



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** VAR2533

**Admission Authority:** Suffolk Country Council for Pot Kiln Primary School, Sudbury

**Date of advice:** 16 April 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 Suffolk County Council for Pot Kiln Primary School, Sudbury.**

**I determine that for admission in 2025, the PAN for admissions to Year R shall be 30.**

**I have also considered the arrangements under section 88I(5) and find that they do not comply with requirements relating to admission arrangements in the ways set out in this determination.**

**By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of this determination, unless an alternative timescale is specified by the schools adjudicator. In this case, since revised admission arrangements will need to be approved by the local authority's Cabinet, this should be at the earliest date possible within its decision-making process but before 31 August 2025.**

### The referral

1. Suffolk County Council (the admission authority, the LA) has referred to the adjudicator a proposal for a variation to the admission arrangements for Pot Kiln Primary School, Sudbury (the school) for the school year 2025/26 (the arrangements). The school is a co-educational community school for children aged 3 to 11 in Sudbury, Suffolk.
2. Parties to the request are the school, its governing body and the LA.

3. The proposed variation is that the determined published admission number (the PAN) for admissions to Year R be reduced from 45 to 30 in 2025. The arrangements are relevant to admissions to the school until at least 31 December 2025.

## 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 arrangements were determined by the admission authority on 30 January 2024. The admission authority has provided me with confirmation that the appropriate bodies have been notified of the proposed variation in line with the Code. The LA has also provided me with confirmation that the governing body of the school has been consulted on the proposed variation.
6. I find that the appropriate procedures were followed, and I am satisfied that the proposed variation is within my jurisdiction.
7. I have also used my power under section 88I of the Act to consider the Arrangements as a whole and to determine whether or not they conform with the requirements relating to admissions and, if not, in what ways they do not so conform. I will refer to these as ‘other matters’ and they are covered in the section of the determination under that name.
8. In considering the variation request and the matters considered under section 88I, I have had regard to all relevant legislation and the Code.
9. The information I have considered in reaching my decision includes:
  - the referral from the admission authority dated 7 February 2025 and supporting

documents

- the determined arrangements for 2025 and the proposed variation to those arrangements
  - responses from the LA and the school to my requests for further information
  - a map provided by the LA showing the location of the school
  - information available on the websites of the DfE (including the 'Get Information About Schools' (GIAS) and 'Financial Benchmarking and Insights Tool' (FBIT) websites), the LA and the School
  - a copy of the arrangements for 2026/27
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 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.
11. I note here that the Arrangements for 2026/27 have been determined. This means that if I agree to the admission authority's request to vary the arrangements for 2025 as proposed, it will be for that year only and will not have a bearing on subsequent years. Since the admission authority has determined a PAN for 2026/27 of 45, if it wishes a PAN of 30 to apply, it will be necessary for it to seek a variation to those arrangements.

## 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 proposed variation is justified by the change in circumstances.
13. As the school is a community school maintained by Suffolk County Council, the admission arrangements are those determined by the LA for all community and voluntary controlled schools in the County, and are set out in a single document which includes a list of determined PANs for normal years of admission to each of the schools and which also makes a statement under the heading "Criteria for admissions to sixth forms", to which I shall refer below. The PAN for the school is listed as 45.
14. The arrangements set out the following (summarised) oversubscription criteria:

- a. After the priority given to looked after and previously looked after children (as defined), priority is given to siblings (as defined). The arrangements say that “Priority will be given, where necessary, to applications where there is the smallest age gap.”
  - b. The next priority is given to children living in the school’s catchment area, prioritised on the basis of the proximity of their home to the school.
  - c. The final priority is for children living outside the catchment area, again prioritised by proximity.
  - d. A tie-breaker of the drawing of lots (as described) is provided.
15. The arrangements go on to set out the procedure for parents to follow if they wish to request admission for their child to an age-group which is not their normal age-group (as required by paragraph 2.18 of the Code), and in doing so say that the request “...will need to include, where relevant, any supporting evidence” but no more.
16. The “Criteria for admission to sixth forms”, which is part of the arrangements, says the following but no more:
- “Schools deal directly with applications for entry to their sixth forms. For entry to individual courses, schools typically make an assessment based on an applicant’s achievements at GCSE.” The arrangements list PANs for Year 12 at 18 schools, but say nothing more.
17. The admission authority has proposed that the PAN for admissions to Year R at the school in 2025 be reduced from 45 to 30 and has told me that the reason for seeking the variation is that since the arrangements were determined by it in January 2024, the school has in its own words “had a turbulent time”. Children have left the school, the number of children in the school’s nursery has fallen from 30 in May 2024 to a figure of 11 in October 2024. There have also been staffing changes, which have included a change of Headteacher.
18. The LA has provided details of the haemorrhage of pupils from the school between May 2023 and October 2024, which from my own analysis showed a reduction of 45 pupils (or about 15 percent of the number of children at the school). The school has received only 30 expressed preferences by parents for a place in Year R in September 2025, of which 14 were first preferences. It intends to move from having ten classes to having nine in September 2025. The current year group sizes are shown in the following table.

