



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2217

Admission authority: the governing board for Priory Church of England Primary School in the London Borough of Merton

Date of decision: 10 February 2022

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve with modification the proposed variation to the admission arrangements determined by the governing board for Priory Church of England Primary School for September 2022.

I determine that the published admission number shall be 30 including up to 15 foundation places and up to 15 open places.

I have also considered the arrangements under section 88I(5) of the Act 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 by 28 February 2022.

The referral

1. The governing board for Priory Church of England Primary School (the school) has referred a proposal for a variation to the admission arrangements for September 2022 to the adjudicator. The school is a voluntary aided school for children aged three to eleven in Wimbledon and the London Borough of Merton (the local authority). The school has a Church of England religious character and the faith body for the school is the Diocese of Southwark (the faith body).

2. The proposed variation is that the published admission number (PAN) is reduced from 45 to 30 for admissions in September 2022.

Jurisdiction and procedure

3. The referral was made to me in accordance with section 88E of the School Standards and Framework Act 1998 (the Act) which deals with variations to determined arrangements. Paragraphs 3.6 and 3.7 of the School Admissions Code (the Code) say (in so far as 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”.

4. I received confirmation that the appropriate bodies have been notified. I find that the appropriate procedures were followed, and I am satisfied that the proposed variation is within my jurisdiction. I am also satisfied that it is within my jurisdiction to consider the determined arrangements in accordance with my power under section 88I of the Act as they have come to my attention and determine whether or not they conform with the requirements relating to admissions and if not in what ways they do not so conform.

5. In considering these matters I have had regard to all relevant legislation, and the Code.

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

- a. the referral from the governing board dated 21 December 2021, supporting documents and further information provided at my request;
- b. the determined arrangements for 2022 and the proposed variation to those arrangements;
- c. the guidance provided by the faith body on admissions to schools in its area with a Church of England religious character (the guidance);
- d. comments on the proposed variation by the faith body;
- e. information on admissions in recent years, preferences for 2021 and 2022 and forecasts for admissions in future years for the school and other local schools;
- f. a map showing the location of the school and other relevant schools;

- g. a previous variation agreed for the school for admissions in 2021 (case reference: VAR2105) which I shall refer to as the previous determination; and
- h. information available on the Department for Education's website.

7. I have also taken account of the information I received during a meeting I convened on Monday 31 January 2022 via the medium of Microsoft Teams attended by representatives of the governing board, the local authority and the faith body.

The proposed variation

8. The previous determination followed a request by the governing board to vary the admission arrangements for 2021 so that the PAN set for the school was reduced from 60 to 45. I considered the request and agreed the reduction in PAN in my determination published on 24 February 2021. The variation was in relation to 2021 and 2021 only. It was made after the date on which the arrangements for 2022 were set which was 7 January 2021. The arrangements for 2022 included a PAN of 45 and it would seem that this PAN was determined without the consultation required by the Code. I will discuss this further below.

9. The governing board has now proposed that the PAN for 2022 should be reduced from 45 to 30. The governing board said, "Pupil numbers at the school and across the local area have declined, leaving the school in a grave financial situation that requires immediate action to ensure its sustainability. The pandemic has led to many families moving unexpectedly out of London... We took action last year, reducing the PAN to 45 through an application to the Schools Adjudicator with the best of intentions but it is now clear that we did not go far enough and the consequences of mixed aged classes were more difficult than we envisaged... A PAN of 45 necessitates mixed classes to operate efficiently; this has proved unpopular with parents. The revised PAN of 45 was not achieved in the first year, with only 40 on roll at the October 21 census. Further losses are expected. An updated PAN of 30 would enable the school to have a settled one form entry model in Reception which will be more popular with parents and give the school a more stable financial position."

10. 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 variation requested is justified by the change in circumstances.

Consideration of proposed variation

11. There is no formal consultation required for a variation and so parents and others do not have the opportunity to express their views. Once the PAN has been set for a particular year for a voluntary aided school such as this, no-one can object if that PAN remains the same in subsequent years. Clearly it is desirable that PAN reductions 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. I was very concerned that if I were to agree this variation then this would be the second year in succession that the PAN for the school would be reduced without consultation and the opportunity for objections. I also found that as the arrangements for 2023 have not yet been determined, if I were to agree to the variation so that the PAN was 30, the PAN could remain at 30 for future years without consultation having occurred. I will consider these matters in more detail below.

