



Office of
the Schools
Adjudicator

Determination

| | |
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| Case reference: | ADA3901 |
| Objector: | A parent |
| Admission authority: | The Good Shepherd Trust, for Queen Eleanor's Church of England Junior School, Guildford |
| Date of decision: | 22 June 2022 |

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements for September 2023 determined by the Good Shepherd Trust for Queen Eleanor's Church of England Junior School in the local authority area of Surrey County Council.

I have also considered the arrangements in accordance with section 88I(5) and find there are other matters which do not conform with the requirements relating to admission arrangements in the ways set out in this determination.

By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of the date of the determination.

The referral

1. Under section 88H(2) of the School Standards and Framework Act 1998 (the Act), an objection has been referred to the adjudicator by a parent (the objector) about the admission arrangements for September 2023 (the arrangements) for Queen Eleanor's Church of England Junior School (the school), a co-educational academy school in Surrey, for children aged seven to eleven. The school has a Church of England religious character.
2. The parties to the objection are:
 - a. The individual who has made the objection (the objector);

- b. The Good Shepherd Trust, which is the admission authority for the school (the admission authority);
- c. Surrey County Council, which is the local authority for the area in which the school is located (the local authority); and
- d. The Church of England Diocese of Guildford, which is the religious body for the school (the Diocese).

Jurisdiction

3. The terms of the academy agreement between the admission authority and the Secretary of State for Education require that the admissions policy and arrangements for the academy school are in accordance with admissions law as it applies to maintained schools. These arrangements were determined by the admission authority for the school on that basis. The objector submitted her objection to these determined arrangements on 22 February 2022. I am satisfied the objection has been properly referred to me in accordance with section 88H of the Act and it is within my jurisdiction. I have also used my power under section 88I of the Act to consider the arrangements as a whole.

Procedure

4. In considering these matters I have had regard to all relevant legislation and the School Admissions Code (the Code).

5. The documents I have considered in reaching my decision include:

- a. a copy of the minutes of the meeting of the admission authority's Board of Directors on 9 February 2022 at which the arrangements were determined;
- b. a copy of the determined arrangements, which include a Supplementary Information Form (SIF);
- c. the objector's form of objection dated 22 February 2022, together with supporting documents and subsequent correspondence;
- d. the admission authority's response to the objection, together with subsequent correspondence;
- e. the local authority's response to the objection, supporting documents and subsequent correspondence;
- f. information available on the admissions section of the website of the local authority;
- g. the Diocese's response to the objection and supporting documents;
- h. guidance on the 2023 admission arrangements provided to the school by the Diocese;
- i. maps of the area identifying relevant schools, including those on the website of

school, the website of the Church of England and those provided by the local authority; and

- j. 'Home to school travel and transport guidance – Statutory guidance for local authorities' (Department for Education, July 2014).

The Objection

6. The objector considers that if the arrangements take into account previous school attended for some applicants, then previous school attended should be taken into account for all applicants. In particular, the objector argues that if the arrangements give priority to those children attending one of the named feeder schools and living within the catchment area, then it should also give some (though not necessarily the same) priority to those children attending one of the named feeder schools but living outside of the catchment area.

7. The objector has not referred to specific elements of the Code. However, she has explained that her concern relates to reasonableness and fairness. On that basis, I have considered the objection in relation to the requirement at paragraph 1.8 of the Code that oversubscription criteria must be reasonable and fair.

Other Matters

8. There were a number of other matters in the determined arrangements which I was concerned did not comply with the Code. As such, I sought comments from the parties on the following aspects of the arrangements:

- a. The Published Admission Number (PAN) for the school had been reduced for the Year 3 (Y3) entry in September 2023 from 90 to 60. On the basis of information provided to me by the parties (in particular, the local authority's forecast figures for places in the relevant planning area), I was concerned that the reduction may mean that some local children would be unable to obtain a Y3 place at a school within an acceptable travelling distance from their home and so that aspect of the arrangements may not meet the requirement of paragraph 14 of the Code in relation to fairness;
- b. Oversubscription criterion (5) refers to "our **main** feeder infant schools" (my emphasis) even though there is only one category of feeder schools named in the arrangements. I was concerned that this may be confusing for parents and, as such, that that aspect of the arrangements may not meet the requirements of paragraphs 14 and 1.8 of the Code (in relation to clarity) and paragraph 1.15 of the Code (in relation to transparency of and reasonable grounds for the selection of feeder schools);
- c. The arrangements set out "Tie-Breaker" procedures and make reference to the use of decision "by lottery" without an explanation as to whether that process will be overseen by someone independent of the school. I was concerned that this aspect of the arrangements may not meet the requirement at paragraph 1.35 of the Code that "*the random allocation process must be supervised by someone independent of the school*";

- d. The first sentence of the SIF refers to “for whom Queen Eleanor’s is the nearest Church School” whereas oversubscription criterion (7) refers to “for whom Queen Eleanor’s is the nearest Church of England junior school”. I was concerned that, without a definition within the arrangements settling the matter, a reader may not understand whether a “Church” school is intended to mean the same thing as a “Church of England” school. I was also concerned that the SIF refers simply to “school”, whereas oversubscription criterion (7) refers specifically to “junior school”. I was concerned that these discrepancies may mean that this aspect of the arrangements does not meet the requirements at paragraphs 14 and 1.8 of the Code for clarity; and
- e. The SIF provides that “For this application, ‘regular worshipper’ is defined as a parent **or child** who has worshipped for a minimum of twice a month over a period of at least a year immediately preceding this request for support” (my emphasis), whereas oversubscription criteria (3) and (7) refer only to a parent who is a regular worshipper. I was concerned that this discrepancy could mean that this aspect of the arrangements does not meet the requirements at paragraphs 14 and 1.8 of the Code for clarity.

