



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2547, VAR2550

Admission Authority: Surrey County Council for Merrow CofE Controlled Infant School

Date of advice: 26 March 2025

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Surrey County Council for Merrow CofE Controlled Infant School for 2025.

I determine that the published admission number for 2025 will be 30.

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Surrey County Council for Merrow CofE Controlled Infant School for 2026.

I determine that the published admission number for 2026 will be 30.

The referral

1. Surrey County Council (the Admission Authority; the Local Authority) has referred to the adjudicator a proposal for variations to the admission arrangements for Merrow CofE Controlled Infant School (the School or MCIS) for 2025 and 2026 (the Arrangements).
2. The School is a voluntary controlled school for children aged four to seven years in Merrow, a suburb of Guildford in Surrey. It is a co-educational, non-selective school. The School was judged to be Good by Ofsted at its last inspection in November 2023.
3. The religious character of the School is Church of England. The religious authority for the School is the Diocese of Guildford (the Diocese).

4. The proposed variations are that the published admission number (PAN) of the school, which applies to admissions to the reception year (Year R), is reduced from 60 to 30 for both 2025 and 2026.

Jurisdiction and procedure

5. Section 88E of the School Standards and Framework Act 1998 (the Act) makes provision for variations to determined arrangements. Paragraphs 3.6 and 3.7 of the School Admissions Code (the Code) say (insofar as is relevant here):

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

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

6. The Arrangements for 2025 were determined by the Local Authority on 30 January 2024, and those for 2026 were determined on 28 January 2025.
7. The Local Authority has provided me with confirmation that the appropriate bodies have been notified of the proposed variations in line with the Code. The Local Authority has also provided me with confirmation that the governing body of the School has been consulted on the proposed variations.
8. I find that the appropriate procedures were followed, and I am satisfied that the proposed variations are within my jurisdiction.
9. In considering the variation requests, I have had regard to all relevant legislation and the Code.
10. The information I have considered in reaching my decision includes:
 - the referral from the Local Authority dated 17 February 2025 and supporting documents;
 - the determined Arrangements for 2025 and 2026 and the proposed variations to

those Arrangements;

- responses from the Local Authority, the School and the Diocese to my requests for further information;
- maps, including Google Maps and those showing the location of the School; and
- information available on the websites of the DfE (including the 'Get Information About Schools' (GIAS) and 'Financial Benchmarking and Insights Tool' (FBIT) websites), the Local Authority and the School, and Ofsted.

11. I would like to extend my thanks to all parties for their responses to my requests for further information.
12. There is no formal consultation required for a variation and so parents and others do not have the opportunity to express their views. Clearly it is desirable that changes to arrangements are made via the process of determination following consultation as the consultation process allows those with an interest to express their views. It also allows for objections to the adjudicator. None of this is afforded by the variation process.
13. 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 2026 is approved and the arrangements for 2027 have not yet been determined (which is the case for the School), the Local Authority may set future PANs (that is, for admission in September 2027 and beyond) at the reduced figure without any requirement for consultation. In other words, if I decide to vary the Arrangements for 2026 by reducing the PAN as proposed, it will have the effect of forming the 'baseline' for subsequent years.

Consideration of proposed variation

14. The Local Authority has proposed that the PAN is reduced from 60 to 30 for both 2025 and 2026.
15. Paragraph 3.6 of the Code (as above) requires that admission arrangements, once determined, may only be revised, that is changed or varied, if there is a major change of circumstance or certain other limited and specified circumstances. I will consider below whether the proposed variation is justified by the change in circumstances.
16. The major change in circumstances relied upon by the Local Authority is set out in the referral, which states:

“Nationally, the pattern of demand for pupil places in England is changing. The population attending primary school peaked in 2019 and the numbers have been dropping since then. This is primarily due to the continued reduction in the birth rate since 2013, although there was a larger drop in the national population in 2021 which may have been connected to the pandemic. Figures have been stable for the two years since 2021, but are expected to fall from 2024 onwards.

Merrow CofE Controlled Infant School falls within Surrey’s East Guildford planning area. The Education Place Planning team have recently altered how they approach their forecasts and this has reduced the projected number of pupils expected to need a school place in the East Guildford planning area moving forward. The Local Authority considers this to be a major change in circumstances.”

17. The referral also states:

“The Local Authority has determined a PAN of 60 for Merrow CofE Controlled Infant School for September 2025 and September 2026.

The forecasts for 2023 onwards had indicated that there would be an increase in demand and therefore the Local Authority did not previously pursue a decrease in PAN at this school. The 2024 forecasts are now derived from GP registration data instead of ONS mid-year population data, which is more accurate as to where pupils are living, and this has resulted in a lower number of pupils projected to need a school place in the East Guildford planning area.