12. I have scrutinised the data to try to ascertain if there will be sufficient school places in the local area if the PAN is reduced from 45 to 30 for September 2022. I have also considered the demand for places at the school, the reasons given for the change, the potential effect on parental preference and whether the change is justified in these circumstances.

13. The local authority has a duty to make sure 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, which are geographical groups of schools, for this purpose. The school is one of 13 schools admitting children to reception year (YR) in what the local authority refers to as planning area 3 (the planning area). The school is situated in an urban area and there are 11 other schools within one mile of the school that admit children to YR; eight of these schools are within the planning area.

14. In October 2021 the local authority gave a presentation to all primary headteachers in its area and shared its forecasts of reduced demand for primary places. Two parts of the planning strategy provided were:

- “Continue to encourage schools to reduce admissions numbers to multiples of 30 for education efficiency when practical to do so
- Encourage schools to work in cluster areas with the council to agree reductions in admission numbers at an area level”

15. The proposed variation appears to be part of that strategy and I am grateful to the local authority for all the data that it has provided in support of the proposal. I am aware that other schools, outside the planning area, have sought reductions to their PANs via variations but as these other schools are not close to the school, I will not take them into consideration. Table 1 below summarises the number of children admitted to the schools in the planning area in recent years and includes, for 2021, the reduction in the PAN for the school by 15 places, that is to 45 places.

Table 1: numbers of school places and numbers of children admitted to YR in schools in the planning area

	2019	2020	2021
Sum of PANs of schools in the planning area for YR	780	780	765
Number of children admitted based on the October census	759	719	703
Vacant places	21	61	62
Number of vacant places as a percentage	3%	8%	8%

16. Table 1 shows that there has been reducing demand for places in YR in the planning area from 2019 when the combined PANs were very close to the number of children admitted. The proportion of vacant places in 2020 and 2021 is eight per cent. The local authority has said that it seeks that there should be around five per cent vacant places in order to give flexibility to accommodate those moving into an area requiring a place in YR. Of course, the number of places available in 2021 was 15 fewer than in 2020 due to the reduction in PAN at the school. If the PAN for the school had remained at 60 then the number of vacant places would have been 77 in 2021 and the proportion of vacant places would have been ten per cent.

17. Table 2 provides the forecasts made by the local authority for a place in YR in the planning area. The sum of the PANs for the schools in the planning area assumes that no school changes its PAN from that set for 2022, so includes the school's PAN as set at 45. The local authority's forecast shows decreasing demand in every year and it is clear that if the PAN for the school were to be reduced to 30 then there would be sufficient places for children seeking a place in YR in the planning area in 2022 and future years.

Table 2: number of places and numbers of children forecast to need a place at a school in the planning area for YR

	2022	2023	2024	2025
Sum of PANs of the schools in the planning area	765	765	765	765
Forecast demand for places	679	642	625	611
Forecast number of vacant places	86	123	140	154
Number of forecast vacant places as a percentage	11%	16%	18%	20%

18. I will turn now to the number of preferences made for the school and the admissions to the school. Table 3 shows the preferences for the school in previous years. The figure for 2022 excludes any made by parents living outside the local authority's area as these are not yet available. I note that in 2021 there were two preferences for the school from outside the local authority area and neither child took up a place at the school. The data on applications shows very low numbers of preferences made by parents from outside the local authority's area for 2021 for places at schools in the planning area except for one on

the very edge of the local authority's area. It therefore seems likely that the numbers of applications are reasonably accurate for those applications made by the admissions deadline. Table 3 also shows the number of children allocated a place at the school and the number of children on roll at the school at the time of the October census each year.

Table 3: preferences made for the school, number of children offered a place and the number of children on roll

	2019	2020	2021	2022
First preferences	35	19	14	16
All preferences	224	183	188	127
Number offered a place on 15 April	60	61	45	N/A
Number on roll in YR at October census	59	43	40	N/A

19. In the local authority area, parents can make up to six preferences. A first preference is the school that the parents most want their child to attend. Since 2019 the number of first preferences and overall preferences for the school have roughly halved although I note that the figure for 2022 does not take into account late applications. I will now consider the admissions in 2021 to inform my decision for 2022.