Background

9. The school is a co-educational junior school for children aged seven to eleven. Accordingly, its normal year of entry is Y3. It is an academy within the Good Shepherd Trust (the admission authority) and has a Church of England religious character. The admission authority is a multi-academy trust comprising 16 schools (the majority of which are primary schools) within the Church of England Diocese of Guildford (spanning the local authority areas of Surrey and Hampshire).
10. In previous years the school had a PAN of 90 for entry into Y3, but from September 2023 it has a reduced PAN of 60.
11. The oversubscription criteria are, in summary:
 - (1) Looked after and previously looked after children (including those previously looked after outside of England);
 - (2) Children with exceptional medical or social circumstances;
 - (3) Children living within the parish of All Saints Church, Guildford, or St Nicolas’ Church, Guildford, who have at least one parent who is on the church electoral roll and who is a regular worshipper at either church;
 - (4) Children living within the parish of All Saints Church, Guildford, or St Nicolas’ Church, Guildford, who have an older sibling attending the school in September of the admission year;
 - (5) Children living within the parish of All Saints Church, Guildford, or St Nicolas’ Church, Guildford, who attend a named feeder school: Onslow Infant School (Onslow) or St Nicolas’ Church of England (Aided) Infant School (St. Nicolas’);

(6) Children living within the parish of All Saints Church, Guildford, or St Nicolas' Church, Guildford;

(7) Children living outside the parish of All Saints Church, Guildford, or St Nicolas' Church, Guildford who have at least one parent who is on the church electoral roll and who is a regular worshipper at another Christian church for whom the school is the nearest Church of England junior school;

(8) Children living outside of the parish of All Saints Church, Guildford, or St Nicolas' Church, Guildford, who have an older sibling attending the school in September of the admission year; and

(9) All other children.

12. The arrangements include a SIF for completion by the relevant parish priest or minister when submitting an application for consideration under oversubscription criteria (3) and/or (7). Any tie-break situations within an oversubscription criterion are resolved in favour of the applicant that lives closest to the school.

Consideration of Case

13. I begin by noting that the school has a catchment area which is described in the arrangements as "the parish of All Saints Church, Guildford, or St Nicolas' Church", I shall refer to this area as the catchment area. Other than in relation to looked after and previously looked after children who have priority for places wherever they live, all children living in the catchment have higher priority for places at the school than any child living outside this area. The objector has not expressed any concern about this approach. Rather, the focus of the objection is the omission of an oversubscription criterion prioritising children who attend one of the named feeder schools but do not live within the catchment area as compared to other children who live outside the catchment area.

14. The objector considers that if the arrangements give priority to those children attending one of the named feeder schools and living within the catchment area (as they do, at oversubscription criterion (5)), then it is unreasonable and unfair that no priority is also given to those children that attend one of the named feeder schools but live outside of the catchment area. The objector has suggested that it would be appropriate to insert a new oversubscription criterion for that latter group of children between the current oversubscription criteria (8) and (9).

Reasonableness

15. I first considered whether the omission of such an oversubscription criterion was unreasonable.

16. The objector explained that it seemed unreasonable to her that a child living outside of the catchment area and attending a named feeder school should not be afforded priority over a child living outside of the catchment area and not attending a named feeder school.

17. I asked the admission authority to explain the rationale for prioritising children who attend one of the named feeder schools and live within the catchment area but not prioritising children who attend one of the named feeder schools but do not live within the catchment area.

18. The admission authority told me that Church of England schools were originally established to serve “the poor of the parish” and that it now interprets this purpose to mean that they are there to serve “those persons for whom the school is likely to be their local school”. The admission authority explained that in formulating its arrangements, it has taken into account the fact that the two named feeder schools – Onslow and St Nicolas’ - are the two closest infant schools to the school and the fact that “other local schools are available to persons who live outside of the parish boundaries”.

19. From the parish boundary maps available on the school’s website, I note that the school appears to be located in the Church of England parish of All Saints Church, Guildford, and that the only other school located in that parish is Onslow, one of the named feeder schools. I also note that St Nicolas’ is located in the Church of England parish of St. Nicolas’, Guildford, and that there are no other primary schools (whether infant, junior or all-through primary) in that parish. Therefore, the catchment area has been drawn to encompass the parish within which the school is located and the neighbouring parish of St Nicolas’, and the named feeder schools comprise all of the infant schools in the catchment area.

20. The admission authority has explained that the majority of the children that attend the school transition from the named feeder schools.

21. In order to ascertain whether there are other local schools available for those children that live outside of the school’s catchment area, I undertook a search on the local authority website of all junior or all-through primary schools within the local authority area within two miles of the school. I also referred to the Church of England website tool ‘Parish Maps in ArcGIS’ (www.churchofengland.org/about/research-and-statistics). Using the information from both of these sources I created the following tables. Table 1 lists all junior or all-through primary schools within the local authority area, within two miles of the school, listed in order of proximity to the school. Table 2 lists the Church of England parishes neighbouring the school’s catchment area, listed in alphabetical order, and the junior or all-through primary schools situated in those parishes.

Table 1 – Junior and all-through primary schools within two miles of the school, in the local authority area (in order of proximity to the school)

| Name of school | Junior or Primary | General admission at age 7? | Catchment area? | Distance from Queen Eleanor's Church of England Junior School (miles) | Church of England parish |
|---|--------------------------|------------------------------------|------------------------|--|---------------------------------|
| Guildford Grove Primary School | Primary | No | No | 0.665 | Westborough |
| St Joseph's Catholic Primary School | Primary | No | No | 0.894 | Westborough |
| Sandfield Primary School | Primary | No | No | 1.057 | St. Saviour |
| Northmead Junior School (Northmead) | Junior | Yes | Yes | 1.365 | Stoughton |
| Weyfield Primary Academy | Primary | No | No | 1.525 | Stoke Hill |
| Holy Trinity Guildford Church of England Aided Junior School (Holy Trinity) | Junior | Yes | Yes | 1.704 | Christchurch |
| Worplesdon Primary School (Worplesdon Primary) | Primary | Yes | No | 1.763 | Worplesdon |
| Boxgrove Primary School | Primary | No | No | 2.184 | Merrow |
| St Thomas of Canterbury Catholic Primary School | Primary | No | No | 2.386 | Merrow |
| Burpham Foundation Primary School | Primary | No | No | 2.636 | Burpham, St. Luke |

Table 2 – Junior or all-through primary schools located in Church of England parishes that neighbour the school catchment area (in alphabetical order)

| Church of England Parish | Junior or all-through Primary Schools situated in the parish |
|---------------------------------------|---|
| Compton | - |
| Farncombe | Godalming Junior School Loseley Fields Primary School |
| Holy Trinity & St. Mary | - |
| Shalford | - |
| St. Saviour | Sandfield Primary School |
| Stoke-next-Guildford | - |
| The Precincts of the Cathedral Church | - |
| Westborough | Guildford Grove Primary School St Joseph's Catholic Primary School |
| Worplesdon | Worplesdon Primary School |

22. I note that there are ten junior or all-through primary schools in the local authority area that are within two miles of the school. Three of these (Northmead, Holy Trinity and Worplesdon) admit pupils at age seven (Y3) as part of their general admission arrangements. I note that Northmead and Holy Trinity each employ a catchment area in their admission arrangements and Worplesdon does not.