Based on the current PANs, there are 285 Reception places in the East Guildford planning area ... Current forecasts for 2025 indicate that there will be a need for 241 Reception places across the planning area, leaving a surplus of 44 places. There are currently 241 first preferences for East Guildford schools for 2025, which is in line with our forecasts.

Current forecasts for 2026 indicate an increased surplus, with a need for 225 Reception places across the planning area. When applied against the total PAN of 285, this leaves a surplus of 60 places.

18. A statement from the School adds:

“The governing body has been involved in decision making regarding the request for an in year variation to the PAN at Merrow Infant School. We have actively considered variation to the PAN as part of its [sic] wider consideration of the school's budget and ongoing viability. The Local Authority, including the Place Planning team, has met with governors and the Executive Head on more than one occasion to discuss the fall in roll, the projections, that show no sign of numbers increasing in our area, and to discuss a more strategic long term plan for the school. This will inevitably have an

impact on the community and school, but with such low numbers, it is not financially viable for the school to continue as a 2 form entry for the foreseeable future. For the last 2 years we have had low numbers in Reception - just above 30, but have needed to employ 2 full time teachers and support staff. This has had a significant impact on our budget and the resources needed for the children, specifically those with additional needs.”

19. The Diocese has not expressed a view on the proposed variations, stating only:

“As the school is Voluntary Controlled, the Local Authority is the admission authority and therefore the diocese, as a matter of course, does not get involved in its admissions”.

20. 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 is reduced from 60 to 30 for 2025 and 2026. I have also considered the demand for places at the School, the reasons given for the changes, the potential effect on parental preference and whether the changes are justified taking into account all relevant circumstances.

21. 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 School is based in the planning area of East Guildford and I have considered the data that the local authority has provided for that area.

22. In the planning area there are five schools, including the School, which admit pupils to Year R. The data set out in table 1 show the number of Year R places and the numbers of pupils admitted to, or forecast to require a place at, those schools. Table 1 also demonstrates the effect of the proposed PANs on surplus places in the area. I note here that the data supplied by the Local Authority contained a minor anomaly in that one forecast showed that 241 Year R places will be required in the planning area in 2025, and another that 240 places will be needed. I have used the higher figure of 241.

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

	2023	2024	2025	2026	2027
Number of places in Year R in schools in the planning area (with a PAN of 60 at the school)	285	285	285	285	285
Number of children on roll at the October census (2023 and 2024) or forecast to require a place (2025 to 2027)	243	256	241	225	220
Vacant places	42	29	44	60	65
Vacant places as a percentage	14.7	10.2	15.4	21.1	22.8
Number of places in Year R if variations approved (with a PAN of 30 at the School)			255	255	255
Vacant places if variations approved			14	30	35
Vacant places as a percentage if variations approved			5.5	11.8	13.7

23. The DfE 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, it is clear that surplus capacity in the planning area has been above this level in recent years and would continue to be so if the proposed variations were approved. I am satisfied that if the PAN of the School is reduced to 30 for 2025 and 2026, there will be sufficient places left in the planning area for any children who might be seeking a Year R place.

24. I turn now to the demand for places at the School. Table 2 shows the number of children admitted to the School in recent years and the number of first preference applications for the School, plus local authority projections for future years. This table uses the proposed PAN of 30 from 2025 onwards.

Table 2: The number of children admitted to the School in recent years, with projections for future years

	2022	2023	2024	2025	2026
The PAN for the School	60	60	60	30	30
Number of first preferences	21	30	29	23	
Number of children on roll at the October census (2022-2024) or forecast to require a place (2025-2026)	28	34	33	32	27
Surplus places	32	26	27	-2	3

25. For 2026, the Local Authority forecast of the number of places needed is lower than the proposed PAN. I am therefore satisfied that there is unlikely to be significant frustration of parental preference if the proposed variation is agreed for that year and need say no more on this matter. I will now consider the demand for places at the School in 2025.

26. Data in table 2 show that the number of first preference applications for 2025 has fallen from numbers in the previous two years. First preference applications are only one indicator of demand; applications are made months in advance of admission and people's lives can change considerably in that time. There may also be applicants for whom the School is, say, a second preference but who are refused a place at their first preference School.

27. In both 2023 and 2024 the School admitted four more children than the number of first preferences. Although the Local Authority has forecast that 32 children will require a place at the School in 2025, if the pattern of the previous two years was repeated then 27 children would be admitted to MCIS in 2025, below the proposed PAN. Although I find it unlikely that many, if any, children would be displaced from MCIS by the proposed PAN, I have nevertheless considered the possibility that this may occur and the alternative schools available to any such children.

