



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** VAR2544

**Admission Authority:** Suffolk County Council for Westgate Primary School, Bury St Edmunds

**Date of advice:** 23 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 Westgate Primary School, Bury St Edmunds.

I determine that for admission in 2025, the PAN for admissions to Year R shall be 45.

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 Westgate Primary School, Bury St Edmunds (the school) for the school year 2025/26 (the arrangements). The school is a co-educational community school for children aged 4 to 11 in Bury St Edmunds, 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 for 2025 be reduced from 60 to 45. 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. 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 admission authority dated 14 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 admission arrangements for 2026/27.
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 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 60, if it wishes a PAN of 45 to apply, it will be necessary for it to seek a variation to those arrangements.

## Consideration of proposed variation

11. 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.
12. 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". The PAN for the school is listed as 60.
13. I have considered these arrangements as a whole in a recent determination under VAR2533 for Pot Kiln primary school and so will not do so here.
14. The admission authority has proposed that the PAN for admissions to Year R at the school in 2025 be reduced from 60 to 45, and the reason for seeking the variation is that, since the arrangements were determined by it in January 2024 there has been what the LA has described as "a new pattern of applications which shows a reduction in preferences for Westgate CP school." A planned significant housing development in the

school's neighbouring catchment area which was taken in to account when the arrangements were determined has now been postponed for at least three years.

15. The school has experienced falling rolls in recent years and as a result has already adopted mixed age classes in Key Stage 1. The school is of the view that a PAN of 45 will enable it to better plan the class organisation of the school while satisfying the requirements of the School Admissions (Infant Class Sizes) (England) Regulations 2012. I note here that the school governors have stated that they will be happy to revert to a higher PAN when the number of children needing places in the area increases in the future.
16. The school has received 83 expressed preferences by parents for a place in Year R in September 2025, of which 35 were first preferences. The current year group sizes are shown below:

<b>Year group</b>	<b>Number of children</b>
Year R	38
Year 1	35
Year 2	47
Year 3	49
Year 4	37
Year 5	47
Year 6	46
<b>Total</b>	<b>299</b>

17. The school is currently organised into 12 classes with five classes across Key Stage 1, but only two for Year R. If the variation is approved, the school intends to continue with this approach.
18. 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 15 primary schools. Together, these provide 648 Year R places currently. The numbers of first preferences which have been

expressed for places across these schools for the last two years, and the number of children allocated a places 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	514	513
2024/2025	527	521

19. 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	30	32
2024/2025	36	36

20. 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	512	36
2026/2027	515	29

21. 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 633 for 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 schools in the planning area. There have been 35 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 36 places there is likely to be accurate. In other words, it seems to me that there is little or no likelihood of parental preferences being frustrated if the school provides only 45 Year R places in September 2025.

22. In view of all these factors, I agree that the PAN for 2025 shall be 45.

23. When the LA determined the arrangements for the school for 2026 it set the PAN at 60

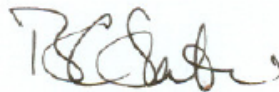
but has told me that if this requested variation for 2025 is approved, it will seek a variation also to those arrangements by reducing the PAN to 45. It has therefore made no such request to date.

## Determination

24. 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 Westgate Primary School, Bury St Edmunds.
25. I determine that for admission in 2025, the PAN for admissions to Year R shall be 45.
26. 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: 23 April 2025

Signed:



Schools Adjudicator: Dr Bryan Slater