



Office of  
the Schools  
Adjudicator

## Determination

**Case reference: ADA4347 St Jude's C of E Infant School**

**Objector: Surrey County Council**

**Admission authority: The Governing Board of St Jude's Church of England Schools Federation**

**Date of decision: 13 September 2024**

### Determination

**In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements for September 2025 determined by The Governing Board of St Jude's Church of England Schools Federation for St Jude's C of E Infant School.**

**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 Surrey County Council (the objector), about the admission arrangements (the arrangements) for St Jude's C of E Infant School (the school), a voluntary aided school for children aged 2 to 7 for September 2025. The objection is to the reduction in the published admission number (PAN) from 60 to 30.

2. The objector is the local authority for the area in which the school is located. The other parties to the objection are the Governing Board of St Jude's Church of England Schools Federation (the governing board) and the Diocese of Guildford (the diocese) which is the religious authority for the school.

## Jurisdiction

3. The arrangements were determined on 30 January 2024 under section 88C of the Act by the governing board which is the admission authority for the school. The objector submitted the objection to these determined arrangements on 14 May 2024. 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.

## Procedure

4. In considering this matter 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 governing board at which the arrangements were determined;
- b. a copy of the determined arrangements;
- c. the local authority's form of objection dated 14 May 2024, supporting documents and its responses to my enquiries;
- d. the governing board's response to the objection and its responses to my enquiries;
- e. the Diocese of Guildford's response to the objection;
- f. on-line information from the Department for Education (DfE) databases; and
- g. maps of the area identifying relevant schools.

## The Objection

6. The local authority objected to the reduction in the PAN set by the governing board for the school. This was because it considered that with 30 places available at the school rather than 60 there would be a shortage of school places for Reception aged children in the area in September 2025.

## Background

7. The school was opened in September 2021 to replace two infant schools, one in Englefield Green and one in Virginia Water. The school is on the Englefield Green site. It has accommodation for 180 children from Reception to Year 2. The school is federated with the nearby St Jude's C of E Junior School, sharing a governing board and a headteacher. The school also offers nursery places. The two federated schools are less than half a mile apart.

8. Englefield Green is part of the same conurbation as Egham to the east. It is close to the local authority border between Surrey and Windsor and Maidenhead. Windsor Great Park is to west of the school and there is green space between Englefield Green and Virginia Water in the south and Old Windsor in the north

9. The admission arrangements determined by the governing board for 2025 include a PAN of 30. In previous years the PAN has been 60. The oversubscription criteria are summarised below with proximity to the school being used to prioritise children with each criterion:

1. Looked after and previously looked after children
2. Children with exceptional medical or social need
3. Children living in the parishes of St Jude's, Englefield Green or Christ Church, Virginia Water
4. Siblings
5. Children whose parents are regular worshippers at St Jude's, Englefield Green, Christ Church, Virginia Water or another Christian church
6. Children of members of staff
7. Other children.

10. The catchment area consists of two adjacent ecclesiastical parishes. No map of the whole catchment area was available from the school, however, in the arrangements there were links to on-line maps of both parishes. It was possible to zoom in on these maps to determine whether any individual house was in the catchment area or not, and so the requirement of paragraph 1.14 of the Code for catchment areas to be clearly defined was met, however, the maps did not show a scale. Comparing these maps with an Ordnance Survey map of the area shows the two parishes are adjacent and the catchment area is nearly seven kilometres from north to south and about three kilometres from east to west. The main areas of housing are from north to south, Englefield Green, Virginia Water and Trumps Green. The distance from the school to the house in the catchment area which is furthest way is just under five kilometres in a straight line. Within this catchment area there are three other primary schools. St Cuthbert's Catholic Primary School in Englefield Green, Trumps Green Infant and St Ann's Heath Junior Schools near Virginia Water.

## Consideration of Case

11. In considering this case, I am conscious of the implications of Paragraph 3.3b of the Code concerning objections to the Schools Adjudicator, "The following types of objections cannot be brought: ... b) objections about own authority admission's decision to increase or keep the same PAN". This means that if I do not uphold this objection, the governing board can continue to determine a PAN of 30 in 2026 and subsequent years and neither the local

authority, parents, the diocese or any other body could object even if the demand for places in the school's catchment area and adjacent areas increased substantially.

12. In addition to this consideration, the school has a net capacity of 180 of which, if the PAN remains at 30 from 2025 onwards, only 90 places would be available. Should there be growth in the local population, the Department for Education (DfE) would base any funding for new school places on the 180 places in the capacity assessment, not the 90 actually available with the reduced PAN, thereby constraining the local authority's ability to meet future demand in the area.

