



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2505

Admission authority: The governing body for Bishop Stopford's School, Enfield, Middlesex

Date of decision: 12 December 2024

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by the governing body for Bishop Stopford's School for September 2025.

I determine that the published admission number for admissions to Year 7 in 2025 shall be 120.

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

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

The referral

1. The governing body of Bishop Stopford's School (the school) has referred a proposal for a variation to its admission arrangements for September 2025 (the arrangements) to the adjudicator. The school is a voluntary aided secondary school for children aged eleven to eighteen years and has a Church of England religious character. The faith body for the school is the Diocese of London (the diocese) and the local authority for the school is Enfield Council (the local authority).

2. The proposed variation is that the published admission number (PAN) be reduced from 186 to 120 for admissions to Year 7 in 2025.

Jurisdiction and procedure

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

“3.6 Once admission arrangements have been determined for a particular school year, they cannot be revised by the admission authority unless such revision is necessary to give effect to a mandatory requirement of this Code, admissions law, a determination of the Adjudicator or any misprint in the admission arrangements. Admission authorities may propose other variations where they consider such changes to be necessary in view of a major change in circumstances. Such proposals **must** be referred to the Schools Adjudicator for approval, and the appropriate bodies notified. Where the local authority is the admission authority for a community or voluntary controlled school, it **must** consult the governing body of the school before making any reference.

3.7 Admission authorities **must** notify the appropriate bodies of all variations”.

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

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

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

- a. the referral from the school dated 7 October 2024 and further information provided at my request;
- b. the determined arrangements for 2025 and the proposed variation to those arrangements;
- c. comments on the proposed variation from the local authority and diocese, and information from those parties provided at my request;
- d. a map showing the location of the school and other relevant schools; and
- e. information available on the websites of the school and the Department for Education (the DfE).

7. There was some delay in my consideration of this case whilst the school provided the documentation necessary to establish my jurisdiction. I am grateful to all parties for their patience and for the helpful information they have provided.

The proposed variation

8. The school has proposed to reduce the PAN from 186 to 120 for entry to Year 7 in 2025. The proposal has the support of the diocese and of the local authority.

9. Paragraph 3.6 of the Code (as above) requires that admission arrangements, once determined, may only be revised, that is changed or varied, if there is a major change of circumstance or certain other limited and specified circumstances.

Consideration of proposed variation

10. There is no formal consultation required for a variation and so parents and others do not have the opportunity to express their views. Clearly it is desirable that PAN reductions are made via the process of determination following consultation, as the consultation process allows those with an interest to express their views. It also allows for objections to the adjudicator. None of this is afforded by the variation process and so it is important that the proposed variation is properly scrutinised.

11. Once the PAN has been set for a particular year then no body, except the governing body of a community or voluntary controlled school, can object if that PAN remains the same in subsequent years for which arrangements have not yet been determined. Consequently, if a proposal to reduce the PAN for 2025 is approved and the arrangements for 2026 have not yet been determined (which is the case for the school), the admission authority may set future PANs (that is, for admission in September 2026 and beyond) at the reduced figure without any requirement for consultation. I note however that the school plans to consult on its arrangements for 2026 irrespective of the outcome of this variation request.

12. The major change in circumstances relied upon by the school is set out in the referral, which states:

“There has been a significant drop in the number of pupils applying for places within the Borough of Enfield, coupled with a number of schools increasing their PAN, and the introduction of new academies. Enfield, has seen a decline in the pupil population of 2401 (4%) between 2018 and 2023. There has also been a marked decline in Secondary school pupil numbers with demand for places falling by 416 between 2020 and 2025. A further decline is expected in subsequent years (although there is a small rise in 2026/7) by a further 486 pupils by 2032.”

13. I have given careful consideration to the latest available data in order to form a view about the sufficiency of school places in the local area if the PAN of the school is reduced

from 186 to 120 for 2025. I have also considered the demand for places at the school, the reasons given for the change, the potential effect on parental preference and whether the change is justified taking into account all relevant circumstances.

14. The local authority has a duty to make sure that there are sufficient places for the children in its area. To fulfil this duty the local authority assesses the likely future number of places to be needed and plans to meet that need. The local authority uses planning areas, which are geographical areas each containing a number of schools, for this purpose. The local authority has provided data for the planning area to which the school belongs, in which there are seven schools (including the school) which admit pupils to Year 7. Table 1, below, shows the sum of the PANs at those schools and the number of children admitted to them in 2024, and the number forecast to require a place in each of 2025 and 2026. The data for 2026 include a PAN reduction of 30 at one of the other schools, which the local authority has told me is planned. Table 1 also demonstrates the effect on surplus places of reducing the PAN of the school as has been proposed.