20. I was perturbed that the data provided showed that on national offer day for YR (16 April 2021), there was a waiting list of 12 children for places at the school. It therefore appeared that those 12 children would have been admitted if I had not agreed to the previous variation that reduced the PAN to 45. The number admitted would therefore have been 57, close to the PAN originally set by the governing board for 2021.

21. I raised this matter at the meeting and the local authority explained that every year there were considerable changes from the number of offers initially made on national offer day to the numbers of children actually joining YR in September. This was caused by a number of factors, including parents moving out of the area or some parents, having applied for state funded schools, then deciding to send their children to private schools. In both cases places allocated to children who no longer wanted them could then be reallocated to others. This pattern of reallocation could continue affecting many children and schools and was described by the local authority as 'churn'. It is therefore the case that while it might have appeared on national offer day that 57 children would have liked places at the school, the reality was that there were 41 children admitted in September 2021. Given that this is four children fewer than the PAN of 45, it is clear that any child who wanted to go to the school was able to do so. By October 2021, the number of children in YR had fallen by one so that there were 40 children on roll in YR.

22. The governing board has said that it seeks a PAN of 30 because of the reduced demand for the school and the effect there has been on the school's finances. The school

currently has a budget deficit and the governing board says that this will increase unless the PAN is set at 30. I will therefore at this point explore matters around the school's class organisation. First, I note that children in YR are infants as infant classes are those where the majority of children will reach the age of 5, 6 or 7 during the school year. The School Admissions (Infant Class Size) (England) Regulations 2012 (the infant class size regulations) require that infant classes must not contain more than 30 pupils with a single qualified school teacher except in specific circumstances. It is advantageous, where schools seek to teach in classes all from one year group, for the number of children in each year group to be either a multiple of 30 or close to that number. If just over 30 children are admitted and the school has classes containing only single year groups then there would have to be two classes, each with a qualified teacher. As schools are largely funded on the number of pupils, this would be an expensive model with perhaps 15 or 16 to a class if 31 children were admitted.

23. At the meeting the chair of the governing board for the school explained some of the challenges the school had faced recently. Faced with falling numbers the governing board had made the decision to adopt mixed year classes in order to make best use of its resources. Mixed year classes are used very successfully by many schools across the country. By mixing different year groups schools can have more financially efficiently sized classes. For example, with year groups of 45 a school could have three classes of 30 covering the 90 children in years 1 and 2. However, the school was the only school in the area to have classes with more than one year group and the governing board told me that in spite of its preparation and work to inform of parents of what it was doing and why, the approach was not well received by many parents. In a short period of time the school's population reduced from 260 to 210 children with children leaving from several year groups. This clearly had a major impact on the resources of the school and the governing board decided to revert to a model of single year group classes and this is the model used now. This also has financial implications. My jurisdiction is for the year of admission, YR in this case, but in terms of context I note that the school now organises its 204 children into nine classes as follows:

- YR with 40 children has two classes
- Y1 with 30 children has one class
- Y2 with 28 children has one class
- Y3 with 27 children has one class
- Y4 with 37 children has two classes
- Y5 with 16 children has one class
- Y6 with 26 children has one class

24. Thus five of the seven year groups have 30 or fewer children each and each has a dedicated class with one of these (Y5) having only 16 children. The two year groups with over 30 children (YR and Y4) are both organised into two classes each; each class has 20 or fewer children. There may have been a number of reasons that prompted parents to remove their children from the school but the governing board is clearly of the mind that the move to mixed year group classes was a significant factor and it therefore intends to maintain classes with single year groups.

25. The chair of the governing board described how the school had had a financial deficit of around £300,000 caused by the reduced demand for YR places and by so many children leaving from other year groups. The deficit has now been reduced through staff restructurings to around £30,000. However, there is a clear risk that if just over 30 children were to be admitted in 2022 while the single year group approach to teaching groups was maintained, the financial situation could soon deteriorate again.

26. The governing board has said that it now seeks a PAN of 30 for YR because, “A one form entry class structure will allow us to plan our budget accordingly and will enable [the] school to maintain a full Reception class rather than running below our maximum potential.” I note that even if the PAN were 30 and 30 children were admitted, there is still the possibility that children would leave and so the number of children would fall below 30. I also note that whatever the PAN for YR, this has no effect on numbers of children in other year groups. It does not, in particular, mean that admission to other year groups where they exceed 30 could be automatically refused; each case would have to be considered on its merits against the test of whether admission would prejudice the efficient provision of education or efficient use of resources and with the right of appeal to the independent appeals panel.