### The school's arguments

13. I asked the governing board what its rationale was for reducing the PAN from 60 to 30. I was given six reasons:

“1. Declining pupil numbers in the area, driven by population change and geographic location.

2. The learning from the closure of Christ Church Infant School which failed to tackle falling numbers and the associated lack of funding.

3. Our previous, current and projected pupil numbers which indicate that a PAN of 30 would be sufficient.

4. The fact that spaces are available at other local infant schools.

5. The significant impact on our cost-base and future financial sustainability if we had to take a small number of pupils over our desired PAN.

6. The challenges we've had recruiting teachers - we would struggle to recruit more teachers to meet a PAN higher than 30 in the future.”

14. The school said, “By insisting on retaining a PAN of 60, Surrey is seriously restricting the Governing Body's ability to manage its strategic plan, which includes a highly volatile financial balance sheet, and in doing so, risks compromising its own and the Governing Body's effectiveness and credibility. Moreover, it risks medium to long term damage to the morale and engagement of teaching staff and from this, the consequential impact to the quality of education St Jude's Infant School is able to provide its pupils.”

15. The school told me that number of children joining Reception classes at the school in recent years has been below the PAN of 60, the figures it provided were:

Year	2021	2022	2023	2024
Number of Reception Children	35	39	35	31

16. The school said that initially 40 children had been offered places for 2024, but this had fallen back to 31. Further evidence of volatility in the school is seen in the following table showing the organisation of classes in 2023/24 in which the school told me it had 127 children on roll with each of the three year groups organised into two classes. Each year group has increased from the initial intake figure (inserted by me in brackets).

	Class A	Class B	Total
Reception	18	19	37(35)
Year 1	26	25	51(39)
Year 2	20	19	39(35)
			127

This is an average class size of 21.2 compared to the national average of 26.6 for infant classes (Schools, pupils and their characteristics, DfE, June 2024). This level of staffing is expensive and cannot be sustained.

17. In the 2024/25 school year the school plans to organise 117 children into four classes. This, I was told, would be achieved by combining 86<sup>1</sup> Year 1 and Year 2 children into three classes and a single Reception class of 30, with one child in this year group being taught in a nursery class because of their special needs. This is an average class size of 29.25.

18. I have considered the options should other children apply for places at the school during the 2024/25 school year. The growth in year groups noted in the table above indicates that further applications are not unlikely. With 86 children in the Year 1 and Year 2 classes, up to four children could be accommodated in them before measures to comply with infant class size legislation would be necessary. Should new applicants be in Year 1 or Year 2, then no issues arise until the four places are taken when the school could refuse to admit on the grounds that to do so would prejudice the efficient provision of education or the efficient use of resources due to the need to take measures to comply with infant class size legislation. However, if a new applicant was in Year R, the school could not refuse a place on the grounds of prejudice until the PAN was reached. This is a requirement of section 86(5) of the School Standards and Framework Act 1998 (the Act). Should this situation arise, the law does not prohibit accommodating an additional Reception-aged child

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<sup>1</sup> In the information provided by the school for the previous year, these two year groups are shown as having a total of 88 pupils (51 and 37). The school did not indicate knowledge of children leaving from these year groups, so this may be a typographic error. Whether the figure is 86 or 88, it does not change the argument and I have retained the figure of 86 to be consistent with the information provided by the school for later years.

in a class of Year 1 and Year 2 pupils providing the limit of 30 pupils was not exceeded. I understand that this could lead to pedagogical issues but, circumstances require some schools to do this, and they do it successfully. Compliance with class size legislation in such circumstances would be a matter for the school and if parents did not like the option offered, they could request an alternative school; data provided by the local authority indicates that 52 of the 60 places available in the other infant school in the catchment area (Trumps Green) were taken in September 2024 so places in this year group are available at other local schools.

19. With a PAN of 30 in September 2025, the school says it would continue with the same organisation of a single Reception class for up to 30 children and three classes for the 67 children it expects to have in Years 1 and 2. The document received from the school states that this gives a total of 96<sup>2</sup> children, this would give an average class size of 24.

20. The school told me that if the PAN was 60 in 2025, it would use the same four class organisation because it believed that no more than 30 Reception places would be required. It said that “a further 24<sup>3</sup> KS1 pupils could be accepted, should that be necessary, without class organisation needing to change.”

