



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2757 and VAR2758

Admission Authority: The Governing Body for Shears Green Junior School

Local Authority: Kent County Council

Date of decision: 03 September 2026

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 the Governing Body for Shears Green Junior School, for 2026/27.

I determine that for admission in 2026/27 the Published Admission Number shall be 90.

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by the Governing Body for Shears Green Junior School, for 2027/28.

I determine that for admission in 2027/28 the Published Admission Number shall be 90.

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, revision to the admission arrangements for 2026/27 and 2027/28 should be made within seven days of the date of this determination, in order to ensure clarity for any in-year

applications for 2026/27 and for applicants preparing to apply for admission for 2027/28.

The referral

1. The Governing Body for Shears Green Junior School (the Admission Authority) has referred to the adjudicator a proposal for a variation to the admission arrangements for Shears Green Junior School (the School) for 2026/27 (the 2026 Arrangements) and 2027/28 (the 2027 Arrangements).
2. The School is a foundation school for children aged seven to eleven in Northfleet, Kent. It is a co-educational, non-selective school with no designated religious character. The School is part of a co-operative trust, the Northfleet Schools Co-operative Trust, but as a foundation school, it has responsibility for its own admissions and finances. The School is located in the Kent County Council area (the Local Authority).
3. The Admission Authority for the School is the Governing Body of the School.
4. Parties to the request are the Admission Authority and the Local Authority (LA).
5. The proposed variations are that the PANs for 2026/27 and 2027/28 be reduced from 120 to 90.

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 2026 Arrangements were determined by the Admission Authority on 29 January 2025 and the 2027 Arrangements were determined by the Admission Authority on 4 February 2026.

8. The Admission Authority has provided me with confirmation that the appropriate bodies have been notified of the proposed variations in line with the Code. The LA supports the proposals.

9. I find that the appropriate procedures were followed, and I am satisfied that the proposed variations are within my jurisdiction.

10. I have also used my power under section 88I of the Act to consider both sets of 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.

11. In considering the variation requests and the matters considered under section 88I, I have had regard to all relevant legislation and the Code.

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

- the referral from the Admission Authority dated 12 June 2026;
- the determined Arrangements for 2026/27 and 2027/28 and the proposed variations to those Arrangements;
- responses from the LA and the School to my requests for further information;
- maps, including Google Maps and those showing the location of the School; and
- information available on the websites of .gov.uk. (including the 'Get Information About Schools' (GIAS) and 'Financial Benchmarking and Insights Tool' (FBIT) websites), the LA, the School and Ofsted.

13. I would like to extend my thanks to the LA and the School for their responses to my requests for further information.

14. 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.

15. I note here that the Arrangements for 2028/29 have not yet been determined. This means that if I decide to approve the proposed variation to the Arrangements for 2027/28 by reducing the PAN from 120 to 90 as proposed, it will have the effect of forming the 'baseline' for subsequent years.

Consideration of proposed variation

16. 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.

17. The Admission Authority has proposed that the PAN for the School be reduced from 120 to 90 for the academic year 2026/27 onwards. The request has been expressed as a “permanent reduction”, however, I can only consider variations to admission arrangements that have already been determined. Since the admissions arrangements for 2026/27 and 2027/28 have already been determined with a PAN of 120, I have considered a variation for both of those years. As set out above, if I approve the reduction in PAN for 2027/28, this will set a baseline for subsequent years, subject to the School’s obligations to consult in accordance with the Code.

18. The Admission Authority told me that the reason for it seeking a variation for the School is that the number of pupils applying for, and being offered places, at the School has decreased. On National Offer Day this year, the School made 84 offers against 84 first preferences with no second or third preferences expressed for the School. I understand, from the School’s response to my request for information, that the current projected admission number for September 2026 is 88. This is significantly below the School’s current PAN of 120. The School says this places it at increasing financial risk due to the continued under-allocation of pupils.

19. 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 schools within those areas, for this purpose. The School is located in the LA’s Gravesend West Planning Group (GWPG). While it is one of eight schools in the group, the School is the only junior school and, therefore, the only school in the area that routinely admits children to Year 3.

20. The School shares a site with Shears Green Infant School (SGIS) which provides an education for children aged three to seven years. SGIS is the only infant school in the GWPG. The expectation is that all children from SGIS progress to the School for Year 3. The School has also historically admitted children into Year 3 from other schools, although this number has decreased. The four planning areas adjoining GWPG only contain primary schools, therefore, there are no other local infant schools which might routinely act as feeders for the School. I am told that SGIS has reduced its PAN from 120 to 90 from 2025/26 in response to a period of lower demand for that school. This means that by 2028/29 the number of children applying for the School from SGIS will not exceed 90.