Table 1: School places in the planning area, and the number of children admitted, or forecast to require a place

	2024	2025	2026
Number of places in Year 7 in schools in the planning area (with a PAN of 186 for the school)	1368	1368	1338
Number of children admitted (2024) or forecast to require a place (2025 and 2026)	1204	1116	1124
Vacant places	164	252	214
Vacant places as a percentage of total places	12.0	18.4	16.0
Number of places in Year 7 if variation approved (with a PAN of 120 for the school)	-	1302	1272
Vacant places if variation approved	-	186	148
Vacant places as a percentage of total places if variation approved	-	14.3	11.6

15. The Department for Education document, “Basic need allocations 2025-26: Explanatory note on methodology”, refers to the need for two per cent surplus capacity “to provide an operating margin for local authorities. This helps to support parental choice, pupil population movement, and general manageability of the system”. From the data above I note that the proportion of vacant places in the area would, according to the forecasts, be higher than this percentage and higher than is currently the case. The local authority stated:

“We support this proposal as it is in line with Enfield’s Draft Pupil Places Strategy which is seeking reduce the borough’s overall PAN.

We can confirm that there is a sufficiency of school places within the borough to accommodate this reduction.”

16. I am satisfied that if the PAN of the school were to be reduced to 120 for 2025, there would be sufficient places left in the planning area for any children who might be seeking a Year 7 place. As I must also have regard to parental preference, I will now consider the demand for places at the school.

17. The local authority has told me that in September 2022, 91 children were admitted to Year 7 at the school; 82 children were admitted in September 2023, and 65 children in September 2024. For admission in 2024, the school received 40 first-preference expressions; 34 parents gave the school as their second-preference.

18. There have been some in-year admissions and data provided by the school shows that at the end of the school year 2022 to 2023 there were 103 pupils in Year 7; the following year ended with 107 pupils in the year group. There are currently only 53 pupils in Year 7. The number on roll in Year 7 is clearly well below the proposed PAN, as has been the case in recent years. I note that numbers at the school are low overall. A PAN of 186 would, if the school was fully subscribed each year, usually result in a total of 930 pupils in Years 7 to 11; the total on roll in those year groups is 519.

19. I asked the school to provide the number of children expected to require a place in Year 7 in each of 2025, 2026 and 2027. The school responded, “We were advised by the Local Authority that numbers would be between 90 to 120.” The local authority was able to provide a more accurate forecast which shows that 94 children are expected to require a place at the school in 2025, 96 children in 2026 and 99 children in 2027. I am satisfied that if the PAN was reduced to 120 there would be no significant frustration of parental preference.

20. For the sake of completeness, I have considered whether the benefits to the school of lowering the PAN are a reasonable justification of any potential frustration of parental preference in the future. The referral stated:

“The school PAN is 186 and although there is rigour in its financial planning setting the Year 7 PAN at 120 will allow us to plan more effectively. . . This would enable the school to plan/fund for a lower intake, but still have capacity to take extra pupils if needed. . . It will allow the school to reduce costs and overheads to operate in line with the expected pupil numbers.”

21. The DfE website “Financial Benchmarking and Insights Tool” shows that for the financial year to 2024, the school had an in-year balance of £125k and the revenue reserve figure was a deficit of £1.4M. The school described its financial position as follows:

“The school has achieved a balanced in year budget for the last 4 years. However, the school is currently in a deficit position (a legacy deficit), with an overall historical rolling deficit of 1.4 million. The school is working hard to ensure a balanced budget each year and a gradual reduction in the overall deficit. We have undertaken careful financial planning around viability, pupil numbers and staffing.

There are many external factors contributing to lower pupil numbers in London Borough of Enfield, which reflects the National picture. It is unlikely that we will be full at 186, based on current projections (based on the number of places available in Enfield and the projected Yr7 population both for 2025 and moving forward). With a more sensible PAN of 120 we will be able utilise integrated curriculum financial planning more effectively, allowing us to staff at optimum levels in line with pupil number predictions. The implication of being overstaffed could lead to further increases in our deficit which we do not want.”

