



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2523

Admission authority: Kent County Council for Downs View Infant School,
Ashford

Date of decision: 23 January 2025

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 Downs View Infant School for September 2025.

I determine that the published admission number for admissions to reception year in 2025/26 will be 60.

The referral

1. Kent County Council (the local authority) has referred a proposal for a variation to the admission arrangements for September 2025 (the arrangements) for Downs View Infant School (the school) to the adjudicator. The school is a community school for children aged four to seven in Ashford.
2. The proposed variation is to reduce the published admission number (PAN) from 90 to 60 for admissions to reception year (YR) in 2025/26.

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 have seen confirmation that the school’s governing body is in support of the proposed variation. I find that the appropriate procedures were followed, and I am also satisfied that the proposed variation is within my jurisdiction.

5. In considering this matter I have had regard to all relevant legislation, and the Code.

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

- a. the referral from the local authority dated 16 December 2024, supporting documents and further information provided at my request;
- b. the determined arrangements for 2025/26 and the proposed variation to those arrangements;
- c. comments on the proposed variation from the school’s governing body and Kennington Community Council;
- d. a map showing the location of the school and other relevant schools; and
- e. information available on the websites of the local authority, the school and the Department for Education (DfE).

The proposed variation

7. The proposal is to reduce the PAN from 90 to 60 for entry to YR in 2025/26.

8. 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.

Consideration of proposed variation

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 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 and so it is particularly important that the proposed variation is properly scrutinised.

10. I note here that the arrangements for 2026/27 have not yet been determined, and so if the proposed variation for 2025/26 were to be approved, the PAN for 2026/27 could be set at 60 by the local authority without objection save from the governing body of the school. I also note that the local authority is currently in the process of consulting on reducing the PAN for the school for 2026/27. It is consulting on the same reduction in the PAN as requested by this proposed variation, namely a reduction in the PAN from 90 to 60.

11. The major change in circumstances relied upon by the local authority is set out in the request for a variation, which states:

“Since the last time the admissions arrangements were determined, roll numbers have fallen at the school and across the Ashford North planning area, which includes the School, leading to a surplus of Year R places. This has significantly impacted Downs View Infant School where lower rolls are impacting on the School’s ability to budget with the current structure.

Downs View Infant School has 71 pupils on roll in Year R leaving 19 surplus Year R places (21% surplus capacity). This is the second year in a row where the school has been significantly under subscribed.”

12. I have accordingly given careful consideration to the latest available data in order to form a view about the sufficiency of school places in the local area if the PAN is reduced from 90 to 60 for 2025/26. I have also considered the demand for places at the school, the reasons given for the variation proposed, the potential effect on parental preference and whether the proposed variation is justified taking into account all relevant circumstances.

13. 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 future number of places to be needed and plans to meet that need. The local authority uses planning areas, which are geographical areas each containing a number of schools, for this purpose. The school sits within the Ashford North planning area. There are nine schools in this planning area that admit pupils to YR. The local authority has provided me with the following data regarding admissions to those schools, together with forecasts for 2025/26 and 2026/27.

Table 1: The number of children admitted to YR in Ashford North schools

	2022/23 (actual)	2023/24 (actual)	2024/25 (actual)	2025/26 (forecast)	2026/27 (forecast)
Sum of PANs for YR	450	450	450	450*	420**
Total number of children	448	380	427	403	377

	2022/23 (actual)	2023/24 (actual)	2024/25 (actual)	2025/26 (forecast)	2026/27 (forecast)
Vacant places	2	70	23	47	43
Vacant places as a percentage	0.4	15.6	5.1	10.4	10.2

* Actual PAN

** Includes proposed PAN reduction currently being consulted upon

If the proposed variation is approved for 2025/26

Sum of PANs for YR				420	
Vacant places				17	
Vacant places as a percentage				4.0	

14. From the data in table 1, I can see that, over the last few years, the number of children being admitted to YR in the planning area has fluctuated quite considerably. Additional forecast data, provided by the local authority, indicates that the number of children requiring a place in the Ashford North planning area is reducing over time and will be lower than 420 for the foreseeable future.

15. The local authority also provided additional information about the adjacent planning areas of Ashford East and Ashford South:

“It is worth noting that in 2023/24, 14% of the school’s roll travelled in from the adjacent planning areas of Ashford East and Ashford South. For Year R it was higher at 17%. Those planning areas have surplus Year R places and are forecast to do so in the future.”