| <b>Year group</b> | <b>Number of children</b> |
|-------------------|---------------------------|
| Year R            | 31                        |
| Year 1            | 33                        |
| Year 2            | 32                        |
| Year 3            | 30                        |
| Year 4            | 46                        |
| Year 5            | 33                        |
| Year 6            | 51                        |
| <b>Total</b>      | <b>256</b>                |

19. If the variation is approved, the school intends to teach Year R children in two classes, one of which will include some children of nursery age, and the other some from Year 1. All classes in the school will be taught in mixed-age classes.
20. The LA has a duty to ensure 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 number of places available at schools within those areas, for this purpose. The planning area of which the school is part contains seven primary schools. Together, these provide 230 Year R places currently. The number of first preferences which have been expressed for places across these schools for the last two years, and the number of children allocated a place at them for the following September have been:

| <b>School Year</b> | <b>Number of first preferences for places at schools in the planning group</b> | <b>Number of places allocated</b> |
|--------------------|--|-----------------------------------|
| 2023/2024          | 159  | 166                               |
| 2024/2025          | 207  | 200                               |

21. The figures for the school have been:

| <b>School Year</b> | <b>Number of first preferences for places at the school</b> | <b>Number of places allocated</b> |
|--------------------|---|-----------------------------------|
| 2023/2024          | 28  | 31                                |
| 2024/2025          | 25  | 28                                |

22. The forecast made by the LA of the total need for Year R places across the planning group and for the school for the next two academic years is:

| <b>School Year</b> | <b>Forecast Year R need for planning group</b> | <b>Forecast Year R need for school</b> |
|--------------------|--|--|
| 2025/2026          | 185  | 28                                     |
| 2026/2027          | 165  | 20                                     |

23. It seems clear to me that the proposed reduction in the number of Year R places at the school for September 2025, which will mean that there will be a total of 215 Year R places in the planning area, does not impact on the LA's ability to ensure that there are adequate school places within its area, or indeed within the area local to the school. There has also been a strong relationship between the number of expressed first preferences for Year R places and the number of offered places in recent years, both at the school and across the seven schools in the planning area. There have been no more than 14 first preferences for places at the school for September 2025 which means that if the recent trend continues, the current forecast of a need for 28 places there is likely to be an over-estimate. In other words, it seems to me that there is little or no likelihood of parental preferences being frustrated if the school provides only 30 Year R places in September 2025.

24. The LA has told me that the school will be better able manage its budget while complying with the requirements of the School Admissions (Infant Class Sizes) (England) Regulations 2012 if the variation is approved. In recent years Year R group sizes have been just over 30, which has meant there have been additional changes to the school's organisation in order to ensure compliance with these regulations. The school wishes to be able to plan to have at least one class with one teacher in Key Stage 1 knowing that the number of Year R children cannot exceed 30.

25. In view of all these factors, I agree that the PAN for 2025 shall be 30.

26. When the LA determined the arrangements for the school for 2026 it set the PAN at 45 but has told me that if this requested variation for 2025 is approved, it will seek a

variation also to those arrangements by reducing the PAN to 30. It has therefore made no such request to date.

