



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2810

Admission Authority: Devon County Council for Withycombe Raleigh Church of England Primary School

Date of decision: 30 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 Devon County Council for Withycombe Raleigh Church of England Primary School for 2027/28.

I determine that the published admission number for admissions to the Reception Year in 2027/28 shall be 60.

The referral

1. Devon County Council is the local authority and admission authority for Withycombe Raleigh Church of England Primary School (the School). I shall refer to Devon County Council as the Local Authority in this determination. The Local Authority has referred to the adjudicator a proposal for a variation to the admission arrangements for the School for 2027/28 (the 2027 Arrangements).
2. The School is a voluntary controlled school for children aged four to eleven years in Exmouth, a town on the east coast of Devon. It is a co-educational school with a Church of England religious character. The Diocese of Exeter (the Diocese) is the religious authority for the School.
3. The proposed variation is that the published admission number (PAN) of the School, which applies to admissions to the reception year (Year R), be reduced from 90, as determined, to 60 for 2027/28.

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 Local Authority on 17 February 2026.
6. The Local Authority has provided me with confirmation that the appropriate bodies have been notified of the proposed variation in line with the Code. I find that the appropriate procedures were followed, and I am satisfied that the proposed variation is within my jurisdiction.
7. In considering the variation request, I have had regard to all relevant legislation and the Code.
8. The information I have considered in reaching my decision includes:
 - the referral from the Local Authority dated 11 September 2026, and supporting documents;
 - the determined 2027 Arrangements and the proposed variation to those arrangements;
 - responses from the Local Authority, the Diocese, and the governing body of the School to my requests for further information;
 - maps, including Google Maps and those showing the location of the School; and
 - information available on gov.uk websites (including the ‘Get Information About Schools’ (GIAS) and ‘Financial Benchmarking and Insights Tool’ (FBIT) websites); and that on the websites of the Local Authority and the School.

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 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.
10. I note here that the admission arrangements for the School for 2028/29 have not yet been determined. This means that if I decide to vary the 2027 Arrangements by reducing the School's PAN from 90 to 60 as proposed, it will set a 'baseline' for subsequent years.
11. In the interest of dealing speedily with this and other cases, I have not considered other aspects of the 2027 Arrangements. Therefore, nothing in this determination should be taken as indicating that other aspects of those arrangements do or do not conform with the requirements relating to admissions.

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 in circumstances, or under certain other limited and specified circumstances.
13. The Local Authority has proposed that the PAN of the School be reduced from 90 to 60 in 2027/28. The Diocese and the governing body of the School support the proposed variation.
14. Having regard to the declining birth rates and Year R admissions in recent years, the Admission Authority told me the following reason for seeking a variation to the PAN for the School:

"The current PAN no longer reflects the school's operational capacity or the accommodation available to support high-quality education and the welfare of pupils. With a fall in demand and in projected admissions, the school has experienced significant financial pressures and consequent staffing and curriculum constraints. This will, in turn, reduce the number of pupils that can be accommodated appropriately within the year group from three classes to two. Retaining the current PAN would create pressures on teaching spaces and school resources, adversely affecting the quality of education, pupil wellbeing, and the effective operation of the school. An increase in demand from projected numbers would require the school to take measures to avoid breaching Infant Class Sizes Legislation that would require cuts to vital education provision."

15. I asked the Local Authority why it could not have dealt with this matter during the consultation preceding the determination of the 2027 Arrangements earlier this year. Its response is as follows:
- “The Admission Authority recognises that PAN reductions would ordinarily be considered through the annual consultation process where circumstances and timings permit. However, the School has now reached the point where it considers that maintaining the current PAN is no longer in its best interests and risks creating organisational and financial challenges associated with a level of capacity that is unlikely to be required. Therefore it is necessary to use the in-year variation route to act to protect the long-term viability and efficient operation of the School by seeking a variation to reduce the PAN to a level that more accurately reflects both current and projected demand.”
16. I accept that this variation request could be dealt with under paragraph 3.6 of the Code. I therefore have considered the latest available data to form a view about the sufficiency of school places in the local area if the PAN of the School is reduced from 90 to 60 in 2027/28. I have 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 parental preference, and whether the proposed reduction is justified taking into account all relevant circumstances.
17. Local authorities have a duty to ensure that there are sufficient school places for the children in its area. To fulfil this duty, local authorities assess the likely future number of places to be needed and plan to meet that need. They use ‘planning areas’, which are geographical areas and the schools within those areas, for this purpose. I have considered the data that the Local Authority has provided for the relevant planning area in which the School is located.
18. In the planning area, there are 14 schools, including the School, for which the usual year of entry is Year R. The data set out in Table 1 show the number of Year R places and the number of children admitted to, or forecast to require a place at, those schools within the same planning area. Table 1 also demonstrates the effect of the proposed PAN reduction for the School on surplus places in the planning area.

Table 1: Year R places available at schools within the planning area, and the number of children admitted to, or forecast to require a place at, those schools.

