



Office of
the Schools
Adjudicator

Determination

Case references: VAR2528 VAR2529

Admission authority: Kent County Council for Woodlands Primary School

Date of decision: 21 February 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 Woodlands Primary School for September 2024.

I determine that the published admission number for 2024 will be 60.

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 Woodlands Primary School for September 2025.

I determine that the published admission number for 2025 will be 60.

The referrals

1. Kent County Council (the local authority) has referred two proposals for variations to the admission arrangements (the arrangements) for Woodlands Primary School (the school, Woodlands) to the adjudicator. The proposals are for September 2024 and September 2025. The school is a community school for children aged four to eleven years in Tonbridge, Kent. The local authority is the admission authority for the school.

2. The proposed variations are that the published admission number (PAN) be reduced from 90 to 60 for admissions to the reception year (Year R) in both 2024 and 2025.

Jurisdiction and procedure

3. The referrals were 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 evidence that the arrangements, which are those for all community and voluntary controlled primary, infant and junior schools in its area, were determined. The arrangements for 2024 were determined on 17 January 2023, and the arrangements for 2025 on 16 January 2024. 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 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.

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 referrals from the local authority dated 14 January 2025, supporting documents and further information provided at my request;
- b. the minutes of the governing body meeting of 26 November 2024, at which the proposed variations were discussed (the governing body minutes);
- c. the determined arrangements for 2024 and 2025 and the proposed variations to those arrangements; and
- d. information available on the websites of the local authority, the school and the Department for Education (the DfE).

7. There was some delay in my consideration of this case as the local authority had not fulfilled the statutory requirements for notification in respect of the proposed variation for 2024. I am grateful to all parties for their patience whilst this requirement was met, and for the information they supplied.

The proposed variations

8. It is proposed to reduce the PAN from 90 to 60 for entry to Year R in 2024 and 2025. The proposed variations have the support of the governing body.

9. 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.

Consideration of proposed variations

10. 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 variations are properly scrutinised. I note here that the local authority stated, in respect of the proposed variation to the arrangements for 2025 (my underlining for emphasis):

“Kent County Council, as the Admission Authority, with the support of the school’s Governing Body, is seeking agreement to decrease the admission number of Woodlands Primary School from 90 (3FE) to 60 (2FE) for its Reception year entry in September 2025 and all subsequent years.”

11. To be clear, an adjudicator’s jurisdiction is limited to arrangements that have been determined; in this case, this means the arrangements for 2024 and 2025. As the arrangements for 2026 and beyond have not yet been determined I have no jurisdiction to consider them. However, once the PAN has been set for a particular year then no body, except the governing body of a community or voluntary controlled school, can object if that PAN remains the same in subsequent years for which arrangements have not yet been determined.

12. The major change in circumstances relied upon by the local authority is set out in the referrals, both of which state:

“Woodlands Primary School has a PAN of 90, this means that the school must legally accept up to 90 pupils into Year R if the school receives applications for those places or if the County Council allocates pupils to the school as part of the co-ordinated admissions round.

Woodlands is currently structured and staffed to accommodate up to 90 pupils in each year group. However, the school has experienced a significant decrease in parental preferences in 2023/24 and 2024/25. This resulted in a Year R roll of 70 in 2023/24 and just 51 in 2024/25. The school is in the Tonbridge North and Hildenborough planning group which has experienced a significant drop in the pre-school population and first preferences in recent years . . . The Forecast surpluses for both the school and the planning group suggest that the school will not attract sufficient pupils across the Plan period.”

13. As an aside, I note the local authority’s statement that the school must, with a PAN of 90, admit “up to” that number of pupils. To be clear, the PAN is not a maximum; where enough children seek places, the PAN represents the minimum number of children which must be admitted.

14. The referrals also stated:

“Over the past few years, the decrease in roll has resulted in a reduction in the per pupil formula funding received by the school. This reduction has undermined the school’s finances; whereby, the funding income cannot cover the expenditure needed to support the staffing and school structure that is required for a PAN of 90. Should the school continue to run with a 90 PAN, but with markedly reduced roll, it will be financially unviable.”

15. A statement from the school adds:

“We feel strongly that continuing with a PAN of 90 when the local primary age population is so low, will significantly impact on the financial stability of the school. Progressing to a class structure for 60 pupils (2FE) [two-form entry] will secure the financial viability going forward.”

16. 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 if the PAN is reduced from 90 to 60 for 2024 and 2025. I have also considered the demand for places at the school, the reasons given for the changes, the potential effect on parental preference and whether the changes are justified taking into account all relevant circumstances.

17. 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 is based in the planning area of Tonbridge North and Hildenborough and I have considered the data that the local authority has provided for that area.