23. I note that nine Church of England parishes neighbour the two parishes that make up the school's catchment area. Four of those parishes contain a junior or all-through primary school, and five do not.

24. Schools that are designated as having a religious character, as is the school, are permitted under the relevant legislation and the Code to use faith-based oversubscription criteria and to allocate places by reference to faith where the school is oversubscribed. Where they do so they must have regard to any guidance provided by their religious body – in this case, the Diocese. As the admission authority has used faith-based criteria in combination with other factors in its oversubscription criteria, I asked the Diocese what guidance it had provided to the admission authority in relation to its arrangements and whether that guidance would preclude the inclusion of some priority for the group of

children with whom the objector is concerned. The Diocese explained that the admission authority is included in its distribution list for diocesan guidance on admission arrangements and consultation guidance, and provided a copy of two of these documents - issued on 10 and 14 September 2021 respectively. These were general in nature and did not have any direct relevance to the matters under consideration in this objection. The Diocese confirmed that it had not provided any specific guidance to the admission authority in relation to the school's arrangements for 2023 and nothing in the general guidance it has provided to the admission authority would preclude the provision of priority within the arrangements for the group of children with whom the objector is concerned.

25. It appears to me that the rationale provided by the admission authority is logical and coherent. The admission authority has indicated that it considers the primary purpose of the school is to serve those children for whom the school is likely to be their 'local' school. There are a number of ways that the admission authority could have approached achieving such an aim. In this case, the admission authority has decided to identify an area of benefit – demarcated by the boundaries of two Church of England parishes, the parish in which the school is located and one of its neighbouring parishes. As I note above, after looked after children, previously looked after children, and children with exceptional medical or social circumstances, primary priority is given to children living within that catchment area (with some sub-categories), then to the children of parents who are members of and worship at one of the catchment area Church of England churches, and then those children with a sibling at the school. The aforementioned sub-categories are also linked to the catchment area in that they prioritise a connection with (parental membership of and worship at) the catchment area Church of England churches and attendance at one of the two infant schools in the catchment area. Tie-breaker situations are resolved on the basis of distance of home address from the school.

26. In seeking to prioritise those children living locally, the admission authority appears to have taken into account relevant matters such as identifying a clear local area of benefit (the two parishes that make up the catchment area) and restricting priority within its arrangements almost entirely to children that fall within that category. Using home address within the catchment area or membership of and worship at a Church of England church within the catchment area as proxies for identifying a child's "local" school appear to me to be a rational and legitimate approach, even acknowledging that there may be some families for whom the school is their closest junior school but do not meet those criteria and others who do live within the catchment who may have another school still closer.

27. I note that the admission authority also explained that it considers that there are other local schools available for those children that live outside of its catchment area. The data set out in the tables above appears to support that conclusion, with ten alternative junior or primary schools within two miles of the school and four of the neighbouring parishes having such schools situated within them. I acknowledge that many of those alternative schools employ their own catchment areas. However, on the basis that I have not been shown any evidence to indicate that those catchment areas would not benefit those children living close to those schools, I consider it more likely than not that the catchment areas would operate to benefit children living close to those schools.

28. I note that the admission authority has decided not to give specific priority to the group of children that the objector is concerned about – that is, those children attending one of the feeder schools but living outside of the catchment area. I do not find this decision to be one which no reasonable admission authority could have reached, because the admission authority’s reasoning is demonstrably linked to the school’s stated purpose of serving the children of the two identified parishes (as opposed to those who attend the infant schools within the parishes) and a consideration of other relevant factors (such as the availability of alternative school places). There are no obvious other relevant factors that the admission authority has failed to take into account. On that basis, I find that the absence of an oversubscription criterion prioritising children who attend one of the named feeder schools but live outside of the catchment area is not unreasonable contrary to paragraph 1.8 of the Code and I do not uphold this part of the objection.

Fairness

29. I next considered whether the omission of such an oversubscription criterion prioritising children who attended a named feeder school but lived outside of the catchment area was unfair.

30. Paragraph 1.8 of the Code requires that oversubscription criteria must be procedurally fair and paragraph 14 of the Code requires that all admission practices and criteria must be fair. There is no definition within the Code or related legislation as to what is meant by fair in this context. In my view, one must look at whether the arrangements cause any disadvantage to an identifiable group or groups of children. If they do, then it is necessary to examine the nature and magnitude of that disadvantage, while bearing in mind that the very purpose of oversubscription criteria is to benefit some groups and not others. A key consideration will always be how the arrangements impact on access to a school place within an acceptable travelling distance of a child’s home. Clearly, what is an acceptable travelling distance in this context is not fixed; what might legitimately be expected in an urban area with many schools will be different from what would be expected in a rural area.

31. In this context, I have taken into account the Department for Education statutory guidance document ‘Home to school travel and transport guidance’ (July 2014). I note, at paragraph 16 of that document, the explanation that local authorities must provide free transport for pupils of compulsory school age if their nearest suitable school is beyond two miles for children below the age of eight, or beyond three miles for children aged between eight and 16. On that basis, I consider that an acceptable travelling distance to the school for a child entering Y3 (so almost always aged seven) at the school in September 2023 is a distance up to approximately two miles.

32. The objector considers that the arrangements are unfair because they would disadvantage those children who attend one of the named feeder schools but live outside of the catchment area. In particular, the objector considers that it would be fairer if the arrangements were to prioritise children who live outside the catchment area but attend one

of the named feeder schools above children who live outside of the catchment area and do not attend one of the named feeder schools.

33. I asked the objector how many children and families she thought might be affected by this issue. She explained that she did not have access to data on how many of the children attending the named feeder schools live outside of the catchment area, but she estimated that approximately five families were in a similar position to her family (in relation to entry in September 2023).

34. As part of her representations, the objector has provided me with information relating to her personal family circumstances and some of the other parties have commented on those specific circumstances. Whilst I have taken into account the impact of the arrangements upon the objector's family, it is primarily my role to look at how the arrangements impact on all potential applicants. For that reason, when considering acceptable travelling distances to alternative schools for those unsuccessful at obtaining a place at the school, I have used the postcode of the school itself as indicative of the home address of those applying to the school. I acknowledge that this will not reflect the individual circumstances of any specific child. It is not intended to. It is intended to provide me with an approximation or guide to the likely distances to be travelled by applicants, on the basis that if they have applied for a place at the school, their parents consider the school to be within an acceptable travelling distance of their home.

