Office of the Schools Adjudicator

Determination

Case reference:	**VAR2786**
Admission Authority:	**The governing body of Ottery St. Mary Primary School**
Local Authority:	**Devon County Council**
Date of decision:	**28 October 2026**

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I do not approve the proposed variation to the admission arrangements determined by the governing body for Ottery St. Mary Primary School, for 2027/28.

I determine that for admission in 2027/28 the Published Admission Number for Ottery St. Mary Primary School will be 60.

The referral

1. The governing body of Ottery St. Mary Primary School (the School) has referred to the adjudicator a proposal for a variation to its admission arrangements for 2027/28 (the Arrangements).

2. The School is a foundation school for children aged four to eleven years old in Ottery St. Mary. It is a co-educational non-selective school with no designated religious character. The School is located in a small town in East Devon.

3. The Admission Authority for the School is the governing body.

4. Parties to the request are the governing body of the School and Devon County Council (the LA).

5. The proposed variation is that the Published Admission Number (PAN) for the School be reduced from 60 to 30 for the admission year 2027/28.

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 Arrangements were determined by the governing body on 10 February 2026.

8. The governing body has provided me with confirmation that the appropriate bodies have been notified of the proposed variation in line with the Code. While Kings' School Ottery, the local secondary school was not notified, the School has stated that to do so was not a requirement of the Code.

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

10. In considering the variation request 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 governing body dated 22 July 2026 and supporting documents;
- the determined Arrangements for 2027/28 and the proposed variation 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;
- 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, and the School; and

- Devon County Council Education Travel Policy.

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

13. I have been provided with a substantial amount of information / data by the LA and the School. I have referred only to that which has a bearing on my determination.

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 admission 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 as proposed, it will have the effect of forming the 'baseline' for subsequent years.

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. Following the allocation of places to any child with an education, health and care plan naming the school, the Arrangements set out the following oversubscription criteria:

a) Looked after children and children who were previously looked after.

b) Priority will next be given to children living within the catchment area set out in the map who are siblings of pupils on roll at this school.

c) Priority will next be given to other children living within the catchment area.

d) Priority will next be given to children living outside the catchment area, who are siblings of pupils on roll at this school.

e) Priority will next be given to children of members of staff who have been employed at this school for more than two years or recruited within the past two years to fill a vacancy for which there was a skills shortage.

f) Priority will next be given to other children.

The catchment area of the school is centred on the town of Ottery St. Mary.

18. The School has submitted the following figures of its roll in September 2026:

Table 1: number of children on roll in each year group of the School, September 2026:

Year Group	Number of Children (as of 08/09/2026) There are two classes in each cohort.
Reception	48 (will be 50 in November 2026)
Year 1	60
Year 2	58
Year 3	65
Year 4	62
Year 5	64
Year 6	67

19. Classes from Reception to Year 2 inclusive are limited to 30 children per qualified teacher (as set out in The School Admissions (Infant Class Sizes) (England) Regulations 2012 and in paragraph 2.16 of the Code). The cost of a teacher and the resources necessary for an infant class, when compared to, say, a junior or secondary school teacher / class (where numbers are not limited), must be borne by proportionately smaller income from the children admitted to infant classes. As the table indicates, only the Reception and Year 2 classes for 2026/27 are below 60 students.

20. The governing body has proposed that the Published Admission Number for the School be reduced from 60 to 30 for admissions in 2027/28.

Consideration of Proposed Variation

21. The governing body told me that the reason for it seeking a variation for the School's Arrangements is to better fit a downward trend in demand in the area for Reception places. In the admission planning area where the School is situated, the need for places has declined from 168 in 2020/21 to figures in the eighties in 2027/28 and thereafter.