27. I understand that the governing board is very keen to have a PAN of 30 for 2022 and future years. At the meeting I asked why the governing board had not consulted on such a reduction and in particular why it had not consulted on reducing the PAN to 30 for 2023. The chair of the governing board apologised for the lack of consultation but described the many challenges the school had faced which contributed to the governing board missing the chance to consult. These challenges included addressing the financial deficit, the two staff restructurings, a headteacher leaving at short notice, the appointment to replace him and an Ofsted inspection within seven weeks of the new headteacher coming into post. I note that the new headteacher is an interim appointment until a permanent appointment is made. I also note that these challenges were in the context of the Covid-19 pandemic which put significant additional strains on all schools. My concern about the lack of consultation is that parents and other interested parties were not given the opportunity to express their views on a potential reduction in PAN for two years running. This is a significant concern particularly as it is clear that the governing board were aware of the forecast reductions in numbers and had the opportunity to consult.

28. Paragraph 1.45 of the Code says, “When changes are proposed to admission arrangements, all admission authorities **must** consult on their admission arrangements

(including any supplementary information form) that will apply for admission applications the following school year.” The governing board has not complied with the Code in this matter in relation to setting the PAN at 45 for 2022.

29. I will now turn to the preferences made for 2022 and so the effect on parental preference if I were to agree to the PAN being set at 30. I am grateful to the local authority for the data it has provided in this matter and for its informed view provided at the meeting. The local authority knows through experience what factors can affect the number of children admitted to a school and the ‘churn’ that can occur as discussed above. In this case the local authority brought two further matters to my attention. One was that the overall number of applications and preferences made for the schools in the area has fallen compared to 2021. More particularly, two local church schools (Bishop Gilpin and Holy Trinity Church of England Primary Schools) normally receive more and higher preferences from parents seeking a school with a Church of England religious character, than the school. This may relate to the outstanding Ofsted judgements made for these schools. Holy Trinity is about a third of a mile from the school and Bishop Gilpin is under a mile. I have provided the number of admissions and preferences made for these schools in table 4 below.

Table 4: number of preferences made and admissions to the three Church of England schools

	2021			2022	
	First preferences	All preferences	admissions	First preferences	All preferences
Priory PAN 45	14	188	41	16	127
Holy Trinity PAN 60	102	289	60	81	214
Bishop Gilpin PAN 60	76	323	60	69	258

30. The significance is that for applications for 2022, the numbers of preferences expressed for these schools are lower than in previous years. Bishop Gilpin has had 258 preferences for 2022 (with a PAN of 60) compared to 323 in 2021. Similarly Holy Trinity has had 214 preferences for 2022 (with a PAN of 60) compared to 289 for 2021 and the number of first preferences have reduced from 102 to 81. These are significant reductions. As these schools are more popular than the school, the local authority believes that more of the parents who put the school as a (lower) preference will be admitted to one of these schools as a higher preference. The overall effect is expected to be fewer admissions to the school in 2022 than in 2021, although I do note that the number of first preferences has actually increased from 14 in 2021 to 16 for 2022.

31. At this point, based on the applications already received, the local authority anticipates making 30 offers of places at the school. I questioned this as the figure 30 so

neatly matches the PAN sought by the governing board but the local authority was able to assure me that the potential of 30 offers was still based on the PAN for the school being 45. However, the local authority expects late applications which may take the number of offers above 30 if the PAN were to stay at 45 – possibly to around 35. Admitting 35 children would mean that the school would have to provide two classes of around 17 or 18 children each if it is to stick to its single year group class model. This would undoubtedly exacerbate the school's financial difficulties and increase its deficit without any clear way to address this. There clearly remains the possibility of re-introducing classes with mixed year groups; there are ample spaces in the current YR which will be Y1 from September to permit more efficiently sized classes spanning those two year groups. There also remains scope in key stage 2 (to which the infant class restrictions do not apply) to reduce the overall number of classes by adopting mixed age classes. However, I note the school's negative experiences when using this approach previously and its very strong reluctance to do so again. The previous experience would suggest that some of the parents whose children have joined the school since it has reverted to single year classes, might remove their children from the school as there are spaces locally. This could lead to disruption to class organisation and further budget reductions.