## Other matters

27. Having considered the arrangements as a whole it appeared to me that there are matters which may not conform with the requirements of the Code and so I brought them to the attention of the admission authority. The majority relate to the requirements in paragraph 14 of the Code which states “In drawing up their admission arrangements, admission authorities must ensure that the practices and the criteria used to decide the allocation of school places are fair, clear, and objective. Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated”. Of particular relevance is the requirement of clarity. These matters are (paragraphs of the Code are indicated where relevant):
- (i) It seemed to me that the sentence in the arrangements “Priority will be given, where necessary, to applications where there is the smallest age gap” is unclear because it is not explicit as to which age gap is being referred to. This is probably the gap in age between siblings in one family compared to the gap in age between siblings in other families, but the arrangements do not say this. It is also not clear how the gap is determined. This could be a comparison of year groups or of actual birth dates for example, but the arrangements do not state this. (Paragraph 14 of the Code)
  - (ii) The reference to “any supporting evidence” concerning a parent’s request that their child be admitted to an age group which is not their normal age group does not allow parents to understand the types of evidence that might be considered relevant to their request, and therefore to understand easily how places will be allocated. (Paragraph 14 of the Code)
  - (iii) Since what the arrangements say about the admission of students to Year 12 has come to my attention, I have raised with the LA the facts that the arrangements:
    - a. Appear to provide no oversubscription criteria for Year 12 admissions (which is required for all normal years of entry to schools by paragraph 1.7 of the Code);
    - b. Provide no description of what the listed Year 12 PANs (which range in size from 5 to 150) mean, which makes the arrangements unclear in contravention of paragraph 14 of the Code, and
    - c. Use the word “typically”, which results in it being unclear how Year 12 places at any of the schools are allocated, again in breach of paragraph 14 of the Code.
28. In response, the admission authority has:
- (i) Confirmed that the phrase “smallest age gap” means that the period between birthdays of each sibling pair is compared, with the child closest in age to their sibling who is already attending the school being given priority. The arrangements

need to be revised to include this information, since as determined they are unclear and in breach of paragraph 14 of the Code.

- (ii) Acknowledged that DfE non-statutory guidance for admission authorities concerning summer born children (November 2024) suggests that relevant evidence concerning admissions out of a child's normal age group should be described. However, it said that the Code does not mandate this and that it will "consider" adding this to school admission arrangements in the future. No reason was given for departing from the guidance. My view is that in order to comply with the requirement in paragraph 2.18 of the Code that arrangements "make clear.... the process for requesting admission out of the normal age group", the arrangements need to state clearly the types of evidence that would be persuasive in support of a parent's request. The arrangements do not do this and so fail to comply with paragraph 2.18 of the Code.
- (iii) Said that the oversubscription criteria which I have set out above apply "to admissions to Year 12 at our two maintained Suffolk school sixth forms." The arrangements do not say explicitly that the oversubscription criteria given are relevant to Year 12 admissions, or which of the schools listed in the arrangements they apply to, which makes the arrangements unclear in breach of paragraph 14 of the Code.
- (iv) Said that an explanation of Year 12 PANs (ie that they are the number of external students it is intended to be admit, and do not include transferring Year 11 students at the school) is given in the "Directory of Schools in Suffolk" for secondary schools. Admission arrangements themselves must be clear, and there is no reason why this explanation cannot be given as part of them. The arrangements fail to be clear in this respect and therefore do not comply with paragraph 14 of the Code as a result.
- (v) Offered to remove the word "typically" when it next carries out the consultation on its admission arrangements. The arrangements as determined for 2025 are unclear and are therefore in breach of paragraph 14 of the Code and need to be revised.

29. As I have said, the admission arrangements for 2026 have been determined, and contain the same wording as those for 2025. The admission authority will need to be mindful of this when amending the admission arrangements for 2025 in line with this determination.

## Determination

30. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Suffolk County Council for Pot Kiln Primary School, Sudbury.



31. I determine that for admission in 2025, the PAN for admissions to Year R shall be 30.
32. I have also considered the arrangements under section 88I(5) and find that they do not comply with requirements relating to admission arrangements in the ways set out in this determination.
33. By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of this determination, unless an alternative timescale is specified by the schools adjudicator. In this case, since revised admission arrangements will need to be approved by the local authority's Cabinet, this should be at the earliest date possible within its decision-making process but before 31 August 2025.

Dated: 16 April 2025

Signed:

Schools Adjudicator: Dr Bryan Slater