22. The LA has a duty to ensure that there are sufficient places for the children in its area and to fulfil this duty the LA assesses the future number of places likely to be needed and plans to meet that need. The LA uses admission planning areas, which are geographical areas and the schools within those areas, for this purpose. The data for recent admissions to schools in the admissions planning area of the School is as follows:

Table 2: Recent admissions to schools in the admissions planning area of the School:

Year	PAN for Reception admission in the schools of the admissions planning area	Number on roll (NOR) admitted to Reception classes in the schools of the admissions planning area	Expected need from NHS data of Reception places for children resident in the admissions planning area
2024	150	131	126
2025	150	126	134
2026	150	132	123
2027	150 or 120	n/a	86
2028	150 or 120	n/a	85

23. 2027 is the year to which the request for a variation to the Arrangements at the School would apply, leading to a PAN reduction from 150 to 120. On the basis of expected decline in demand, there is therefore a valid case for considering a reduction in the number of places available in the admissions planning area.

24. This picture of declining demand can be looked at more closely as follows:

Table 3: NHS data of the number of children resident in the catchment of the schools in the admissions planning area, of age for Reception admission in the year indicated:

	PAN	**29/ 30**	**28/ 29**	**27/ 28**	**26/ 27**	**25/ 26**	**24/ 25**	**23/ 24**	**22/ 23**	**21/ 22**	**20/ 21**	**19/ 20**
Ottery St. Mary Primary School	60	41	43	41	57	73	63	84	69	83	89	84
West Hill Primary School	30	9	14	14	18	17	18	32	25	32	34	29
Feniton Church of England Primary School	30	27	16	21	41	30	35	35	33	35	32	59

	PAN	29/30	28/29	27/28	26/27	25/26	24/25	23/24	22/23	21/22	20/21	19/20
Payhembury Church of England Primary School	15	2	2	7	2	7	6	6	10	12	8	10
Tipton St John Church of England Primary School	15	8	10	3	5	7	4	6	5	6	5	9
Total Reception places allocated / needed	150	87	85	86	123	134	126	163	142	168	168	191

(It should be noted that the LA is not the admitting authority for any of the schools listed above. They are either foundation or Church of England schools, with their own admitting authority. All are listed on GIAS as being at or close to their capacity.)

25. In Tables 2 and 3 the decline from 2027/28 onwards in numbers of children resident in the admissions planning area and needing a Reception place is particularly notable. The decline for the School is the largest of any school in the admissions planning area.

26. In determining whether to agree the variation, it is then necessary to consider preferences of parents for individual schools, to consider the effect of change.

Table 4 is the overall pattern of PANs and expressed preferences for the School and the other schools in the admissions priority area, Devon LA data:

Reception year and School	PAN	Number of first prefs	Number of second prefs	Number of third prefs	Offers made	Children admitted	Distance from school of last offer made (m)
2024							
Feniton	30	31	12	8	30	30	6394
Ottery St. Mary	60	53	14	8	52	53	7554
Payhembury	15	10	14	2	10	10	6403
Tipton	15	9	15	16	8	9	3600
West Hill	30	26	10	0	28	29	3140
2025							
Feniton	30	19	7	7	19	19	20,599
Ottery St. Mary	60	63	13	11	6	59	7784
Payhembury	15	10	9	0	8	8	3170
Tipton	15	10	21	11	11	11	15,907
West Hill	30	30	29	10	28	29	5775
2026							
Feniton	30	27	13	10	29	30	10,084
Ottery St. Mary	60	44	23	10	44	48	8478
Payhembury	15	15	5	3	15	13	3415
Tipton	15	8	8	10	9	9	5359
West Hill	30	42	20	5	30	31	2421

27. Taken together, Tables 2 to 4 show that there has been a close match between availability of Reception places and demand for them in 2024 to 2026. Families have almost always been able to secure their first preference or failing that their second preference. Families have been able to secure places at schools which are distant from their residence.

Projected change for the School

28. The data shows that in 2023/24 and 2025/26 there was a close match between first preferences expressed and places available in the School's admission planning area. The School would expect to fill or nearly fill the 60 places in its PAN on first preferences. The School did not have to offer places to children who had failed to secure a first preference elsewhere.

29. However, in 2024/25 and again in 2026/27 the School was below its PAN of 60. While NHS data suggested that 57 children might require placement at the School, only 43 first preferences were received. In 2026/27 the PAN of 60 was not reached.