Table 2: The number of children admitted to YR in Ashford East and Ashford South schools

	2024/25 (actual)	2025/26 (forecast)	2024/25 (actual)	2025/26 (forecast)
	Ashford East	Ashford East	Ashford South	Ashford South
Sum of PANs for YR	420	420*	390	390*
Total number of children	370	330	325	313
Vacant places	50	90	65	77
Vacant places as a percentage	11.9	21.4	16.7	19.7

*Actual PAN

16. If the proposed reduction in PAN is agreed, parents living in the adjacent planning areas of Ashford East and Ashford South may no longer be able to secure a place at the school as they are likely to live further from the school and the arrangements state:

“In the event of any ... criteria being oversubscribed, priority will be given based on distance as [set out in the arrangements] with those closest being given higher priority.”

However, table 2 shows that schools admitting children to YR in Ashford East and Ashford South planning areas are likely to have a considerable number of vacant places. I am, therefore, content that there will be sufficient places to meet the needs of any families who live in those areas and want a YR place for their child.

17. I am satisfied that if the proposed variation for 2025/26 were approved, there would continue to be sufficient places within the Ashford North area for any children whose parents live in that area and who are seeking a place for their child in YR during 2025/26. The local authority has also confirmed that there are six other schools admitting children to YR within two miles of the school and a further eight schools within three miles. Furthermore, it has provided assurance that:

“... if we were to see greater numbers of local residents requiring places than forecast, classes could be reopened ...”

18. I now turn to the demand for places at the school and the reasons given by the local authority and the governing body in support of the variation request. The local authority state:

“Downs View Infant School, has a determined PAN of 90. There are 19 surplus places in the current 2024/25 Year R cohort (21.1% surplus capacity). This is not a blip as there were 32 surplus places in the 2023-24 academic year and surplus Year R places are forecast throughout our Plan period.

The school is now running 8 classes – 3x Year R, 2x Year 1 and 3x Year 2. Currently, the Year R classes and [sic] 23-24 pupils in each. While educationally beneficial, it is not sustainable, particularly as a similar pattern is forecast for 2025/26.

The options would be for the school to begin mixing age groups across foundation stage and key stage, which is not ideal, or to reduce the PAN to 60. The latter option is preferential educationally. It also supports other local schools who are facing similar challenges.

Reducing the available surplus places gives greater stability of numbers for all schools thus greater stability and control of the quality of education they can provide.

The reduction will not impact on families' ability to secure a school place within the planning area. It will assist in the sustainability of all schools in Ashford North and adjacent planning areas by reducing the surplus capacity.

The current position has led to a deficit budget position in the school. As things stand, the school will be in a deficit position of - £25,426 by the end of the 2024/25 financial year which is forecast to increase (cumulative) to - £63,237 by the end of 2026/27.

The Local Authority and DfE are working with it to address this.

Reducing to a PAN of 60 from September 2025, with the associated staffing restructure required, will bring the budget back into a positive position over the next three years."

19. The school's current position regarding pupil numbers and class organisation is summarised in table 3.

Table 3: Current pupil numbers and class organisation

	YR	Y1	Y2	Total
PAN at time of entry	90	90	90	270
Number on roll	71	58	90	219
Number of classes	3	2	3	8

20. As stated by the local authority, should the school admit a similar number of children to YR in September 2025, the school would have to consider introducing mixed age classes. In additional correspondence, it stated:

"Parents want their children to attend schools that offer stability and good quality education. ... If it becomes an infant school with mixed Year R /1 classes in September 2025 it will be the only school in the Town with mixed aged classes and one of a handful of schools across Kent with Years R and 1 mixed. I would suggest this is not what parents "believe" they are applying for¹. In September 2026 this would become a school with Year 1/2 mixed aged classes; again, I suggest this is not what parents believe they have applied for."

21. While children are taught very successfully in mixed-age classes across the country, I recognise that there are particular challenges in planning for classes that mix two key stages, in this case foundation stage and key stage 1. I also accept that many parents will

¹ The local authority is of the view that parents believe they are applying for a place in an infant school with single age classes.

have applied for a YR place at the school for September 2025 based on the understanding that children will be taught in a single-age class.