32. If I were to agree to vary the PAN to 30 because of the effect on the school's finances (and thus the education it is able to offer), then there is potential frustration to parental preference. As every parent can make up to six preferences, some of those offered a place may have placed the school as a relatively low preference. I note that, for example, ten of the offers made for 2021 were for fifth preferences. Against that, the fact that these places were offered means that they were in each of those cases the highest preference that could be met for those families. To put it another way, the alternative for those families would have been their sixth preference or a place at a school for which they had not expressed any preference and they would by definition have seen their child placed at a school they liked less than this one. I am therefore weighing the effect on parental preference of reducing the PAN to 30 against the effect on the school of admitting just over 30 children. I am conscious that at this point in the year, parents have made their applications in good faith based on the PAN for the school being 45. This is a very awkward stage to change the arrangements and it needs serious justification to do so.

33. I have considered refusing the variation at this time in order to see how many children would in fact be offered places on national offer day in April. If that number were to be under 30 then the governing board could ask again for a variation to reduce the PAN to 30. This could be considered by an adjudicator secure in the knowledge of what demand actually had been at national offer day. If approved, the school could then establish one class without the concern that additional children might be entitled to join the school during the year and potentially requiring the formation of another class so that infant class size regulations were met. However, if I refused the variation, just over 30 children might be offered places on national offer day and the school would then need to plan on the basis that they all might need to be admitted in September with all the implications for the school budget described above.

34. As table 3 shows, the number of preferences overall for the school has reduced by around a third since 2021 (from 188 to 127). This is evidence that supports the forecast that demand for the school will be lower for 2022 than for 2021. I am reluctant to agree to a variation which may frustrate parental preference at this point in the admissions process. I am also conscious that every preference is important and parents quite rightly will want their child to attend the highest preference that can be met and by reducing the PAN at this stage it is possible that this will not happen for some parents who put the school as a preference.

35. I am weighing the need to meet parental preference wherever possible against the potential effect on the school if just over 30 children are admitted. Additionally, at this point, before the whole process of admissions in this area has run its course and based on preferences received, there are 30 offers for the school likely. I further note that there are several schools within walking distance expected to have places available and that no child would be without a place in a local school.

36. I am conscious that the need for me to make this decision could have been avoided if the governing board had consulted. I am also conscious that my decision is not based on whether the requirements of the Code were met or not previously regarding consultation but on the effect on education and parental preference.

37. My decision has been finely balanced. I have decided that in this case the disadvantages to the school and the children it educates if the PAN were to remain at 45, outweigh the potential frustration of parental preference of setting the PAN at 30. This is because of the financial challenges to the school if more than 30 children were to be admitted in 2022. On the basis of the evidence provided to me, there would be an increase in the school's financial deficit, limited ways to address this and possible detriment to the children attending the school as a result. We do not know how many children would be admitted to the school in September 2022 if the PAN were to remain at 45 but we do know that any figure between 30 and 45 would lead to these difficulties. By setting the PAN at 30 there may be some children who do not get the school as the highest preference that could be achieved for them and this is regrettable. However, there are many schools in the area and there are sufficient spaces overall, indeed a growing number of vacant places, and no child would have to travel an unreasonable distance to a school that Ofsted has judged good or better if they were not admitted to the school because the PAN was 30. I therefore find that the variation is justified by the circumstances and approve the variation so that the PAN for the school is 30 for 2022.

38. The arrangements for the school for 2021 were that there were up to 30 foundation places with faith based criteria and up to 30 places with no faith based criteria (known as open places). In my previous determination, reducing the PAN to 45, I said that there would be up to 20 foundation place and up to 25 open places. Clearly this is not applicable when the PAN for the school is 30 and so, as agreed by the governing board at the meeting, I modify the variation so there will be up to 15 foundation places and up to 15 open places for admissions in 2022.

Consideration of the arrangements

39. Section 88I of the Act provides me with the power to consider the arrangements as a whole and determine whether or not they conform with the requirements relating to admissions and, if not, in what ways they do not so conform. There were matters that I recorded in my previous determination as not complying with the Code and the governing board was required to address these matters within two months of the date of that determination. Nearly a year later the arrangements still contain some of the matters that I raised and so the arrangements still do not comply with the Code in those respects. Other matters that I raised have been addressed. At the meeting it was explained that changes of school leadership may have led to some misunderstandings which led to this outcome.