35. The objector has commented on the level of demand for places at the school and how this might affect the likelihood of a child attending a named feeder school but living outside of the catchment area obtaining a place at the school. She has acknowledged that the school has been undersubscribed in previous years and so it has not been difficult to obtain a place at the school. However, she has pointed out that for September 2023 entry, the school has reduced its PAN from 90 to 60. I note this fact but do not consider this point to be specifically relevant to this part of my determination. I have, however, considered it in detail as a separate concern (see paragraphs 48 to 66 below).

36. I note that the two named feeder schools are located nearby the school. Onslow is approximately 0.5 miles from the school and St Nicolas' is approximately one mile from the school.

37. I note that Onslow previously had a PAN of 90 but reduced that from September 2022 to 60. It is a community school, with no designated religious character. Its oversubscription criteria prioritise looked after and previously looked after children, those with a serious medical or social need, children of staff, siblings, and children for whom this is their nearest school. It admitted 59 children in 2020, 54 children in 2021 and plans to admit 53 children in 2022. Therefore, it is currently undersubscribed.

38. I note that St. Nicolas' – the other feeder school – has a PAN of 30. It is a voluntary aided school, with a Church of England religious character. Its oversubscription criteria prioritise looked after and previously looked after children, those with exceptional medical or social circumstances, siblings who live within two kilometres of the school, children of staff, children who live within two kilometres of the school and then faith-based criteria linked to

membership of and worship at a Christian church. It admitted 30 children in 2020, 30 children in 2021 and plans to admit 30 children in 2022. In 2022, 18 places were offered under criterion (3) (siblings) and the remaining 12 places were offered under criterion (5) (children living within two kilometres of the school).

39. I note that the PAN for the school for entry in September 2023 is 60, whereas the combined PANs of the two feeder schools is 90. Those children ready to join Y3 in September 2023 would have joined the Reception year in 2020. Therefore, assuming minimal changes in the figures, the two feeder schools would likely have a combined relevant cohort of approximately 89 children. This means that not all children that attend the two feeder schools would be able to obtain a place at the school should they all wish to do so. A significant number (29) would have to go to an alternative junior or all-through primary school.

40. I asked the local authority how places had been allocated at the school in the last three years, broken down by oversubscription criteria. I was provided with the data for September 2019, directed to data that is available on the local authority’s website for September 2020 and September 2021, and provided with offer data for September 2022:

Table 3 – Admission data for the school for the previous four years, broken down by oversubscription criteria

| | Sept 2019 | Sept 2020 | Sept 2021 | Sept 2022 |
|--|-----------|-----------|-----------|-----------|
| Children with an Education Health Care Plan | 1 | 2 | 2 | 4 |
| (1) Looked after children and previously looked after children | 1 | 1 | 2 | 0 |
| (2) Exceptional medical or social circumstances | 0 | 0 | 0 | 0 |
| (3) Children living within the parish of All Saints Church, Guildford, or St Nicolas’ Church, Guildford, who have at least one parent who is on the church electoral roll and who is a regular worshipper at either church | 2 | 1 | 1 | 1 |
| (4) Children living within the parish of All Saints Church, Guildford, or St Nicolas’ Church, Guildford, who have an older sibling attending the school in September of the admission year | 16 | 24 | 19 | 15 |

| | | | | |
|--|----|----|----|----|
| (5) Children living within the parish of All Saints Church, Guildford, or St Nicolas' Church, Guildford, who attend a named feeder school | 31 | 41 | 30 | 35 |
| (6) Children living within the parish of All Saints Church, Guildford, or St Nicolas' Church, Guildford | 2 | 1 | 0 | 3 |
| (7) Children who have at least one parent who is on the church electoral roll and who is a regular worshipper at another Christian church for whom the school is the nearest Church of England junior school | 3 | 1 | 1 | 0 |
| (8) Children living outside of the parish of All Saints Church, Guildford, or St Nicolas' Church, Guildford, who have an older sibling attending the school in September of the admission year | 7 | 6 | 5 | 6 |
| (9) All other children | 25 | 11 | 14 | 11 |
| "Lates" | | | | 2 |
| Total | 88 | 88 | 74 | 77 |
| PAN | 90 | 90 | 90 | 90 |

41. From this data, I note the following:

- a. a large number of children, and representing a large proportion of the school's intake, is usually admitted under oversubscription criteria (5), children living within the catchment area that attend a named feeder school – 31 (35 per cent of intake) in 2019, 41 (47 per cent of intake) in 2020, 30 (41 per cent of intake) in 2021, and 35 (45 per cent of intake) in 2022;
- b. a slightly lower, but nevertheless significant, number of places are generally allocated under oversubscription criterion (4), siblings living within the catchment area – 16 (18 per cent of intake) in 2019, 24 (27 per cent of intake) in 2020, 19 (26 per cent of intake) in 2021 and 15 (19 per cent of intake) in 2022;
- c. the number of places allocated under oversubscription criteria (9) – distance alone – fell significantly from 2019 to 2020, then increased somewhat between 2020 and 2021, and then dipped back down in 2022. The figures were 25 (28 per

cent of intake) in 2019, 11 (13 per cent of intake) in 2020, 14 (19 per cent of intake) in 2021 and 11 (14 per cent of intake) in 2022; and

- d. although the school has been undersubscribed for each of the previous four years, admitting fewer pupils than its previous PAN of 90, it has admitted well above the figure for its new PAN of 60 – 88 (28 above new PAN) in 2019, 88 (28 above new PAN) in 2020, 74 (14 above new PAN) in 2021 and 77 (17 above new PAN) in 2022.

42. I asked the local authority whether, for children that live within a two-mile radius of the school, there were any important obstacles to admission or travel to alternative junior schools. The local authority indicated that it was not aware of any.