Table 4: The number of children allocated a place in YR at the school

	2022/23 (allocated)	2023/24 (allocated)	2024/25 (allocated)	2025/26 (forecast)	2026/27 (forecast)
PAN	90	90	90	90	60*
Number of first preferences	78	56	63	-	-
Number of children	89	58	71	71	66
Vacant places	1	32	19	19	-6
Vacant places as a percentage	1.1	35.6	21.2	21.1	-10.0

If the proposed variation is approved for 2025/26

PAN				60		
Vacant places				-11		
Vacant places as a percentage				-18.3		

22. As with the planning area as a whole, Table 4 shows that the number of children being admitted to YR at the school over the last three years has varied. In the last two years the number admitted has been considerably below the PAN. However, if the proposed variation is approved, there is forecast to be a shortfall in places in 2025/26 for eleven pupils. As noted earlier, around 14 per cent of pupils do not live in the planning area. If this were to be replicated for admission to YR in 2025, the shortfall of places at the school for children living within the planning area in which the school is located is likely to amount to three or four places. However, this means that parental preference may be frustrated for some families living locally.

23. In response to this concern, the local authority said that, based upon actual data (provided on 16 January 2025) as opposed to forecast data, the school has 54 first preference applications for YR places in September 2025. Given this information, the local authority believes it is likely that all parents who name the school as their first preference will be successful in gaining a place there for their child in September 2025, even with the

proposed PAN of 60. However, should more than 60 parents select the school as their first preference the local authority state that:

“... the LA believes the [potential] frustration of a small number of parents securing their first preference is mitigated by the potential impact on the school’s budget and organisation, and on supporting other parents secure a place at the school they “believed” they applied to.

24. The school’s governing body provided the following additional information:

“The school has had a falling student role for some time, the financial position of the school has already placed it at financial risk. The Governing Body, school Senior Leadership Team and Local Authority have been working together for the past year on reducing the school’s deficit budget. The past two-year admissions have contained a high level of vacancies for reception students, this had required us to provide a provision of three classes where we carry 19 spaces (in the current reception year).

The Governing Body has been provided with an external Audit from the SRMA (DFE External Consultant) and the visit concluded that the school’s Senior Leadership Team had considered and implemented all possible cost saving measures that would have been recommended.

If the PAN reduction is approved the school will be able to recover its financial position and return to a usable budget. As a team the governing body and SLT will be able to provide the resources required to provide the high quality of education that we seek to provide, and give long term certainty to the staff and students.”

25. In coming to a decision, I must balance any potential frustration of parental preference against any potential negative impact on the school if the proposed variation is not approved.

26. With regard to the school’s financial situation, the DfE’s ‘Financial Benchmarking and Insights Tool’ shows that, in March 2023 the school had an in-year balance of £5400 and a revenue reserve of £781. In March 2024, the school had an in year deficit of £26 and a revenue reserve of £756. This picture reflects the concerns about the school’s budget set out earlier in this determination.

27. As schools are funded, in large part, on a per child basis, a reduction in the number of children admitted will result in a reduction in income. However, the school’s financial projections are such that a reduction in the PAN for YR for 2025/26 will help mitigate the financial problems the school faces by bringing greater certainty in pupil numbers and, consequently, the number of teaching and support staff required.

28. As an infant school, the provisions of the School Admissions (Infant Class Size) (England) Regulations 2012 (the infant class size regulations) apply to all the classes in the

school. The infant class size regulations 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. This reduces flexibility in class organisation.

29. Even if the number of children admitted to the school on the first day of term in September 2025 is 60 or fewer and the school is able to operate a two class model in YR, if the proposed variation for 2025/26 is not agreed, then any in-year admissions will have to be admitted until the number of children admitted to YR is 90. Any such in-year admissions could necessitate a reorganisation of classes midway through the year to avoid breaching the infant class size regulations. This situation is likely to present a significant logistical and financial challenge for the school. Also, if the number of children in YR is limited to 60 at this point in time, then the school will be able to plan with certainty that in September 2025 it will need staffing for two YR classes.

30. Taking everything into consideration, I am of the view that, on balance, the potential benefits of the proposed variation, namely to the school's financial situation and class organisation, outweigh the potential negative impact on parental preference which may not arise and, if it does, will only affect only a small number of families. I, therefore, find that the variation is justified by the circumstances and I approve the proposed variation.

Determination

31. 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 Downs View Infant School for September 2025.

32. I determine that the published admission number for admissions to reception year in 2025/26 will be 60.

Dated: 23 January 2025

Signed:

Schools adjudicator: Catherine Crooks