21. With a PAN of 30 in 2026, the school said it would be able to move to a three class structure with single age groups in each class. The diocese supported the reduction in PAN at the school while recognising the local authority’s duty to ensure that there were sufficient places in the area.

#### Local authority arguments

22. Local authorities have a statutory duty to ensure that there are sufficient school places for children in their area. The local authority said, “With the current PAN of 60, the total number of Reception places available across the North Runnymede planning area [the planning area containing the school] is 270 and pupil projections indicate that this would lead to a small surplus of 2 places in 2025/26. However, with a reduced PAN of 30 at St Jude’s CofE Infant School, the Local Authority would be looking at a projected deficit of 28 places in the North Runnymede planning area in 2025/26. As such, the local authority believes that this reduction in PAN will leave the area with insufficient places to meet demand”. The local authority also said that there would be no capacity in neighbouring planning areas to support this shortfall.

23. The local authority provided data covering the planning area in which the school lies and neighbouring planning areas within Surrey. I noted that some schools in the neighbouring local authority, Windsor and Maidenhead, were closer to the school than

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<sup>2</sup> I have taken this as a typographical error, although it is repeated later in the information provided by the school.

<sup>3</sup> A consequential error from the previous footnote.

some of schools for which data had been provided to assess the need for places in this area. I asked the local authority for any information from Windsor and Maidenhead which it had considered when assessing the need for places at the school and I have taken this into account below.

24. In assessing this information, I have looked carefully at the geography of the area to help me form a view about the accessibility of the school and others in the area, taking into account rivers, major roads and other relevant factors. I have also noted that the local authority is required to provide free home to school transport for children who are less than eight years old if the distance by the shortest safe walking route from home to school is more than two miles (3.2 kilometres).

25. There are six schools that admit children to reception classes in the North Runnymede planning area. For the next three years, the local authority told me that it expects to need the following number of places in this planning area.

Year of admission	2025	2026	2027
Places needed	268	261	261

26. With the PAN at the school set at 30, the total number of Reception places available across the six schools is 240. The reduction in PAN would appear to make it difficult for the local authority to meet its statutory duty to ensure sufficient provision. The forecasts also show a shortage of places in neighbouring planning areas. However, the same forecasting data showed the need for Reception places in the North Runnymede planning area in September 2024 was 274 yet information also provided by the local authority showed 249 places were allocated with all schools reaching their PANs except St Jude's.

27. Since the allocation data was produced, the number of children expected to start at the school has fallen from 40 to 31. Some of these nine children may have found places at other schools in the planning area and there could be other changes to allocations, but potentially there may only be 240 Reception children starting school in this planning area in 2024. The error in the forecast for 2024 could be as many as 34 children or 12.4 per cent. If the same error factor was applied to the 2025 forecast, the 268 children in the forecast would reduce to 235, within the reduced capacity of 240.

28. The school's catchment area extends into the neighbouring planning area of Virginia Water, Lyne and Longcross. This planning area includes just two schools that admit Reception aged children, one of these two schools is Trumps Green Infant School which is in the catchment area of the school. There are 90 places available in this planning area with a forecast need of 95 in September 2025. Looking back at the 2024 forecast and allocations in this planning area, the forecast need was 93 and the number of allocations was 86 with neither of the two schools in the planning area reaching their PAN.

29. I asked the local authority to explain the inaccuracy of its forecasts for 2024 and why its forecasts for 2025 would be accurate. I was told that a “trend based model” was used and that “any school organisational changes in an area will impact on the accuracy of projections until a three year trend is re-established.” The local authority was “expecting a higher margin of error” because the amalgamation of the two infant schools into one and a review of planning areas had “shifted pupil movement trends in the area”. The local authority said, “there had not been time for new movement patterns to establish in our projection model”. The local authority also referred to “uncertainties in the building industry and housing markets because of the pandemic, Brexit and the cost of living crisis” leading to projections being “unnecessarily inflated”.

30. The local authority said that it had been working with local planning authorities to improve the accuracy of housing data and “it is anticipated that our updated projection model, due for publication in the autumn term of 2024, will be the first iteration where we could expect pupil movement trends to be fully re-established.”

31. I hope that the local authority is able to publish more accurate forecasts in the autumn term of 2024, however, these have not yet been published and the accuracy of them will not be known for another year. I am left to reach a conclusion on this objection based on forecasts which the local authority knows to be inaccurate.