43. I asked the local authority to comment on the availability of junior school places in the relevant local area. The local authority explained that, within a two-mile radius of the school, there were three schools that have a general admission intake for Y3 – Northmead, Holy Trinity and Worplesdon. These schools and their respective distances from the school can be seen at Table 1 above. The local authority also provided additional information:

Table 4 – Admission data for Northmead, Holy Trinity and Worplesdon

| PAN for 2023 | | Number of pupils admitted to Year 3 | | | |
|--------------|----|-------------------------------------|-----------------------|-----------------------|--------------------|
| | | 2019 | 2020 | 2021 | 2022 |
| Northmead | 90 | 89 (under-subscribed) | 87 (under-subscribed) | 88 (under-subscribed) | (under-subscribed) |
| Holy Trinity | 96 | 102 | 95 (under-subscribed) | 93 (under-subscribed) | (fully subscribed) |
| Worplesdon | 30 | 28 (under-subscribed) | 24 (under-subscribed) | 30 | (under-subscribed) |

44. From this data I note that in the last three years, Northmead has been undersubscribed each year (with one place vacant in 2019, three places vacant in 2020 and two places vacant in 2021), Holy Trinity was undersubscribed in 2020 and 2021 (with one place vacant in 2020 and three places vacant in 2021), and Worplesdon was undersubscribed in 2019 and 2020 (with two places vacant in 2019 and six places vacant in 2020). The local authority also provided cut-off distance data for these three schools for entry in 2022. This indicated that Northmead and Worplesdon were again undersubscribed and that Trinity was at least fully subscribed, with a cut-off distance of 3.193 kilometres. Therefore, there has been availability of a small number of places across the three schools in the past four years, for a child who sought a place regardless of how that child fell to be

considered against oversubscription criteria. However, I note later in this determination that, despite this historical pattern of admissions, the local authority has forecasted, in fact, to expect no such vacancies to be available in these schools in 2023 (see paragraph 55 below).

45. On its face, that lack of alternative school places within an acceptable travelling distance appears to indicate a clear disadvantage to those unable to obtain a place at the school. However, I have considered whether it is the absence of the objector's preferred new oversubscription criterion that has caused that lack of alternative school places or whether it is something else. Using the data from Table 3, it appears to me that even if the objector's proposed new criterion were to be added between the existing oversubscription criteria (8) and (9), no children who fall within that criterion would be likely to be admitted to the school in 2023. This is because in each of the last four years, 60 places have been allocated at the school before moving beyond criterion (8) – 60 places were reached within criterion (8) in 2019, criterion (5) in 2020, criterion (8) in 2021 and criterion (8) in 2022. On that basis, I am not convinced that any unfairness arises from the absence of the objector's proposed new criterion after the existing criterion (8) because its introduction would, in any event, be unlikely to have any discernible effect on the Y3 intake at the school. Put another way, the introduction of the proposed new oversubscription criterion between the existing oversubscription criteria (8) and (9) would be unlikely to eliminate or even reduce the disadvantage experienced by the group of concern to the objector.

46. Taking all of these factors into account, I find that the absence of an oversubscription criterion prioritising children who attend a feeder school but do not live within the catchment area is not unfair contrary to paragraph 1.8 of the Code. I therefore do not uphold this aspect of the objection.

Other Matters

47. There were a number of other matters in the determined arrangements which I was concerned did not comply with the Code. These are now dealt with, in turn.

Reduction in PAN

48. During the course of my enquiries arising from the objector's objection, I became aware that the admission authority's decision to reduce the school's PAN for 2023 from 90 to 60 may have had a major impact on the number of Y3 places available for local children and that the local authority may not have taken sufficient action to ameliorate that potential negative impact. I was concerned therefore that the PAN of 60 in the school's arrangements may result in unfairness contrary the requirements of paragraph 14 of the Code. On that basis, I asked the parties comment on this point. I received representations from the objector, the admission authority and the local authority. The Diocese declined to comment.

49. As mentioned above, fairness is not defined in the Code and its requirements depend on the circumstances. One should examine the effect of the arrangements on any relevant group and then consider whether the advantages said to accrue to the advantaged

group outweigh the disadvantages said to accrue to the disadvantaged group. In this case, I considered the potentially disadvantaged group to be those applicants to the school who live close to the school but do not meet any of oversubscription criteria (1) to (8). Based on historical admission patterns (see Table 3 above), it would appear that there would be a significant number of children in this category (more than ten) who would be able to obtain a place at the school if its PAN were to have remained at 90, but with the PAN reduction to 60, none would now expect to obtain a place. I consider the potentially advantaged group to be those applicants to the school who meet one of oversubscription criteria (1) to (8), who would still be likely to obtain a place at the school in 2023 irrespective of the PAN reduction. I have sought to identify and weigh the disadvantages and advantages said to accrue to these two groups.

50. To understand better the potential impact of the PAN reduction on the disadvantaged group, I asked the local authority for its forecasting data for the ‘South Guildford’ planning area, which is the planning area in which the school is located (that is to say the area used by the local authority when considering the need for and supply of school places). The other primary schools in the planning area are Pewley Down Infant School, Sandfield Primary School, Onslow, St Nicolas’ and Holy Trinity. The information originally provided did not take account of the reduction of the PAN for the school from 90 to 60 in 2023. The local authority then provided its updated forecasting figures, taking account of the PAN reduction at the school.

Table 5 – School places forecasting for ‘South Guildford’ planning area

| School year | Year 3 places | Year 3 forecast | Surplus / Deficit |
|-------------|---------------|-----------------|-------------------|
| 2022 | 216 | 190 | 26 |
| 2023 | 186 | 211 | - 25 |
| 2024 | 186 | 213 | - 27 |
| 2025 | 186 | 207 | - 21 |
| 2026 | 186 | 204 | - 18 |
| 2027 | 186 | 183 | 3 |
| 2028 | 186 | 182 | 4 |
| 2029 | 186 | 180 | 6 |
| 2030 | 186 | 178 | 8 |

Table 6 – 2023 PANs of primary schools in ‘South Guildford’ planning area

| School | Infant, Junior or all-through Primary? | Reception Year places | Year 3 places |
|---------------------------|--|-----------------------|---------------|
| Pewley Down Infant School | Infant | 60 | - |
| Sandfield Primary School | Primary | 30 | 30 |
| Onslow | Infant | 60 | - |
| The school | Junior | - | 60 |
| St. Nicolas’ | Infant | 30 | - |
| Holy Trinity | Junior | - | 96 |
| Total | | 180 | 186 |

51. It would appear that the South Guildford planning area is going to have a significant deficit of Y3 places for the next few years, with an expected shortfall of 25 places in 2023, 27 places in 2024, 21 places in 2025 and 18 places in 2026. My interest is with the potential shortfall of 25 places in 2023.