30. Both the School and LA recognise that this situation is facing imminent change. This comes in the form of the projected decline in need for places. There is also a possible switch in preference where the School may face a significant reduction in demand for places, while its neighbour West Hill Primary faces a growth in demand above its PAN.

31. The most oversubscribed school in the admissions planning area has come to be West Hill Primary, which for 2026/27 entry had 42 first preferences for its PAN of 30 places. This is despite NHS data suggesting that only 18 places would be required. West Hill Primary is in an off-shoot community of Ottery St. Mary.

32. This level of demand meant that West Hill Primary was only able to offer places to first preference children living within 2 km of that school.

33. The effect of this change in 2026/27 would not have been evident to children seeking places at Ottery St. Mary Primary, because the PAN for 2026/27 was 60 places, and all who named the School as their first preference were allocated a place at the School. However, had the Ottery St. Mary Primary School PAN been 30, few, if any, of the disappointed applicants would have secured a place at West Hill Primary. This is because it was their second or lower preference, because of their distance from West Hill Primary, and because West Hill Primary filled all its places with its first preference applicants.

34. I have been given by the LA helpful data on how places would have been allocated had the School operated with a PAN of 30 in both 2025/26 and 2026/27.

35. In 2025/26, 17 applicants who placed the School as their first preference had West Hill Primary as their second preference. They would not have been allocated that school. Of those 17, 13 had Feniton Primary as their closest school, and would be likely to be allocated to it, even though it was generally their fourth preference.

36. In 2026/27, of those who placed the School as first preference, 12 had West Hill Primary as their second preference. None of those could have been allocated. Half of the 12 could have been allocated their third or fourth choice, either in Tipton or Feniton. The remainder would have had to be allocated a no preference school out of the admissions planning area.

37. Admittedly, in both years there were over 120 local children seeking Reception places from the admissions planning area, and the reduced School PAN modelled would have reduced the number of available places to 120. However, in my view, this modelling sheds helpful light on the situation in the admissions planning area. While a surplus of Reception places of 20 or 30 places might suggest a reduction in place availability is needed, the way individual family preferences play out can lead to unhelpful and unfair outcomes.

38. As can be seen, the 2026/27 figures on expected intake at the School has not matched reality. In the case of the School, an expected need for 57 places has not been matched by the actual admissions of 43 children. Conversely, West Hill Primary was determined to be likely to need 18 places in 2026/27; but it actually attracted 42 first preferences. It is a reasonable proposition to suggest that this pattern of under-application for the School and over-application for West Hill Primary might continue.

39. The School is predicted to need to deliver over 40 Reception places in 2027/28 and beyond; but could slip to below 30 required places. The School's referral suggests that the School generally attracts 85% of first preferences from those seen as likely candidates, which would suggest 35 first preferences in 2027/28 and 36 first preferences in 2028/29. I see this as a reasonable assumption, with the consequence that some parental first preferences would not be met in 2027/28. The LA agrees with this modelling.

40. Similarly, West Hill Primary may continue to face demand above the anticipated demand of somewhere in the teens in 2027/28 and beyond, and may therefore continue to be a school with few if any places for second or third preferences.

41. If the School PAN remains at 60 for 2027/28, it will be required to admit more than 30 children, a situation where income will not meet the cost of delivery. If the School PAN is reduced to 30, any first preferences who cannot be placed will have to be allocated elsewhere; and that allocation will be to where there is spare capacity. Table 3 shows that capacity may be in village schools which are not nearby even though in the same admissions planning area. For instance, estimates for future need and availability might suggest children would be allocated a place at Payhembury Church of England Primary: a successful village school, but one 7 km away on the other side of the M5 Motorway.

42. From a local community point of view, this may lead to outcomes which are unwelcome. Parents may see it as unfortunate but familiar for a child to miss a place in a small village school and then to be allocated a lower preference school in a larger community. However, for children resident in Ottery St. Mary to fail to secure a place at either of the large primary schools in that community, and to be allocated instead a place at a small village school some distance away, may be a substantial detriment to those families.