21. I am told that initial action to reduce the School’s PAN was delayed. This was due to there often being an anomaly in North Kent where junior school cohorts increase as families move into the area to maximise their chances of accessing grammar school provision. I

have also been told it is clear this issue has not impacted the School's intake and this is why the variation is now required to maintain the School's viability. However, there is no explanation for the sudden decrease this year, and no data to inform what the position might be next year (2027/28) in this regard.

22. I note 2026/27 is the first year in the last few years that the School has offered fewer than 90 places. The School has told me, in response to my request for further information, that 125 children were admitted in 2024/25 (in excess of the current PAN), and 119 were admitted in 2025/26 (leaving only one space for an in-year admission under the current PAN).

23. As the School is a junior school relying mainly (but not solely) on SGIS as an unofficial feeder school (that is, SGIS is not named as a feeder school in the School's admission arrangements), I have also looked at the admissions data for SGIS, as this will give a picture of the likely demand for the School moving forwards. Table 1 shows admission figures for Reception Year (YR) at SGIS for the last three years and the projected figure for 2026/27.

Table 1: Admissions to YR for Shears Green Infant School for 2023/24 – 2026/27

School	2023/24	2024/25	2025/26	2026/27 (projected)
Shears Green Infant School	89	84	79	73

The cohort for YR at SGIS in 2023/24 is the cohort that will enter the School in 2026/27 (currently projected at 88). The cohort for YR at SGIS in 2024/25 is the cohort that will enter the School in 2027/28. It is therefore likely that, unless there is an influx of children from other schools, admissions to the School will be significantly below the PAN of 120 and increasingly lower than the proposed PAN of 90, going forwards. I note this is subject to the possibility of a recurrence of admissions from outside the current infant population in the GWPG, linked to positioning for grammar school entry at 11+, however there is no way to predict whether this will be an issue in the future.

24. The School has told me that there are high levels of Reception surplus places in the GWPG. It refers to 4% of allocated places being surplus in 2026/27 and a forecast of approximately 1.27% from 2027/28 onwards. I accept that whilst these surplus places are in YR and not Y3, these will filter through over the course of the next three years. Having said that, it should be noted that the figure of 1.27% for 2027/28 is not excessive as a surplus. The DfE document, "Basic need allocations 2026-27 and 2027-28: 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".

25. The School has told me there are 15 places available in Y3 at two other schools in the GWPG for September 2026. These are at Copperfield Academy and Painters Ash

Primary School. Both of these schools are two kilometres from the School by foot and are therefore likely to be within reasonable travelling distance for any child displaced from the School by a reduction in PAN.

26. Turning to the School's financial position which forms the basis of its proposal to vary the PAN, I do not consider that the continued under-allocation of pupils puts it at increasing financial risk. Financial risk arises when schools have to resource classes which are not substantially full. This most commonly arises for schools with infant classes (Years Reception, 1 and 2) which are affected by the provisions of the School Admissions (Infant Class Size) (England) Regulations 2012 (Infant Class Size Regulations). These 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.

27. As a junior school, the School is not subject to the Infant Class Size Regulations. Whilst it is not ideal for classes to contain more than 30 children, on the data for 2026/27, the School would have to receive at least two late or in-year admissions before it had to consider a small increase in class size, which would be permissible. It would not have to plan for or resource four classes.

28. The School has told me that, given current and projected pupil numbers, retaining a PAN of 120 and maintaining a four class structure would result in an in-year deficit of £211,960 by the 2027-28 financial year, and a deficit of £523,460 by 2028-29. In my view, for the reasons set out in paragraph 27 above, there is no need for the School to maintain a four class structure. I accept, however, that without a reduction in PAN, applicants making late or in-year applications for admission would be able to apply to the School, and retaining a PAN of 120 gives the School uncertainty as to whether it might require larger or additional classes for the year 2026/27 when it has already done its planning and committed resources.

29. It was clear from the data provided by the Admission Authority, that the LA 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 the School and the number of surplus places in the planning area projected for 2026/27 and 2027/28 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 Arrangements. I raised this concern with Admission Authority. Its response was:

"The Governing Body of Shears Green Junior School has closely monitored pupil number trends over recent years and has identified a consistent pattern in the district whereby pupil numbers in Key Stage 2 increase, despite persistently low numbers in Key Stage 1. In response to this anomaly, the school initially sought to retain flexibility by maintaining a PAN for Shears Green Junior School that was 30 places higher than that of Shears Green Infant School. This approach was intended to allow time to assess whether there would be sustained demand for junior school places from

external applicants, rather than solely through progression from the nearby infant school.