52. The local authority indicated to me that it is satisfied that it can nevertheless meet its duty to provide a school place within an acceptable travelling distance of home for children who live outside of the catchment area of the school and who cannot be offered a place at the school. It has explained that its forecast figures include “predicted pupil yields based on new housing the area”. However, it has further explained that “without any migration or housing” the forecast figures would look different and would be as follows:

Table 7 – School places forecasting for ‘South Guildford’ planning area, without “migration or housing”

| School year | Year 3 places | Year 3 forecast | Surplus / Deficit |
|-------------|---------------|-----------------|-------------------|
| 2022 | 216 | 178 | 38 |
| 2023 | 186 | 190 | -4 |
| 2024 | 186 | 187 | -1 |
| 2025 | 186 | 183 | 3 |
| 2026 | 186 | 183 | 3 |
| 2027 | 186 | 172 | 14 |
| 2028 | 186 | 170 | 16 |
| 2029 | 186 | 168 | 18 |
| 2030 | 186 | 168 | 18 |

53. The local authority has commented that “These [figures] show a small deficit for 2 years which could be absorbed in other primary schools. If, however, there was an influx of children needing a place due to pupil yield from new housing, we would approach Queen Eleanor’s to take a bulge class to accommodate this”. I note from these figures and the local authority’s comments that if “migration and housing” is taken out of the local authority predictions for school places, then there is only likely to be a shortfall of four Y3 places in the South Guildford planning area in 2023.

54. I asked the local authority to explain whether it was asking me to prefer the forecast figures “without migration or housing” and, if so, why. I also asked the local authority to provide me with the evidence of surplus Y3 places in neighbouring planning areas in September 2023, to support its position that – notwithstanding the reduced PAN of 60 at the school - it was satisfied that it could meet the local demand for Y3 places. In its reply dated 24 May 2022, the local authority stated that it uses the forecast figures that include housing and migration as “the most accurate forecasts, but that the base position should also be noted in this case as a comparison to show the difference additional housing is expected to make”. The local authority explained that it believed that there would be sufficient Y3 places across the South Guildford planning area to cover the decrease in the PAN at the school from 90 to 60, but that if “pupil yield from housing comes through”, it would expect the school to “over offer or possibly take a bulge class”. The local authority provided the following information relating to the entry year September 2023 in support of its position:

Table 8 – Local authority forecasts for Year 3 places in September 2023

| Planning area | | Year 3 places | Year 3 forecast | Surplus / Deficit |
|--|---------------------------------|---------------|-----------------|-------------------|
| South Guildford | Base | 186 | 190 | -4 |
| | Including housing and migration | 186 | 211 | -25 |
| East Guildford | Base | 285 | 266 | 19 |
| | Including housing and migration | 285 | 279 | 15 |
| West Guildford | Base | 237 | 238 | -1 |
| | Including housing and migration | 237 | 251 | -14 |
| North Guildford | Base | 120 | 116 | 4 |
| | Including housing and migration | 120 | 114 | 6 |
| South, East, West and North Guildford combined | Base | 828 | 809 | 19 |
| | Including housing and migration | 828 | 846 | -18 |

55. The local authority has failed to provide me with any reason why it, or I, should favour its forecast figures that take no account of the likely need for places for children migrating to the area or arising from new housing stock, over its forecast figures that do take those likely needs into account. Indeed, it has acknowledged that the figures that take account of housing and migration are “the most accurate forecasts”. As such, I find on the balance of probabilities that the expected shortfall of Y3 places in the South Guildford planning area is more likely than not to be 25 places, and not four places. I further find that it is more likely than not that that shortfall cannot be absorbed by surplus places in neighbouring planning areas because the forecast figures (including housing and migration) for the combined planning areas of South, East, West and North Guildford indicate that in 2023 there will be a combined shortfall of 18 Y3 places.

56. When I asked the local authority to explain which specific schools it would expect to be able to offer surplus places to those children unable to obtain a Y3 place at the school in September 2023, and whether those schools would be within an acceptable travelling distance of a child living close to the school, the local authority made a number of points. First, the local authority explained that in September 2023 there would be 150 children leaving the three infant schools (Onslow, St Nicolas' and Pewley Down Infant School) in the South Guildford planning area, and 156 Y3 places available (at the school and Holy Trinity) in the South Guildford planning area. Second, the local authority acknowledged that the adjacent planning area of East Guildford could not offer relevant assistance. Third, the local authority explained that although the School Census data from January 2022 indicated that there is "low capacity in the year group that will move to Y3 in September 2023 (currently Year 1)", there is such capacity in the following year group indicating that "numbers have started to fall as expected following a decline in birth rates". Fourth, as mentioned above, the local authority considered that the PAN reduction at the school was manageable because they had the ability to ask the school to offer places above its PAN or to take a "bulge class" if needed.

57. Taking all of this information into account, I am not satisfied that the local authority has provided me with any evidence to support its assertion that, if there were to be a shortfall of places in the planning area in 2023 as forecast, those local children who could not obtain a place at the school could be accommodated at other primary schools within the local authority area within an acceptable travelling distance of their homes. This is because the local authority's own forecast figures indicate a shortfall of 25 Y3 places in the South Guildford planning area and a shortfall of 18 Y3 places across the combined planning areas of South, West, North and East Guildford, and because all of the school places referenced by the local authority as potential schools that could absorb any unmet demand at the school are all located within these planning areas (and so included within the figures that show a projected deficit of places).

58. I note the local authority's point that it has identified that there appears to be additional capacity for Y3 places in the relevant planning area in September 2024. I should point out, however, that my jurisdiction only relates to the arrangements for September 2023 and so my focus is on the availability of Y3 places in that year alone.

59. The local authority sought to reassure me in relation to its ability to meet demand for places at the school in 2023 should that demand outstrip the new level of the PAN. The local authority explained that, if "needed", it would ask the school to offer places above its PAN or to create a "bulge" class. I consider this to be wholly inadequate. First, there is no explanation as to when the local authority would assess whether such a need had arisen, nor by how many places demand would have to outstrip supply before it would act. Second, there is no acknowledgement that the local authority has no power to direct the admission authority for the school to offer places above its PAN or to create a "bulge" class. Any such requests would be entirely reliant upon the admission authority agreeing to the course of action and, given the admission authority's own explanation as to the financial consequences of admitting a number between 60 and 90, it does not appear likely that the admission authority would accede to such a request from the local authority. Third, and

most importantly, these contingency plans of the local authority do not form part of the admission arrangements for the school. Therefore, they do not create any firm foundations upon which a parent applying for a place at the school could base their application and indication of preference. Indeed, such parents would not even know about the contingency arrangements because they do not appear in the arrangements.