43. The statutory walking distances to or from school which is expected of children up to eight years old is 3.2 km. The School has noted other local schools outside the priority area which might be a first preference for families resident in its catchment area, such as Whimple Primary School, Newton Poppleford Primary School, and Sidbury Church of England Primary School. However, these schools are also 5 km or so from central Ottery St. Mary; they have not been utilised by Ottery St. Mary families significantly in the past; they are at or close to capacity; and they are in a different catchment area, whereby they will tend to offer preference to applicants from that area. These may not be available choices.

44. It is, of course, the case that those living closest to the School in central Ottery St. Mary will be most likely to be allocated places at it; applicants who have a lesser priority will tend to live on the fringes of the town. However, it will remain the case that there is no safe walking route for such children to the school to which they may be allocated. They may require LA funded transport to and from school. The Devon County Council Transport to School policy states, “Transport support may be offered if a child has been refused admission to the nearest school and therefore had to attend the next nearest school where a place is available.” This could, for example, be the case if a child lives nearest to the School but is not allocated a place there and instead is allocated a place at Payhembury Church of England Primary which is further away.

45. The School has assumed that children who are not allocated a place in 2027/28 will be allocated to West Hill School. However, the School has not reflected on the fact that West Hill may continue to be oversubscribed, and so places will not be available for children who live in the town. As adjudicator, I have considered this possibility, and it does not seem appropriate for me to allow this change without the usual consultation expected by the Code.

46. The LA have made clear the dynamic situation for schools in this part of Devon. While no other school has currently proposed a PAN reduction, Tipton St. John School is possibly changing location and capacity due to the flood threat to its current site. This makes mapping future allocation of places harder.

47. Overall, I do not feel clear that the effect of the requested change on those applying for the School for 2027/28 entry will be fair and reasonable. There remains a significant chance that some parents will be unsuccessful in their first preference but would then be allocated a place elsewhere to a low or no preference school that they would view as unreasonable on the basis of distance and difficulty of transport.

Impact of the requested variation on School financial viability

48. I have considered the impact of decreasing admission numbers on school finances balanced against the impact reducing the School’s PAN may have on meeting parental preference.

49. While sympathising with the financial challenge faced by the School’s leaders, the LA notes that the change would lead to some applicants who name the School as their first

preference not being allocated a place at it. Importantly, the LA contends that they would be unlikely to be allocated their second preference but may be allocated a fourth preference or zero preference school. In the view of the LA the likely alternative offers are not acceptable or appropriate.

50. The School has offered the following picture of its current financial situation. The School has made clear that if it fails to submit a viable budget for 2027/28 to the LA, it believes it will be placed in special measures, with the LA directing budget saving devices which may ill-fit the School. I need to balance the School's description of its financial situation if the reduction in PAN is or is not agreed, with my perception of the out-turn for applicants of those two pathways.

Table 5: School statement of its budget position if the variation is agreed or not agreed:

Forecast Budget Position if PAN is not reduced:

	2026/27	2027/28	2028/29	2029/30	2030/31
Potential In Year Surplus / Deficit	-54,879	-162,036	-305,261	-443,482	-625,566
Potential Surplus or deficit brought forwards:	211,000	156,121	-5,915	-311,176	-754,658
Potential Cumulative carry forwards:	156,121	-5,915	-311,176	-754,658	-1,380,224

Forecast Budget Position if PAN is reduced:

	2026/27	2027/28	2028/29	2029/30	2030/31
Potential In Year Surplus / Deficit	-58,014	-124,546	-219,303	-313,232	-442,650
Potential Surplus / Deficit brought forwards	211,000	152,986	28,440	-190,863	-504,095
Potential Cumulative Carry forwards	152,986	28,440	-190,863	-504,095	-946,745

51. I note that whether the reduction in PAN is agreed or not, the School suggests that it will have an in-year budget deficit in 2027/28. That deficit is assessed as being £162,036 if the PAN is sustained at 60, but it would still be £124,546 if the PAN is reduced to 30.