40. I have again considered the arrangements as a whole it appeared to me that the following matters may not conform with requirements of the Code and so I brought them to the attention of the governing board. The governing board has expressed its intention to address these matters which is welcomed.

Publication of arrangements

41. Paragraph 1.50 of the Code says, "Once admission authorities have determined their admission arrangements, they **must**...publish a copy of the determined arrangements on the school's website...by 15 March in the determination year and continue displaying them for the whole offer year (the school year in which offers for places are made)." The admission arrangements for 2021 and 2022 were not published on the school's website. The governing board has not complied with the Code in this respect.

Definition of previously looked after children

42. Paragraph 1.7 of the Code requires all admission authorities to give the highest priority to looked after and previously looked after children. The Code defines previously looked after children and includes, "those children who appear (to the admission authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted." The definition provided in the arrangements does not include these children and so the arrangements do not comply with the Code in this regard.

Looked after children

43. In my previous determination I said, "The oversubscription criteria for foundation places are for, "pupils whose parents/carers are faithful and regular worshippers of a church which is a full member of Churches Together in Britain and Ireland or the Evangelical alliance or an Affinity partner church." The religious character designated for the school by the Secretary of State is Church of England but the foundation places are open to other Christian denominations. Paragraph 1.39 of the Code [now paragraph 3.7 as a new Code is in force] says, "Where any element of priority is given in relation to children not of the faith they **must** give priority to looked after children and previously looked after children not of the faith above other children not of the faith." This means that the arrangements are not

compliant with the Code because the priority afforded to looked after children and previously looked after children eligible for foundation places includes children who are not Church of England but are members of other Christian denominations.” The school can restrict the highest level of priority to those who are looked after or previously looked after Church of England children or it can extend this priority to all looked after and previously looked after children. What it cannot lawfully do is extend it to some non-Church of England looked after and previously looked after children but not others. This matter was not addressed and still does not comply with the Code. The faith body told me that its guidance has recently been revised to address this matter, among other things, and that it would support the governing board to revise the arrangements accordingly. This is welcomed.

Clarity on who needs to attend worship in order for the faith based criteria to be met

44. Paragraph 14 of the Code says, “In drawing up their admission arrangements, admission authorities **must** ensure that the practices and the criteria used to decide the allocation of school places are fair, clear, and objective. Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated.” The arrangements do not make it clear in matters regarding regular worship at church whether it is one parent or two that need to attend in order to meet the faith criteria. This is because the relevant wording includes such terms as ‘parent(s)/carer(s)’ and ‘guardian(s)’. In the supplementary information form, the term ‘family’ is used. Paragraph 1.39 of the Code says, “Admission authorities **must** ensure that parents can easily understand how any faith-based criteria will be reasonably satisfied.” The current wording is ambiguous and therefore unclear so parents cannot easily understand how the criteria will be satisfied. The arrangements do not meet the requirements of the Code in this regard.

Waiting list

45. Paragraph 2.15 of the Code says that waiting lists **must** be maintained until 31 December. The arrangements say that they will be maintained until the end of the autumn term which will invariably be sometime before 31 December. The arrangements do not meet the requirements of the Code in this regard.

The rights of parents before the child reaches compulsory school age

46. Paragraph 2.17 of the Code explains the rights of the parent to choose that their child does not attend school or attends part time until the child is of compulsory school age. The arrangements refer to parents being able to request such arrangements when this is a right. This makes the arrangements unclear and they do not meet the requirements of paragraph 2.17 of the Code.

47. As the governing board has told me that it will address these matters, as permitted by paragraph 3.6 of the Code, I will not discuss them further other than to make clear that the Code requires that the arrangements be amended to address the points set out here.

Determination

48. In accordance with section 88E of the School Standards and Framework Act 1998, I approve with modification the proposed variation to the admission arrangements determined by the governing board for Priory Church of England Primary School for September 2022.

49. I determine that the published admission number shall be 30 including up to 15 foundation places and up to 15 open places.

50. I have also considered the arrangements under section 88I(5) of the Act and find that they do not comply with requirements relating to admission arrangements in the ways set out in this determination.

51. 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 by 28 February 2022.

Dated: 10 February 2022

Signed:

Schools adjudicator: Deborah Pritchard