28. Preference data for 2025 for schools in the planning area, supplied by the Local Authority, show that only one school has received a number of first preference applications higher than its PAN (97 first preferences for a PAN of 90). Taking this into account alongside data shown in the above tables it seems likely that, if the proposed PAN is agreed for 2025: all of the 23 children for whom the School is a first preference will be admitted; that most children in the planning area will receive their first preference school; and that any child who was displaced from MCIS as a result of the reduced PAN would have a choice of alternative schools within the planning area. I note here that the other planning area schools are, according to GIAS, all within 1.18 miles of the School. A displaced child is likely, therefore, to be able to secure a place at a school within two

miles of their home, which is the statutory walking distance for children under the age of eight (as set out in the DfE document "Travel to school for children of compulsory school age," January 2024). I am satisfied that there is unlikely to be significant frustration of parental preference if the proposed variation is agreed for 2025.

29. 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. I have also considered whether there are alternative steps which the School could take to mitigate the negative financial impact which it asserts would be caused by maintaining the current PAN.

30. The School is one affected by the provisions of the School Admissions (Infant Class Size) (England) Regulations 2012 (the infant class size regulations) which require that infant classes (those where the majority of children will reach the age of five, six or seven during the school year) must not contain more than 30 pupils with a single qualified school teacher except in specific exceptional circumstances (paragraph 2.16 of the Code). The infant class size regulations apply to Year R, Year 1 and Year 2. In respect of this, the local authority stated that the proposed variations would:

"allow the school to operate with just one class of 30 pupils in Reception for September 2025 and September 2026 admission. The reduction will allow the school to manage the number of pupils more effectively and will aid the sustainability of the wider educational landscape in East Guildford."

31. There are many primary schools which organise their pupils into mixed-age classes so that class sizes are financially efficient. I asked the local authority for a full explanation as to what consideration, if any, has been given to the use of mixed-age classes. I also asked how the classes in the School are currently organised, with the number of children from each year group in each class. The local authority responded:

"I believe the school is running 2 classes in Reception, as per infant class size and the determined PAN of 60 per year group. This would leave the school with too many pupils in Years 1 and 2 to vertically stream."

The school has given consideration to vertically streaming classes in the infant school however, they are worried about the perception of this with parents and how this may impact the numbers on roll and future intakes."

32. The School told me:

"this year we have a mixed year 1/2 class and will possibly have the same in the next academic year."

33. That the information received from the Local Authority did not answer my questions in full, and that its view on mixed age classes differs from that provided by the School, does not help me establish clarity on this matter. Nevertheless, I note two points: first, the fact that the School already uses mixed-age teaching provides some assurance that changes to class organisation have already been considered as an alternative to reducing the PAN; and second, if children in Year 1 and Year 2 are taught together in 2025 as the School has told me may be the case, this is likely to make it difficult to also use mixed-age teaching for Year R.
34. If the PAN of 60 remains in place, then if more than 30 children were to be admitted the School would, without using mixed-age classes, need to organise those pupils into two classes of a size that may not be financially efficient. If fewer than 30 children were admitted initially, who could be accommodated in one Year R class, the School would be obliged to admit up to the PAN if additional applications were received during the year. As soon as more than 30 children were in Year R, two classes would be required. This situation creates uncertainties in school organisation and staffing as the School would not know if or when an additional class would be required.
35. The DfE website “Financial Benchmarking and Insights Tool” shows that for the financial year ending March 2024, the School had an in-year balance of -£47.4K and a revenue reserve of £57.2k. It seems that the costs associated with the need to create a second Year R class could not be easily borne.
36. I note the following: there are surplus places in the area, and there is likely to be so at a choice of schools in 2025; the number of on-time first preference applications for 2025 is below the proposed PAN; and the pattern of admissions in previous years indicates it is unlikely that more than 30 children would be admitted to the School in 2025 even if the PAN remains at 60. Forecast data for 2026 show that fewer places than the proposed PAN would be required at the School and that surplus places in the area would remain. Maintaining the current PAN creates uncertainties in school organisation and staffing as the School would not know if or when an additional class would be required.
37. For all of the reasons above I agree that a reduction of PAN to 30 for 2025 and 2026 would provide greater stability for the School and its pupils and benefit the School financially, and that this outweighs any potential frustration of parental preference in the longer term.
38. I find that the variations for 2025 and 2026 are justified by the circumstances and approve the proposed variations.

Determination

39. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Surrey County Council for Merrow CofE Controlled Infant School for 2025.

40. I determine that the published admission number for 2025 will be 30.

41. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Surrey County Council for Merrow CofE Controlled Infant School for 2026.

42. I determine that the published admission number for 2026 will be 30.

Dated: 26 March 2025

Signed:

Schools Adjudicator: Jennifer Gamble