60. Overall, then, my understanding of the disadvantage said to accrue to the disadvantaged group is that those children would not only be extremely unlikely to obtain a Y3 place at the school but that they would also be unlikely to obtain a Y3 place at a suitable alternative school within an acceptable travelling distance from their home. This is because there is likely to be a significant shortfall of Y3 places within the relevant planning area and the three neighbouring planning areas. The reduction in the school's PAN from 90 to 60 appears to have been a major contributor to that forecasted shortfall.

61. To better understand the advantages said to accrue to the advantaged group of children, I asked the admission authority to explain its rationale for the PAN reduction. The admission authority explained that, following a consultation process that had complied with the necessary procedural requirements, it had taken into account the following key points when deciding to reduce its PAN from 90 to 60:

- a. The school had seen a decline in pupil numbers over recent years and had not been meeting its PAN of 90. It referenced School Census figures from October 2021 indicating current pupil numbers of 72 in Y3, 85 in Year 4, 90 in Year 5 and 90 in Year 6. I also noted the figures in Table 3 above, indicating that the school admitted 88 pupils in 2019, 88 in 2020, 74 in 2021 and planned to admit 77 in 2022;
- b. Guildford local authority had reported a 27 per cent drop in pupil numbers since 2021, referencing Brexit as a possible contributory factor and indicating that there are currently no plans to increase "new housing" in the area;
- c. The two feeder schools to the school had reduced their own PANs in recent years (with Onslow reducing from 90 to 60 and St Nicolas' reducing from 40 to 30);
- d. Pre-consultation meetings with the local authority had resulted in no objections from the local authority to the proposed PAN reduction. Seven responses were received to the consultation, two of which were positive about the proposed PAN reduction. Neither the local authority, the local Admissions Forum, nor the Diocese provided comments or objections during the consultation on the proposed PAN reduction; and
- e. The current situation is resulting in financial difficulty for the school. Where the school admits a number between 60 and 90 pupils (as it has for the past four years), it needs to provide three classes to accommodate these pupils but, because schools are primarily funded on a per pupil basis, it has insufficient funds to be able to afford three classes. Without a reduction in the PAN to 60, the school would be expected to continue a year-on-year deficit budget as a result.

62. Therefore, overall, it would appear that the primary advantage said to accrue to the advantaged group of children – those who will be admitted to the school in 2023 under oversubscription criteria (1) to (8) – is that they will be educated in a school with a more sustainable financial position because the school will be able to organise its classes going forward into two full (that is, comprising 30 pupils each) single year group classes in each admission year.

63. The objector acknowledged that if the school were to retain a PAN of 90 and not fill all of those places, there may be an undesirable impact on the funding available to the school. However, she stated that she considered it to be “extremely likely” that the school would be oversubscribed in 2023. The objector did not provide specific evidence to support this assertion.

64. I considered carefully the points put forward by the admission authority and the likely advantages that would accrue to the advantaged group of children with the reduced PAN of 60:

- a. I accept that there is strong evidence that the school has seen a gradual decline in the number of pupils admitted to Y3 over the past four years. It has never in recent years been full in the sense of admitting to its then PAN of 90. Rather it has admitted just below that number in 2019 and 2020, and in the mid-70s in 2021 and 2022. I do not see evidence in the figures provided of a 27 per cent (or anywhere near that number) decline in pupils numbers admitted. The school expects to admit 77 children in 2022 which is 86 per cent of 90;
- b. I note that none of the parties has disputed the fact that both Onslow and St Nicolas’ – the feeder schools – have each recently reduced their own PANs. However, given that those changes are recent, I would not expect the reduction in numbers to have filtered through to the relevant year group yet. Furthermore, I note that the combined PANs for the two feeder schools, at 90, is still a number far in excess of the new PAN for the school, at 60; and
- c. I note the admission authority’s explanation that its admission numbers, consistently below its previous PAN of 90, require it to create three Y 3 classes whilst not fully funded to do so. I do not, however, accept this reasoning. The school is not bound to limit itself to class sizes of 30 (because the School Admissions (Infant Class Sizes) (England) Regulations 2012 do not apply to school years other than Reception Year, Year 1 and Year 2) and the school is free to organise its classes as it sees fit. It is not limited to single year-group classes of 30. It could, for example, employ mixed year-group classes. Furthermore, the school is not required to employ a PAN that is a multiple of 30. Many schools across England do, in fact, employ PANs that are not such a multiple. It is not my role to make recommendations to the admission authority or the school as to how to organise its classes, address the school’s financial difficulties or select the exact PAN for the school. However, I simply note that the

school's decision to reduce its PAN to 60 does not appear to have been the school's only available option when seeking to address its financial difficulties.

65. I have sought to balance the relative advantages and disadvantages identified above and have come to the conclusion that a PAN reduction from 90 to 60 for entry to the school in 2023 will produce an unfair effect, contrary to the requirements of paragraph 14 of the Code. I acknowledge that those children who would obtain a place at the school in 2023 with a PAN of 60 would enjoy some benefits from that reduced PAN, in that the school would be able to pursue its preferred organisational structure of full, single year-group classes of 30 which may, in turn, assist its management of its finances. However, I have identified significant disadvantages to the group of children who live near the school but would not be able to obtain a place at the school should the school's PAN remain at 60. Those children would not be able to obtain a place at their preferred school and, most importantly, they would be unlikely to obtain a place at a suitable alternative school within an acceptable travelling distance from their home. This disadvantage is serious, outweighs the advantage to the advantaged group and, on that basis, causes unfairness.

66. It follows, therefore, that the reduction in the school's PAN from 90 to 60 is in breach of the requirement at paragraph 14 of the Code for fairness. The admission authority must revise the PAN to a figure that ensures fairness.