18. In the planning area there are six schools, including the school, which admit pupils to Year R. The data set out in table 1 show the number of Year R places and the numbers of pupils admitted to, or forecast to require a place at, those schools. Table 1 also demonstrates the effect of the proposed PANs on surplus places in the area.

Table 1: School places in the planning area, and the number of children admitted, or forecast to require a place

	2022	2023	2024	2025	2026
Number of places in Year R in schools in the planning area (with a PAN of 90 at the school)	270	300	270	255	255

	2022	2023	2024	2025	2026
Number of children admitted (2022 to 2024) or forecast to require a place (2025 and 2026)	235	199	207	212	207
Vacant places	35	101	63	43	48
Vacant places as a percentage	13.0	33.7	23.3	16.9	23.2
Number of places in Year R if variations approved (with a PAN of 60 at the school)			240	225	225
Vacant places if variations approved			33	13	18
Vacant places as a percentage if variations approved			13.8	5.8	8.0

19. 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”. From the data above, it is clear that surplus capacity in the area has been well above this level for some years and would continue to be so if the proposed variations were approved. The local authority also supplied data which shows a declining pre-school population and birth rate in the area. I am satisfied that if the PAN of the school is reduced to 60 for 2024 and 2025, there will be sufficient places left in the planning area for any children who might be seeking a Year R place.

20. I turn now to the demand for places at the school. Table 2 shows the number of children admitted to Woodlands in recent years and the number of first preference applications for the school, plus local authority projections for future years. This table uses the proposed PAN of 60 from 2024 onwards.

Table 2: the number of children admitted to the school in recent years, with projections for future years

	2022	2023	2024	2025	2026	2027
The PAN for the school	90	90	60	60	60	60
Number of first preferences	82	68	58	55		
Number of children admitted (2022-2024) or forecast to require a place (2025-2027)	90	70	59	72	70	71
Surplus places	0	20	1	-12	-10	-11

21. In 2024 all applicants to the school were offered a place unless they expressed a higher preference for another school which could be met. As it is now approximately halfway through the school year, it seems likely that most children who require a place in Year R in the area will have secured one. The local authority told me that, as of 24 January 2025, there were 55

children in Year R at the school. This means that if the PAN is reduced to 60 there will be five available places for any further children who require one. I am satisfied that the proposed variation for 2024 would result in no significant frustration of parental preference and need say no more on that matter.

22. I will now consider demand for places at the school in 2025. Data from 2022 to 2025 (as set out in table 2) show that the number of first preference applications has fallen each year; the number admitted decreased each year from 2022 to 2024. In 2023 the school admitted two more children than the number of first preferences; in 2024 it admitted just one more. The number admitted in 2024 was just below the proposed PAN; first preference applications for 2025 were, by the 15 January application deadline, lower than those in 2024 and five below the proposed PAN.

23. First preference applications are only one indicator of demand; applications are made months in advance of admission and people's lives can change considerably in that time. There may also be applicants for whom the school is, say, a second preference but who are refused a place at their first preference school. Although data from recent years indicates that it is unlikely that many more children than those for whom the school is their first preference will seek admittance, some applications may be made after the deadline and I note that the local authority forecast that 72 children will require a place at the school in 2025. I accordingly asked the local authority for the number of children likely not to be offered a place at the school if the PAN is reduced to 60, and the names of the schools where such children are likely to be admitted. The local authority responded:

"We have included a school level forecast, however, there is more variability at school level than in a Planning Group level forecast. Therefore, the potential total number of children not offered a place is considered to be a maximum of 10, however, it is probable that no children will be displaced due to the variability of the forecast at such a granular level. . .

There are sufficient surplus places within the other school in the Planning Group (Cage Green Primary School, Hildenborough CE Primary School, Long Mead Community Primary School, St. Margaret Clitherow RC Primary School, Stocks Green Primary School) to accommodate any potential displaced pupils."

24. The local authority supplied application data for the schools in the planning group. This shows that it is unlikely there will be surplus places at Stocks Green Primary School, as it stated, as that school received a number of on-time first-preference applications above the level of its PAN. However, the data do show that all of the other schools were under-subscribed when on-time applications were received, some by a considerable margin. I asked the local authority for the distances any children displaced from Woodlands are likely to have to travel to alternative schools compared to the distances they would travel to the school. The local authority told me:

“The distance needed to travel would vary depending on the school and where they live; some children may live closer to other schools in the planning group even if they express a 1st Preference for Woodlands. See Distances from Woodlands to other schools in the planning group.”