### Balancing the arguments

32. It is clear that the number of children admitted to the school in recent years has made funding two classes in each of the three year groups impossible. Fluctuations between the number of children initially allocated a place at the school in April and the number who turn up in September complicate planning. Setting a PAN of 30 allows the school to be confident of filling, or nearly filling, at this number each year and the school would be able to plan its future organisation and budget with confidence. Children in the school will be able to benefit from a stable structure and healthy budget. All schools would like to be in that position. The school has now moved away from a six class structure and, as many schools must, is mixing year groups in the same class. The school sees this a step towards having just three classes, each with 30 children in a single year group.

33. However, parents do not present children for admission to schools in convenient groups of 30, they move home and change their minds about which school they would like their child to attend. This makes forecasting future school intakes difficult for local authorities; in this case I have little confidence in Surrey’s forecast need for places in 2025 in this planning area, forecasts on which this objection is based. I do not, however, have access to underlying data which would allow me to substitute my own forecasts or establish a confidence interval for the forecasts sent to me.

34. If I do not uphold this objection, then the PAN remains at 30 for 2025 and for subsequent years until the governing board decides otherwise. There would be 240 Reception places available in this planning area. If the error in the local authority’s available forecast of need remains constant, then this would be enough places. However, there



remains a risk that more than 240 places will be required, and I must consider the consequences of this.

35. It is not possible to know where a child living in the North Runnymede planning area who could not get a place at one of the local schools would live. With children living closest to schools usually having greater priority in oversubscription criteria, it is likely that they would live on the periphery of the area. Schools to the north in Windsor and Maidenhead may have spaces, but different ages of transfer apply in this local authority creating difficult choices for parents later on. To the west, access to schools in Staines is restricted by the River Thames. The planning areas of Chertsey and Virginia Water, Lyne and Longcross lie to the south. Data shows that schools in the Chertsey planning area are full and will continue to be so with some growth in demand expected. The Virginia Water, Lyne and Longcross planning area has been referred to above where places may or may not be available depending on the accuracy of forecasts. Even if places were available in the neighbouring areas, they could be at schools more than 3.2km from the child's home, requiring the provision of home to school transport and long journey times for children of 4 or 5 years old.

36. If I uphold the objection, this does not mean that the PAN reverts to 60. It will be for the governing board to consider again what the PAN should be, preferably after further consultation with the local authority based on more accurate forecasts when these are available. There are various possibilities, for example, A PAN of 40 would lead to there being up to 120 children on roll, which would fit with the four class structure in place for September 2024 and 2025. This necessitates classes with more than one year group in some of them. Some flexible thinking may be required; possibly, one class for the youngest Reception pupils, one class for the oldest Reception pupils and youngest Year 1 pupils, one class for the oldest Year 1 and youngest Year 2 pupils and one class for the eldest Year 2 pupils. While this may require a different pedagogical approach to that of teaching single year groups, there are schools which do this successfully when there is no option if they are to serve their local community.

37. On balance, I have decided that the adverse effect on a child who could not find a place at their local school outweighs the arguments presented by the school and I cannot be confident that the errors in the local authority's forecasts seen in 2024 will carry through at the same level for 2025. Furthermore, there is evidence in the school's figures that year groups increase in size after they have been admitted. Upholding the objection, which I do, would also allow the local authority to publish revised forecasts and for these to be tested so that irrevocable decisions on the supply of places are taken on the basis of sound data.

## Summary of Findings

38. I have upheld this objection after considering the following factors. Once the PAN was reduced to 30 from 60, Paragraph 3.3b of the Code means that the PAN would stay at that figure until the governing board decided to set it otherwise. The degree of error in the local authority's forecasts is such that I cannot be confident that if the PAN was 30 all

children living in the planning area who wanted a place at a local school in future years would be able to have one. Schools in neighbouring planning areas are also likely to be full and if places were available, journeys to them would be excessive for children of this age in a suburban area. While the school may want to set a PAN that gives it a stable population and simple pattern of organisation, this should not be one that disadvantages local children when the school has the physical capacity for them. The school has moved from an unaffordable six class organisation to one with four classes for 2024 and intends to keep this in 2025. Whatever the PAN, the school can only fund classes for the children it has, not those it might have. I would hope that the school and local authority can work together to find a PAN for 2025 that meets a more accurate forecast of local needs and allows the school to organise in a consistent way.

## **Determination**

39. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements for September 2025 determined by The Governing Board of St Jude's Church of England Schools Federation for St Jude's C of E Infant School.

40. 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: 13 September 2024

Signed:

Schools Adjudicator: Phil Whiffing