“Main” feeder schools

67. I was concerned that the reference in oversubscription criterion (5) to “our **main** feeder infant schools” (my emphasis), even though there is only one category of feeder schools named in the arrangements, could be confusing for parents and so not meet the requirements of paragraphs 14 and 1.8 of the Code (in relation to clarity) and paragraph 1.15 of the Code (in relation to the transparency of the selection of feeder schools). The local authority agreed with this concern and considered that the arrangements could be misleading for parents unless the word ‘main’ were to be removed. The admission authority explained that the word ‘main’ was used in this context because the majority of pupils admitted to the school transition from either Onslow or St. Nicolas’. I find this reasoning difficult to follow and believe that this might arise from the admission authority employing an uncommon understanding of the term ‘feeder school’. A ‘feeder school’ is one which is named in a set of admission arrangements in order for the admission authority to give some level of priority to children attending that school. A ‘feeder school’ is not a description of any school from which a child has transitioned into the school in question. On the basis that there is only one category of feeder school in the arrangements, I find that the use of the word ‘main’ in oversubscription criterion (5) to be unclear and untransparent, in breach of the requirements of paragraphs 14, 1.8 and 1.15 of the Code. It must be revised.

Tie-breaker provision

68. I was concerned that the “Tie-Breaker” procedures in the arrangements make reference to the use of decision “by lottery” without an explanation as to whether that process will be overseen by someone independent of the school. I was concerned that this aspect of the arrangements may not meet the requirement at paragraph 1.35 of the Code that “*the random allocation process must be supervised by someone independent of the school*”. The local authority agreed with this concern and considered that the arrangements ought to “set out how the lottery takes place”. The Diocese disagreed with the concern, indicating that they “believe this [aspect of the arrangements] to be satisfactory”. The admission authority stated “The authority has not provided further detail on this matter within the policy, as the relevant arrangements (should this be required) are provided within the Code i.e. being supervised by someone independent”. The Code is not an appendix to the arrangements. The Code provides requirements which the arrangements must meet. In this case, whilst I am satisfied that the admission authority is aware of the relevant element of the Code, it has not provided me with any declaration or evidence to reassure me that its practice in relation to the use of random allocation within its arrangements is compliant with the Code. On that basis, on the balance of probabilities, I find that this aspect of the arrangements is in breach of paragraphs 1.35 (on random allocation) and 14 (on clarity). It must be revised.

Supplementary Information Form provision – Nearest school

69. I was concerned that the first sentence of the SIF refers to “for whom Queen Eleanor’s is the nearest Church School” whereas oversubscription criterion (7) refers to “for whom Queen Eleanor’s is the nearest Church of England junior school”. I was concerned that, without a definition within the arrangements clarifying the matter, a reader may not understand whether a “Church” school is intended to mean the same thing as a “Church of England” school. I was also concerned that the SIF refers simply to “school”, whereas oversubscription criterion (7) refers specifically to “junior school”. I was concerned that these discrepancies may mean that this aspect of the arrangements does not meet the requirements at paragraphs 14 and 1.8 of the Code for clarity. The local authority agreed that this discrepancy could lead to ambiguity. It considered that the SIF “should reflect the wording set out in the policy in relation to nearest Church of England junior school”. The Diocese appeared to agree with this concern in that it stated “We have recommended to our Church schools that this should be replicated on the SIF”. The admission authority neither agreed nor disagreed with the concern but indicated that “if there is confusion between a ‘Church’ school and a ‘Church of England School’, or ‘school’ and ‘junior school’ the authority is happy to clarify this in the documentation as advised”. I find that the discrepancies between oversubscription criterion (7) and the SIF do lead to a lack of clarity, contrary to the requirements of paragraphs 14 and 1.8 of the Code. The arrangements must therefore be revised and I am grateful to the admission authority for indicating its willingness to make the necessary revisions.

Supplementary Information Form provision – Regular worshipper

70. I was concerned that the SIF provides that “For this application, ‘regular worshipper’ is defined as a parent **or child** who has worshipped for a minimum of twice a month over a period of at least a year immediately preceding this request for support” (my emphasis), whereas oversubscription criteria (3) and (7) refer only to a parent who is a regular worshipper. I was concerned that this discrepancy could mean that this aspect of the arrangements does not meet the requirements at paragraphs 14 and 1.8 of the Code for clarity. The local authority agreed with this discrepancy could lead to ambiguity. It considered that the SIF “should reflect the wording set out in the policy in relation to [...] worship”. The Diocese agreed with the concern, explaining “We believe this paragraph pre-dates the time when entry on the Church Electoral Roll was not required. The SIF was not updated so we believe that the word ‘child’ should be removed to mirror the policy, unless the school has been giving priority to families where just the child worships. As a child cannot be on the Church Electoral Roll, if this is the case, out of fairness and transparency, the inclusion of ‘child’ may need to be in the policy as well”. The admission authority accepted that there was a discrepancy between its documents in this regard and indicated that it “would be happy to clarify upon receipt of guidance from the Diocese of Guildford”. I find that the discrepancy between oversubscription criteria (3) and (7) and the SIF does lead to a lack of clarity, contrary to the requirements of paragraphs 14 and 1.8 of the Code. The arrangements must therefore be revised and I am grateful to the admission authority for indicating its willingness to make the necessary revisions.

Summary of Findings

71. The objector considered that if the arrangements took into account previous school attended for some applicants, then previous school attended should be taken into account for all applicants. In particular, the objector argued that if the arrangements gave priority to those children attending one of the named feeder schools and living within the catchment area, then it should also give priority to those children attending one of the named feeder schools but living outside of the catchment area. She considered that not including such priority was unreasonable and unfair. I did not uphold either part of the objection. I found that the absence of such an oversubscription criterion giving priority to the category of children with whom the objector was concerned was not unreasonable because the admission authority had taken a legitimate approach to seeking to prioritise children living locally. I found that the absence of such an oversubscription criterion did not cause unfairness because such applicants would be unlikely to obtain a place at the school even if it were to be included in the arrangements.

72. I found that the admission authority’s decision to reduce the school’s PAN from 90 to 60 had resulted in unfairness. This was because it was a major contributory factor in creating a significant deficit in Y3 places in the local area, resulting in a likelihood that significant numbers of children who would be unsuccessful in obtaining a place at the school in September 2023 would not have suitable alternative school places available to them within an acceptable travelling distance of their homes. I therefore required the school’s PAN to be revised to a figure that would ensure fairness.

73. I found four areas in which the arrangements were unclear contrary to the requirements of the Code, some of which also contravened other aspects of the Code. I required these to be revised.

Determination

74. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements determined by the Good Shepherd Trust for Queen Eleanor's Church of England Junior School, in the local authority area of Surrey County Council.

75. I have also considered the arrangements in accordance with section 88I(5) and find there are other matters which do not conform with the requirements relating to admission arrangements in the ways set out in this determination.

76. 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 the date of the determination.

Dated: 22 June 2022

Signed:

Schools Adjudicator: Ms Jane Kilgannon