	2025	2026	2027
Number of places in Year R at the schools in the planning area (with a PAN of 90 at the School)	532	522	522
Number of children on roll in Year R (2025, 2026), and forecast to require Year R places (2027)	380	323	274
Vacant places	152	199	248
Vacant places as a percentage	28.6	38.1	47.5
Number of places in Year R if variation approved (with a PAN of 60 at the School)	NA	NA	492
Forecast vacant places if variation approved	NA	NA	218
Forecast vacant places as a percentage if variation approved	NA	NA	44.3

19. In addition, the Department for Education's 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. This helps to support parental choice, pupil population movement, and general manageability of the system." From the data above I note that the proportion of vacant places in the planning area would be well above the suggested two per cent if I agreed to the proposed variation for 2027/28.
20. I am satisfied that if the PAN of the School were to be reduced to 60 for 2027/28, there would be sufficient places for children living in the planning area and seeking a Year R place.
21. I turn now to the demand for places at the School. Table 2 shows the number of children on roll in Year R in 2025 and 2026, and the preferences data in those years. The Table uses the proposed PAN of 60 for 2027.

Table 2: The number of children on roll in Year R at the School in 2025 and 2026, and the forecast number of places required in 2027.

	2025	2026	2027
The PAN for the School	90	90	60
Number of first preferences	84	67	NA
Number of children on roll in Year R (2025, 2026), and forecast to require places (2027)	84	67	36
Vacant places	6	23	24

22. I asked the Local Authority about the reasons for a significant drop of the places required for the School in 2027/28. The Local Authority has given me the data extracted from the NHS regarding the births and residents located in the planning area. The Local Authority explained as follows:

“The NHS data demonstrate that, if the PAN is reduced, there will still be sufficient places available for children living within the school's designated area. Withycombe Raleigh currently attracts pupils from outside its designated area - in the September 2026 intake, 67 pupils secured places at the school, although only 51 pupils lived within the designated area. The data also shows there is spare capacity at other local schools confirming the proposed reduction in PAN would not create a school place sufficiency issue either for the wider local learning community. The falling cohort sizes is a result of falling birth rates in the area.”

23. If the proposed variation is approved, parents and other relevant parties would not have been able to express their view on the reduction of the School's PAN, but they may still consider preferences and make their applications for 2027/28 in the knowledge that the PAN of the School is reduced to 60. There are also five primary schools within a distance of one mile from the School, and most of them have surplus Year R places historically. I am satisfied that there is unlikely to be any substantial frustration of parental preference if the proposed variation were to be agreed for September 2027.
24. I will now consider the impact on the School of my approving, or not approving, the proposed variations.
25. The School Admissions (Infant Class Sizes) (England) Regulations 2012 (the Infant Class Sizes 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 (paragraph 2.16 of the Code). The Infant Class Sizes Regulations apply to Year R, Year 1, and Year 2.

26. The School told me that it is planning to run two classes in September 2027, instead of the three it currently runs, to accommodate all the pupils to be admitted to Year R.
27. As schools are largely funded on the number of pupils, and the largest cost to a school budget is staffing, it is generally considered financially efficient to have classes that have 30 pupils or close to, but below, that number. If a school has classes that have many fewer than 30 pupils, then this can mean that the income from the number of pupils is less than the costs of providing a class. If this happens over several classes, a school can have severe financial challenges.
28. The FBIT website shows that for the financial year ending March 2026, the School had an in-year deficit of about £27,000, and a revenue reserve of about £271,000. The Local Authority have shown me budgetary information to demonstrate that maintaining the third Year R class is financially unsustainable for the School.
29. The School added:
- “In addition to the financial benefits, the [PAN] reduction would ease pressure on schools across the wider learning community by helping to ensure that pupil numbers are more appropriately aligned with available places. It would also provide Withycombe Raleigh C of E Primary School with greater flexibility to consider extending its age range in the future, including the potential development of nursery provision, as the additional space created by a reduced PAN would make this more feasible. Furthermore, the space would enable us to develop a dedicated nurture, wellbeing, sensory and/or reset area to support children with additional needs ... This would strengthen our ability to provide appropriate provision within school and respond more effectively to the increasingly complex needs of our pupils.”
30. Having considered all the matters above, my reasoning can be summarised as follows:
- If the proposed variation is approved, parents and other relevant parties would not have been able to express a view on the reduction of the School’s PAN. However, from the data given by the Local Authority, such a variation will be unlikely to give rise to any concern about the sufficiency of Year R places in the planning area. The PAN reduction will be unlikely to result in a substantial frustration of parental preference. This will allow the School to plan on the basis of reducing by one Year R class for 2027/28, and will benefit the School financially in the longer term.
 - If the proposed variation is not approved, the School would be obliged to offer Year R places up to the existing PAN of 90 for any applicant in 2027/28. If just over 60 children were to be admitted, then the School could have to take measures to meet the requirements of the Infant Class Sizes Regulations. A financial deficit could

cause considerable implications for the quality of education at the School as its management struggles to address any deficit through resource reduction.

31. Taking everything into consideration, I find that the variation is justified by the circumstances and I approve it.

Determination

32. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Devon County Council for Withycombe Raleigh Church of England Primary School for 2027/28.
33. I determine that the published admission number for admissions to the Reception Year in 2027/28 shall be 60.

Dated: 30 September 2026

Signed:

Schools Adjudicator: Jackie Liu