which has necessitated SDC to reconsider its updated Local Plan, again. This will only result in more delays to the eventual adoption of a new Local Plan, and it is these delays that have convinced KCC to begin to consider PAN reductions in order to ensure school viability until new housing is built and occupied.

There is a significant development about a mile from Otford Primary School (Tarmac Gravel Quarry site) that we have been expecting to commence. For reasons likely linked to the Local Plan, this building has not commenced yet.”

32. I accept that the LA has provided compelling evidence that it will be able to manage the demand for school places in the planning area if the PAN at OPS is reduced to 30 from September 2025. The reduction in PAN will also contribute to the school being able to address the impact on its finances resulting from the decrease in income. I do not consider that the reduction in the PAN will result in a situation in which parents wanting places for their children at the school will be disappointed as the numbers of parents seeking places at the school are likely to continue to be lower than the forecast for the school for 2025. In any event, the LA does not believe that the forecast at school level is reliable, and the overall position in the planning area is one of a falling demand for places.

33. I, therefore, agree to the proposed reduction in the PAN from 60 to 30 for September 2025.

34. I note here that reducing the PAN does not reduce the overall capacity of the school unless accommodation is being removed from the premises. It is not being suggested that accommodation is being removed and so the physical capacity of the school remains the same. Reducing the PAN will not change that. What this means is that should there be a need for the PAN of the school to be increased and / or for more children to be admitted to the school from September 2025 (or in subsequent years) than is currently expected, there remains the capacity in the building for the local authority to do so.

Determination

35. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Kent County Council for Otford Primary School for September 2025.

36. I determine that the published admission number for the school will be 30.

Dated: 18 November 2024

Signed:

Schools adjudicator: Dr Robert Cawley