25. The local authority provided data which shows that of the five other schools in the planning area which admit children to Year R, three are within one mile of the school. Stocks Green Primary School is 1.9 miles from the school; the fifth school is 2.3 miles from Woodlands. The statutory walking distance for a child under the age of 8 is 2 miles (as set out in the DfE statutory guidance “Travel to school for children of compulsory school age”, January 2024).

26. The pattern of applications and admissions in previous years indicates that, if the proposed variation is agreed for 2025, all children whose parents most want them to attend the school would be admitted. It also seems likely that any child who was displaced from the school would have a choice of alternative schools within two miles of their home. I am therefore satisfied that there is unlikely to be significant frustration of parental preference.

27. For the sake of completeness, I have considered whether the benefits to the school of lowering the PAN are a reasonable justification of any potential frustration of parental preference. I have also considered whether there are alternative steps which the school could take to mitigate the negative financial impact which it asserts would be caused by maintaining the current PAN.

28. 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.

29. The school organises all its pupils into single-age classes, with two classes for the 55 children currently in Year R. If the PAN of 90 remains in place, then if more than 60 children were to be admitted the school would, under its existing structure, need to organise those pupils into three classes of a size that may not be financially efficient. If fewer than 60 children were admitted initially in 2025, who could be accommodated in two Year R classes, the school would be obliged to admit up to PAN if additional applications were received during the year. As soon as more than 60 children were in Year R, three classes would be required. This situation creates uncertainties in school organisation and staffing as the school would not know if or when an additional class would be required. The local authority stated:

“A decrease in the current Year R PAN to 60 would prevent the school from requiring to open [sic] a third Reception class due to a breach in infant class size legislation. The opening of an additional class is not something which the school is funded for nor can afford. The lowering of the school's PAN is not expected to be detrimental to parents

seeking a school place for their children as there are sufficient [s]pare places across a number of other schools within a [s]mall geographic area.”

30. There are many primary schools which organise their pupils into mixed-age classes so that class sizes are financially efficient. I asked the local authority for a full explanation as to what consideration, if any, has been given to the use of mixed-age classes. The local authority responded:

“The number of places needed at the school has decreased significantly to just below 60. Had the number of places needed fallen to a value that did not sit within a multiple of 30; for example 75, then consideration to the introduction of a PAN of 75 with permanent mixed aged classes would have taken place. There is a demonstrable need for the school to make available up to 60 places, however there is also a demonstrable set of data showing that far fewer than 75 1st preference applications are likely to be received. The school cannot run a mixed aged class structure with fewer than 75 pupils each year, which it will not receive.

The County Council considers that a mixed aged class structure has been appropriately explored and rejected as not necessary for the local population and likely to be detrimental for the school's financial sustainability.”

31. The DfE website “Financial Benchmarking and Insights Tool” shows that for the financial year ending March 2024, the school had an in-year balance of -£12.9K and a revenue reserve of £414k. As the referrals mentioned financial pressures, I asked the local authority to provide the current financial position of the school together with any projected financial implications or other consequences of not decreasing the PAN. The local authority responded:

“The school is not currently in a financial deficit. However if it were required to continue to run three Year R classes for more than one year with a total cohort size of fewer than 70 children, which is anticipated, then the school will be in an in-year deficit in FY25/26 and current surplus reserves would put the school into a critical financial position by the end of FY25/26.

If the OSA requires a forecast budget based on no management action being taken, this will take some time to generate. However the County Council can confirm that without a reduction in PAN the school's finances would be unsustainable.”

32. The school stated:

“We feel strongly that continuing with a PAN of 90 when the local primary age population is so low, will significantly impact on the financial stability of the school. Progressing to a class structure for 60 pupils (2FE) will secure the financial viability going forward.”

33. I note the following: there are surplus places in the area, and there is likely to be so at a choice of schools in 2025; there has been no frustration of parental preference in 2024 and the number of on-time first preference applications for 2025 is below the proposed PAN. Also,

maintaining the current PAN creates uncertainties in school organisation and staffing as the school would not know if or when an additional class would be required. A move to mixed-age teaching may be difficult given the pupil numbers involved and does not seem to be justified by demand for places at the school or in the planning area.

34. For all of the reasons above I agree that a reduction of PAN to 60 for 2024 and 2025 would provide greater stability for the school and its pupils and benefit the school financially, and that this outweighs any potential frustration of parental preference in the longer term.

35. I find that the variations for 2024 and 2025 are justified by the circumstances and approve the proposed variations.

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 Kent County Council for Woodlands Primary School for September 2024.

37. I determine that the published admission number for 2024 will be 60.

38. 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 Woodlands Primary School for September 2025.

39. I determine that the published admission number for 2025 will be 60.

Dated: 21 February 2025

Signed:

Schools adjudicator: Jennifer Gamble