



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** VAR 2595-2596

**Admission Authority:** Oxfordshire County Council for North Kidlington Primary School, Kidlington

**Date of advice:** 14 July 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 Oxfordshire County Council for North Kidlington Primary School for 2025/26 . I determine that for admission to Reception Year in 2025/26, the published admission number shall be 30.

I do not approve the proposed variation to the admission arrangements determined by Oxfordshire County Council for North Kidlington Primary School for 2026/27. The published admission number for 2026/27 shall remain at 45.

### The referral

1. Oxfordshire County Council (the Admission Authority, the Local Authority) has referred to the adjudicator proposals for variations to the admission arrangements (the Arrangements) for North Kidlington Primary School (the School) for 2025/26 and 2026/27.
2. The School is a community school for children aged four to eleven years in Kidlington. It is a co-educational, non-selective primary school with no designated religious character.
3. The School was judged to be 'good' by Ofsted at its most recent inspection in May 2024.
4. Parties to the request are the School and the Local Authority.
5. The proposed variations are that:

- the published admission number (PAN) be reduced from 45 to 30 for admissions to Reception Year (YR) in the academic year beginning in September 2025 (VAR2595); and
- the PAN be reduced from 45 to 30 for admissions to YR in the academic year beginning in September 2026 (VAR2596).

## Jurisdiction and procedure

6. 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”.

7. The 2025/26 Arrangements were determined by the Admission Authority on 21 February 2024. The 2026/27 Arrangements were determined on 20 January 2025.
8. The Local Authority has provided me with confirmation that the appropriate bodies have been notified of the proposed variations in line with the Code.
9. I find that the appropriate procedures were followed, and I am satisfied that the proposed variations are within my jurisdiction.
10. In considering the variation requests, I have had regard to all relevant legislation and the Code.
11. The information I have considered in reaching my decision includes:
- the referral from the Admission Authority dated 10 June 2025 and supporting documents;

- the determined Arrangements for 2025/26 and 2026/27 and the proposed variations to those Arrangements;
  - responses from the LA and the School to my requests for further information;
  - a map showing the location of the School; and
  - information available on the websites of the Department for Education (DfE) (including 'Get Information About Schools' (GIAS), and 'Financial Benchmarking and Insights Tool' (FBIT)); Ofsted; the LA and the School.
12. There is no formal consultation required for variations 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.
13. I note that the Arrangements for 2026/27 have been determined. This means that if I agree to the Local Authority's request to vary the Arrangements for 2025/26 by reducing the PAN as proposed, it will be for that year only and will not have a bearing on subsequent years.
14. I also note that the Arrangements for 2027/28 have not yet been determined. This means that if I decide to vary the Arrangements for 2026/27 by reducing the PAN as proposed, it will have the effect of forming the 'baseline' for subsequent years.
15. I further note that the Local Authority intends to consult on reducing the School's PAN for 2027/28. Should I determine to reduce the PAN for 2026/27, then there will be no need to consult on a reduction to the PAN in 2027/28 as this would be carried forward from the amended 2026/27 arrangements. However, for the avoidance of doubt, there is nothing in the statutory scheme that would prevent the Local Authority from consulting if it wished to do so; it is simply that it would not be required to.

## Consideration of proposed variation

16. The Local Authority has proposed that the PAN of the School is reduced from 45 to 30 for entry to YR in September 2025. It has also proposed that the PAN of the School is reduced from 45 to 30 for entry to YR in September 2026. The proposed variations have the support of the School's Governing Body.
17. 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.

18. The major change in circumstances relied upon by the Local Authority is set out in the referral, which states:

“The school was expanded from PAN 40 to PAN 45 from September 2013 onwards in view of mixed-age teaching groups with maximum size 30 under ICS regulations [The School Admissions (Infant Class Sizes) (England) Regulations 2012].

[Recent] Offers on National Offer Day have been:

2020: 45 (for 45) – 3 refusals

2021: 32 (for 45)

2022: 39 (for 45)

2023: 31 (for 45)

2024: 38 (for 45)

2025: 28 (for 45)

Since 2021 the school has received insufficient applications to fill all 45 places and numbers have fluctuated. This is causing class size management and financial issues.

Housing growth is low in the local area (Kidlington) where there are 4 primary schools and continued lower recruitment to Reception class 2025/26 and 2026/27 is anticipated. Limiting intake to 30 will allow for better planning and management and provide the opportunity for the school to aim at financial stability.

The school management view is that a reversion to a PAN of 30 is more financially viable and can be better managed in the future with the option to exceed and revert to 1½ form-entry if there are sufficient applications in future years.

No problems are foreseen to arise for a smaller intake of 30 children into the Reception class in 2025/26 or 2026/27. The school will organize the cohort as a single class with a maximum legal limit of 30 for Reception, Year 1 and Year 2.”