However, this anticipated level of demand has not materialised. Although there are occasional in-year applications to the upper year groups, the available data does not demonstrate a significant or sustained increase in demand for places at Shears Green Junior School. At this point, there is no evidence of the growth in junior admissions that had previously been hoped for. This is why an application to reduce the PAN was not submitted earlier, as the Governing Body considered it prudent to allow sufficient time to determine whether pupil numbers would recover.”

30. I accept that I have been provided with compelling evidence that the LA will be able to manage school places in the planning area by reducing the PAN at the School for 2026/27 and 2027/28.

31. I, therefore, agree that the PAN should be reduced to 90 for the year 2026/27 and 2027/28.

32. 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 School to increase its PAN and / or admit more children in 2026/27 or 2027/28 than it currently expects to, there remains the capacity in the building for it to do so. The Admission Authority has told me “capacity at Shears Green Junior School would not be permanently lost, and could be reinstated if demand were to increase in the future”.

Other matters

33. 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. These matters are (paragraphs of the Code are indicated where relevant):

- On the School’s website the arrangements published are those for 2025/26, and not those for 2026/27 and 2027/28. This does not conform with paragraph 1.50 of the Code.
- The 2026 Arrangements and the 2027 Arrangements contain a provision that states:

“Expressing a preference does not, in itself, guarantee a place at this school unless you are on roll at our feeder infant school Shears Green Infant School”.

However, neither of the 2026 or 2027 Arrangements contain any reference to feeder schools in the oversubscription criteria. It is not, therefore, clear how attendance at Shears Green Infant School will be taken into consideration in the

event of oversubscription and what priority it has. This does not conform with the requirements of paragraph 14 of the Code which requires that parents should be able to look at the arrangements and understand easily how places for that school will be allocated. It also does not conform with paragraph 1.8 of the Code which requires that oversubscription criteria must be clear.

- Neither the 2026 Arrangements nor the 2027 Arrangements explain the order in which the oversubscription criteria will be considered. This does not conform with paragraph 1.6 of the Code which requires that a school must set out the order in which their oversubscription criteria will be considered.
- The 2026 Arrangements state that:

“*As of 09/06/26 the governing body of Shears Green is applying, via the School’s Adjudicator, to reduce PAN to 90 as of 1st September 2027. This is in order to continue to be financially sustainable after a drop in PAN to 90 from the feeder infant school.”

This is not pertinent to the arrangements for 2026/27 and may be confusing to an applicant. It does not, therefore, conform to paragraph 14 of the Code which requires that the arrangements must be clear.

- Paragraph 3 of the oversubscription criteria in the 2026 Arrangements and the 2027 Arrangements is not in fact a criterion. It is a purported explanation of the second oversubscription criterion relating to “Current Family Associations”. It may be confusing to an applicant. It does not, therefore, conform to paragraph 14 of the Code which requires that the arrangements must be clear or to paragraph 1.8 of the Code which requires that oversubscription criteria must be clear.
- Paragraph 3 of the oversubscription criteria in the 2026 Arrangements and the 2027 Arrangements contains a reference to “linked” schools but does not define or identify these. This may be confusing to an applicant. This does not conform with the requirements of paragraph 14 of the Code which requires that parents should be able to look at the arrangements and understand easily how places for that school will be allocated. It also does not conform with paragraph 1.8 of the Code which requires that oversubscription criteria must be clear.
- Paragraph 6 of the oversubscription criteria in the 2026 Arrangements and the 2027 Arrangements refers to dealing with equal eligibility for the last available place at the school by random allocation. However, neither of the 2026 or 2027 Arrangements state that the random allocation process **must** be supervised by someone independent of the School as required by paragraph 1.35 of the Code.

34. The Code requires that the Arrangements be amended to address the points set out here. Such amendments are permitted in line with paragraph 3.6 of the Code which states, in part:

“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 Schools Adjudicator or any misprint in the admission arrangements.”

35. The Admission Authority must address these matters, as permitted by paragraph 3.6 of the Code, within seven days of this determination.

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 the Governing Body for Shears Green Junior School, for 2026/27.

37. I determine that for admission in 2026/27 the Published Admission Number shall be 90.

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 the Governing Body for Shears Green Junior School, for 2027/28.

39. I determine that for admission in 2027/28 the Published Admission Number shall be 90.

40. 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.

41. 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, revision to the admission arrangements for 2026/27 and 2027/28 should be made within seven days of the date of this determination, in order to ensure clarity for any in-year applications for 2026/27 and for applicants preparing to apply for admission for 2027/28.

Dated: 03 September 2026

Signed:

Schools Adjudicator: Miranda Barnett