22. The school is in a difficult financial situation due to its sizeable deficit; I recognise that not reducing the PAN presents a risk of exacerbating this as the school has described. Class sizes of no more than 30 are often considered preferable. If the PAN was reduced to 120 then even if admissions in 2025 were up to the level of the PAN, the Year 7 pupils could be accommodated in four forms with no more than 30 children in each. If the PAN of 186 remains in place, then even if no more than 120 children were admitted initially, the school would be obliged to admit up to PAN if additional applications were received during the year. If admissions were made such that there were more than 120 children in the year group then, if the school wished to avoid having over 30 children in a class, it would need to operate additional forms. This situation would cause uncertainty for the school, including in respect of its finances and staffing, and could result in expenditure on additional staff and class sizes that were not financially efficient.

23. For all of the reasons above I agree that a reduction in the PAN to 120 for 2025 would provide greater stability for the school and its pupils and benefit the school financially. It seems unlikely that there will be any frustration of parental preference in the longer term and in any event, even if a situation were to arise in which places were not available at the school for some applicants, the potential disadvantage to those applicants is outweighed by the benefits to the school of a reduced PAN.

24. I find that the variation for 2025 is justified by the circumstances and approve the proposed variation.

Consideration of the arrangements

25. Having considered the arrangements as a whole it appeared to me that several matters may not conform with the requirements of the Code and so I brought them to the attention of the governing body. I have listed these matters below setting out the relevant paragraphs of the Code and where the arrangements do not conform to requirements.

26. Paragraph 1.50 of the Code requires that admission authorities publish their determined arrangements by 15 March in the determination year. As the determination year is the academic year beginning two years before the year to which the arrangements relate, there was a statutory requirement for the arrangements for entry into the school in 2024 to be published by 15 March 2023. The arrangements for 2024 are not on the school website; the school has not therefore acted in accordance with the Code. As the 2024 arrangements remain in force for the whole of the current academic year, they must be available until the end of the year.

27. The arrangements for 2025 are contained in a document with the title “Admissions Policy 2024/25” and accessed via a link from the school website labelled “Admissions Policy 2024 to 2025”. This labelling is incorrect and would not enable parents to find the arrangements. As such it lacks the clarity required by paragraph 14 of the Code. Consequently, the arrangements and the website must be revised to make it clear that the arrangements in question are those for 2025.

28. The arrangements prioritise, in the first oversubscription criterion, looked after and previously looked after children as required by paragraph 1.7 of the Code. However, the arrangements are not fully compliant with this paragraph in that the definition of such children differs from that within the Code. The arrangements must be revised in this respect.

29. The arrangements allow for fifty per cent of admissions to be made to foundation places; that is, to children whose applications fulfil faith requirements set out in the arrangements. In respect of this the arrangements state (my underlining for emphasis), “Foundation places are offered to students whose parents are regular worshippers in a Christian Church. . . . Written evidence of the applicant’s commitment to their place of worship is required.” This use of differing terminology leads to potential confusion about whether it is the parents’ commitment or the child’s commitment which is in question. I requested, but did not receive, the school’s clarification on this matter. The arrangements must be revised to meet the requirement for clarity in paragraph 14 of the Code by setting out whether it is the child or their parents who must be regular worshippers in order for the child to be prioritised for a foundation place.

30. The arrangements state: “If you would like to apply for a foundation place, please obtain the Supplementary Form (this may be obtained from the school or downloaded from the Parents and Admissions section of the school website”. This supplementary information form (SIF) does not comply with the Code for the following reasons:

- a. The form provided to me by the school is not available on the school website. Paragraph 1.50 of the Code requires that admission arrangements are published; the SIF forms part of the arrangements and so must be published in accordance with the requirement in that paragraph. The only SIF currently published appears to relate to admissions in 2024.
- b. Paragraph 2.4 of the Code states that admission authorities, “**must** only use supplementary forms that request additional information when it has a direct

bearing on decisions about oversubscription criteria or for the purpose of selection by aptitude or ability.” Consequently, the SIF does not comply with the Code as it requests the gender of the applicant, and the applicant’s current school (which is not relevant as the school has no feeder schools). Paragraph 1.9b) of the Code provides that admission authorities must not take into account any previous schools attended, unless it is a named feeder school.

- c. Section four of the SIF seems to provide for the prioritisation of previously looked after children only when those children have subsequently been adopted. As a child may be classed as previously looked after despite never being adopted this is contrary to paragraph 1.7 of the Code.
- d. The SIF asks the priest or minister completing section seven, which relates to foundation places: “Has the Applicant (the child) attended worship at your church for the past two years”. This differs from the main body of the arrangements which requires “regular worship” by the parents, defined as “at least fortnightly” for at least two years, in order to be considered for a foundation place. As such the arrangements are unclear and do not comply with paragraph 14 of the Code.