52. I also note that of itself, a reduction in PAN for 2027/28 does not secure the long-term financial security of the School. While future admissions numbers are hard to forecast, even with a reduced PAN in 2027/28 the School forecasts a deficit of £442,650 in 2030/31. The deficit is estimated to be £625,566 if the reduction in PAN is not agreed.

53. The reduction in PAN for 2027/28 will have a beneficial but limited effect on the School budget position. However, there would need to be further cost saving action to secure the School's finances, such as a reduction in PAN in the arrangements yet to be determined for 2028/29.

54. Conversely, the School makes a clear case that if it submits a deficit budget for 2027/28, which would be the case if the PAN is not reduced, the LA may choose to direct savings which are in conflict with the School's priorities and the demands made of it by the stated support needed by children with education, health and care plans.

55. The School has also presented a clear case for why it does not see re-organising with mixed aged classes as operationally viable. It may be that the demography of the area is such that this would not be a good fit for the School and community, given the expected scale of likely decline for Reception places. The School has provided a detailed case of the unsuitability of alternative arrangements in its local context. This includes issues to do with the layout of the classrooms and their suitability for Reception class teaching; and the limited degree to which mixed aged teaching saves delivery costs, given the high level of teaching assistant support such classes might need. The School has argued that moving to mixed-age classes may increase a tendency for applicants to prefer other schools with single aged classes.

56. The School has also considered whether other cost saving measures which it could take would meet its needs in the near future. It has stated:

> "The levels of support staff within the school are already low and currently amount to 16.45 FTE TA roles to cover 14 classes including 9 EHCPs that require one to one support full time. Many classes in KS2 are over PAN and the needs of the children are increasing year on year. There are currently 106 children on the SEND Register representing 24.94% of the school cohort. Beyond the SEND needs, there are significant and increasing number of children requiring high levels of pastoral support in order to access education. Setting this against the backdrop of the current focus of the government, local authority and Ofsted on inclusion within mainstream schools there is no practicable way to reduce support staff without significantly prejudicing the provision of education and support to the children. Indeed, given the stripping away of family support and key social care avenues by successive governments, the school is in dire need of more support staff for the children which can only be secured through the realistic funding of education at a national level."

57. The governing body has presented a sound argument for the variation it proposes. It shows an understanding of needing to secure the viability of the School, but also a sense of the changing needs of the local community and a rapidly changing need for Reception places. The School has stated to me that this referral "is a part of a larger multiyear strategic plan that the School and its governors are working on. This will include restructuring staffing in all departments."

58. I also accept that the LA has provided evidence that it may be able to manage school places in the planning area even with a reduced PAN at the School for 2027/28. However, it is difficult to be confident of this outcome. There is a mismatch between the projection of the number of places needed at each school in the future, and the actual pattern of application versus capacity at schools in the last two years. This raises a clear possibility that unsuccessful applicants to the School with a PAN of 30 may have to be transported out

of Ottery St. Mary to a low preference or no preference school. It may also be the case that newly arriving families to the town in 2027/28 may face a situation where no school in the town has a space for a Reception aged child. The LA opposes the proposed variation.

59. On balance, I have assessed the limited and temporary benefit to School finance and efficiency of the variation requested. I have compared that to what I see as likely difficulties which would result from the reduced PAN requested. At this point in time, my judgement is that the School must proceed with its determined Arrangements while exploring more definitive change.

60. It remains the case that should circumstances change, the Governing Body could submit a new referral for the change it has requested. For instance, once initial preferences are submitted for admission to Reception classes in 2027/28, the degree of unmet need would be clearer.

61. It is further the case that the School has time to consult formally in accordance with the Code for its arrangements for 2028/29. This would enable the School to allow for the priorities of the community which it serves.

62. I, therefore, do not agree that a variation to the Arrangements for 2027/28 should be made.

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I do not approve the proposed variation to the admission arrangements determined by The Governing Body for Ottery St. Mary Primary School, for 2027/28.

I determine that for admission in 2027/28 the Published Admission Number for Ottery St. Mary Primary School will be 60.

Dated: 28 October 2026

Signed:

Schools Adjudicator: Paddy Storrie