19. 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 of the School is reduced from 45 to 30 for 2025/26 and, separately, for 2026/27. I have also considered the demand for places at the School, the reasons given for the change in demand, the potential effect of the proposed PAN reduction on meeting parental preference, and whether the proposed reduction is justified taking into account all relevant circumstances.

20. The Local Authority has a duty to ensure 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, referred to locally as learning communities, which are geographical areas each containing a number of schools, for this purpose. The School is based in the Kidlington planning area of the Local Authority. There are five primary schools in the planning area, including the School. All of these schools admit children into YR.
21. Table 1 summarises the data supplied to me by the Local Authority for each of the primary schools in the planning area that admit children into YR; the number of children admitted in each of the previous three years; the number of places offered for 2025 and the forecast numbers for 2026 and 2027.

**Table 1: School places in the planning area and allocation to YR**

	2022	2023	2024	2025	2026	2027
<b>The total PAN</b>	195	180	195	165	165	150**
<b>The number of children admitted to YR or forecast to be admitted</b>	144	128	134	144*	145	143
<b>The number of vacant places</b>	51	52	61	21	15	7
<b>The number of vacant places as a percentage of the total number of places</b>	26.2	28.9	31.3	12.7	9.1	4.7

\* 140 offers were made on National Offer Day (16 April 2025), 144 places offered as of 10 June 2025.

\*\* Not yet determined.

#### VAR 2595 – PAN reduction for 2025

22. Table 1 shows that there was a large number of vacant places for YR children in the planning area between 2022 and 2024. The Local Authority has already taken action to address this by reducing the PAN at another school in the planning area by 30 places from September 2025. This has had the effect of reducing the total PAN in the area from 196 to 165. With a total area PAN of 165, there is forecast to be 21 vacant places. This is equivalent to 12.7 per cent of all the available places.
23. The Local Authority's document "Pupil Place Plan 2023/24-2027/28" states:
- "The Audit Commission advises that some margin of spare school capacity is necessary to provide flexibility for unexpected influxes of children and expressions of parental preference. It is also important to recognise that pupil forecasting is not an exact science, and allowance needs to be made for a realistic margin of error.

The 2013 National Audit Office report Capital Funding for New School Places suggested that 5% spare capacity is “the bare minimum needed for authorities to meet their statutory duty with operational flexibility, while enabling parents to have some choice of schools” (para 1.16).

This means that not all currently spare places can be considered surplus to current requirements, and available to meet the needs of future housing development. The government’s guidance on Securing developer contributions for education (August 2023) recognises that it is for councils to identify their minimum surplus capacity to allow for fluctuations in demand and parental choice, which should not be counted as available when calculating developer contributions (page 5). Oxfordshire has identified this level as 5%, in line with the Audit Office report.”<sup>1</sup>

24. The proposed reduction in PAN for 2025/26 will reduce the total PAN in the area from 165 to 150, leaving six vacant places in the area. This is equivalent to a surplus capacity of four per cent, which is lower than the Local Authority’s identified minimum target of five per cent.
25. However, at this point in the year, all children whose parents are seeking a YR place for September 2025 have been allocated a school place and almost 98 per cent of the children were allocated a place at their parents’ first choice of school.
26. In the request for a variation form, the Local Authority stated:

“Although the number of surplus places in the area is expected to be small (6 places concentrated at 1 school – St Thomas More Catholic Primary School), it is envisaged there will be sufficient for the current and future population demands. The Council will be in a position to request this school [the School] to breach<sup>2</sup> PAN 30 to a higher number (e.g. 45) if there is a sudden change in population or demand for places.”
27. Should the proposed variation be agreed, there would be places in the area for any parents who require a YR place for their child, however, their choice of school would be limited.
28. I will now consider the demand for places at the School. Table 2 summarises the admissions to the School.

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<sup>1</sup>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 ... to support parental choice, pupil population movement, and general manageability of the system”. As the LA has identified a minimum target of five per cent surplus capacity, this is the figure I have worked to.

<sup>2</sup> Please note that if this were to be the case, the School Admissions (Infant Class Size) (England) Regulations 2012 (the infant class size regulations) would apply.

**Table 2: The number of children admitted to YR at the School**

	<b>2023</b>	<b>2024</b>	<b>2025</b>
<b>The PAN for the School</b>	45	45	45
<b>The number of first preferences</b>	31	38	28
<b>The number of children admitted to YR (places offered 2025)</b>	31	38	30*
<b>The number of vacant places</b>	14	7	15
<b>The number of vacant places as a percentage</b>	31.1	15.6	33.3

\* 28 places were offered on National Offer Day (16 April 2025), 30 places offered and accepted as of 10 June 2025 and confirmed by the School on 4 July 2025.