31. The SIF seems to be intended to be used by applicants who wish to be considered under the first oversubscription criterion (looked after and previously looked after children) and the third criterion (siblings). This is not made clear in the main body of the arrangements, which refers to the form only in the context of foundation places. As such the arrangements are unclear and do not comply with paragraph 14 of the Code.

32. The arrangements prioritise siblings of current or former pupils for admission, as permitted by paragraph 1.11 of the Code. That paragraph requires that admission authorities clearly define what is meant by a “sibling”. In respect of this:

- a. The main body of the arrangements makes no mention of a sibling definition. The SIF does define siblings, but as the arrangements do not inform applicants of the requirement to complete that form if they wish to claim sibling priority the definition is likely to remain unclear to parents.
- b. The SIF states: “A sibling is defined as a blood relative or someone living at the same address as part of the same family”. I find this definition to be unclear. For example, a blood relative could include a cousin or more distant relative living at a different address to the applicant; this may or may not be what the admission authority intends.

33. For the reasons set out above the arrangements do not comply with paragraph 1.11 of the Code and must be revised to make clear what is meant by a sibling.

34. The arrangements state, “The maximum number to be admitted to the school annually is 186.” A published admission number (PAN) is not a maximum, but rather a

minimum number of children who must be admitted if sufficient applications are received. As such, the arrangements are inaccurate and are contrary to the Code.

35. Paragraph 1.6 of the Code states, in part, “All children whose Education, Health and Care Plan names the school **must** be admitted.” The arrangements state that “Students with an “Education Health and Care Plan” are admitted to the school through a separate process” but do not make it clear that a child with an EHCP which names the school must, or will be, admitted. The arrangements do not therefore provide the clarity required by paragraph 14 of the Code.

36. Paragraph 2.18 of the Code specifies that “Parents may seek a place for their child outside of their normal age group, for example, if the child is gifted and talented or has experienced problems such as ill health. . . Admission authorities **must** make clear in the admission arrangements the process for requesting admission out of the normal year group.” The arrangements make no reference to admission out of the normal year group and are therefore contrary to this paragraph and must be revised.

37. In respect of waiting lists, paragraph 2.15 of the Code requires that admission authorities state in their arrangements “that each added child will require the list to be ranked again in line with the published oversubscription criteria”. The arrangements do not include this and are therefore contrary to this paragraph of the Code.

38. Paragraph 2.26 of the Code requires that admission authorities publish how in-year applications will be dealt with. The arrangements are not compliant with requirements in this regard as they state only that “applications should be made direct to the school” and do not explain how such an application may be made.

39. The arrangements state that “The Local Authority closing date for applications is 31 October 2024 for September 2025 admissions.” As 31 October is the national closing date for secondary school applications in England, as set out in footnote 8 of the Code, and not a date determined by any local authority, this lacks the clarity required by paragraph 14 of the Code.

40. The arrangements state that “Places will be offered on the Local Authority co-ordinated date for secondary admissions.” 1 March (or the next working day where 1 March falls on a weekend or bank holiday) is national offer day for all on-time secondary school applications in England, as set out in paragraph 2.12 of the Code. In implying that the date on which offers are made is one set by the local authority the arrangements are inaccurate; in not stating the date of national offer day the arrangements lack the clarity required by paragraph 14 of the Code. Consequently, the arrangements must be revised.

41. Paragraph 1.8 of the Code states, “Admission arrangements **must** include an effective, clear, and fair tie-breaker to decide between two applications that cannot otherwise be separated.” The arrangements do not include a tie-breaker, which would be necessary to, say, decide between two applicants whose home addresses are equidistant from the school. Consequently, the arrangements do not comply with that paragraph of the Code.

42. Paragraph 1.13 of the Code states, “Admission authorities **must** clearly set out how distance from home to the school and/or any nodal points used in the arrangements will be measured. This **must** include making clear how the ‘home’ address will be determined and the point(s) in the school or nodal points from which all distances will be measured. This should include provision for cases where parents have shared responsibility for a child following the breakdown of their relationship and the child lives for part of the week with each parent.” As the arrangements do not define home address, including where parents have shared care, they are contrary to the Code. To be clear, how home address is determined in the case of shared care must include cases where the care is shared equally.

Determination

43. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by the governing body for Bishop Stopford’s School for September 2025.

44. I determine that the published admission number for admissions to Year 7 in 2025 shall be 120.

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

46. 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: 12 December 2024

Signed:

Schools adjudicator: Jennifer Gamble