29. Table 2 shows that all the children whose parents identified the School as their first preference have been offered a place there for September 2025. The proposed variation will, therefore, have no effect on parental preference in respect of applications received as part of the normal admissions process for September 2025.
30. If the PAN were to be reduced to 30, there would be no vacant places at the School. However, as set out earlier, there are a small number of YR places available within the planning area.
31. The School is subject to the provisions of the School Admissions (Infant Class Size) (England) Regulations 2012 (the infant class size regulations). 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 schoolteacher, except in specific exceptional circumstances. An intake of just over 30 YR children would mean that the school would either have to organise the children into two small YR classes or regroup the children into mixed-age classes. Either model is likely to require additional staffing and would not be financially viable.
32. As schools are funded, in large part, on a per pupil 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 bring greater certainty in pupil numbers and, consequently, the number of teaching and support staff required.
33. Even if the number of children admitted to the school on the first day of term in September 2025 is 30 or fewer and the school is able to operate a single 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 45. Any such in-year admissions are likely to necessitate a reorganisation of classes midway through the year to avoid breaching the aforementioned infant class size regulations. Additionally, if the number of children in YR is limited to 30 at this point in time, then the school will be able to plan with certainty that in September 2025 it will need staffing for one YR class.

34. The School provided the following information in support of their request to reduce the PAN for 2025/26:

“...if the PAN reduction is put into place, we would enter the 2025/26 academic year with only 30 children in the Reception Year class, and this will mean our budget prediction of reducing teaching staff by 1 for this current year will have been met with no need for redundancies. This will be because we would be dropping the required number of Reception teachers from two to one. One of those teachers will be reducing their hours and re-deployed to teach ... commitments that are currently being covered by the supply teacher.

If the PAN is not approved and we have additional children allocated to our school either before September 1st or at any point during the 2025/2026 academic year, this would result in numbers rising above 30 ... and we would need to employ a full-time teacher to meet Early Years teacher: pupil ratios. Our three-year budget would then consequently not balance with this costing ... resulting [in a] deficit.”

35. Taking everything into consideration, I am of the view that the variation is justified by the circumstances, and I approve the proposed variation to reduce the PAN for 2025/26 to 30.

#### VAR2596 – PAN reduction for 2026

36. Using the data provided in Table 1, the Local Authority are forecasting that it will require 145 YR places in 2026/27. Based on this figure, if the proposed PAN reduction is agreed, there would be five vacant places in the area. This is equivalent to a surplus capacity of 3.3 per cent and is below the Local Authority's identified minimum target of five per cent surplus capacity.
37. It is very difficult for local authorities to be able to forecast precisely the number of school places required in an area. This is recognised by the Local Authority in its “Pupil Place Plan 2023/24-2027/28” document, where it lists housing development; migration; a change in circumstances at a school and/or in its surrounding area as factors impacting on an area's popularity. At this point in time, there is no indication of parental preference for the schools in the planning area for 2026/27.
38. In response to my enquiries, the Local Authority provided additional information in relation to the historic accuracy of its forecasting data. This showed that the forecast



numbers were a little below the actual number of children admitted to YR in 2024/25, by around three per cent, and that the forecast numbers are likely to be a little higher than the number of children to be admitted in 2025/26, by around nine per cent. The Local Authority goes on to say that GP registration data indicates that the Kidlington cohort starting Reception in 2026 is currently eight per cent smaller than the cohort starting in 2025. Based on this data, the Local Authority has “a good degree of confidence that there would not be a shortfall of places in the area if the PAN is reduced to 150 for 2026”.

39. Despite the Local Authority’s assurances, I am not convinced that it is possible to say with any certainty that if the PAN reduction were agreed there would be sufficient capacity in the area to meet the demand for YR places in 2026/27. This is because, with a predicted margin of only five places, just a small change in the number of pupils forecast to require a place in YR could have a significant impact on the situation.
40. I, therefore, find that the proposed variation for 2026/27 is not justified by the circumstances, and I do not approve it. The PAN for 2026/27 will remain at 45, the figure determined by the local authority in January 2025.
41. As I have already indicated, I am conscious of the challenges in forecasting pupil numbers. I also acknowledge that the School wishes to secure its level of staffing and its budget position based around one form of entry. I, therefore, wish to make it clear to the Local Authority that it would be open to it to re-apply in 2026 for a PAN reduction for 2026/27, by which time it will have more information about the number of actual applications for YR places at the School for September 2026. Importantly, the School would still have time to make any necessary changes to their staffing and class organisation for September 2026. Furthermore, the Local Authority would, by then, also have been able to consult on a PAN reduction for 2027 following the normal procedures for making changes to admission arrangements.
42. However, I emphasise that my determination here has no bearing on that process nor on the PAN that is determined by the Local Authority for 2027/28.

## Determination

43. 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 North Kidlington Primary School for 2025/26 . I determine that for admission to Reception Year in 2025/26, the published admission number shall be 30.

44. I do not approve the proposed variation to the admission arrangements determined by Oxfordshire County Council for North Kidlington Primary School for 2026/27. The published admission number for 2026/27 shall remain at 45.

Dated: 14 July 2025

Signed:

Schools Adjudicator: Catherine Crooks