



Office of
the Schools
Adjudicator

Determination – Statutory Proposal

Case reference:	STP659
Proposer:	The London Borough of Lambeth
Proposal:	To amalgamate Christ Church Primary SW9 with St John the Divine Church of England Primary School, by discontinuing St John the Divine Church of England Primary School on 31 August 2026 and merging into Christ Church Primary SW9 on its site
Referred by:	The Governing Body of St John the Divine Church of England Primary School
Date of decision:	24 June 2025

Determination

Under the power conferred on me by Paragraph 17 of Schedule 2 to the Education and Inspections Act 2006 and The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013, I have considered the proposal to amalgamate Christ Church Primary SW9 with St John the Divine Church of England Primary School, by discontinuing St John the Divine Church of England Primary School on 31 August 2026 and merging into Christ Church Primary SW9 on its site. I hereby reject the proposal.

The proposal

1. On 9 September 2024, the London Borough of Lambeth (the Local Authority, Lambeth) published a statutory notice in relation to a proposal to amalgamate St John the Divine Church of England Primary School (SJTD) with Christ Church Primary SW9 (CCSW9). Both schools are voluntary aided schools whose local authority is the London Borough of Lambeth, although SJTD is located in the area of the London Borough of

Southwark (Southwark)¹. Both schools have a Church of England religious character, and the religious authority for both schools is the Diocese of Southwark (the Diocese).

Jurisdiction

2. The proposal was published under section 15 of the Education and Inspections Act 2006 (the Act). Schedule 2 to the Act makes the Council the relevant authority to determine these proposals in the first instance. Regulation 13(1) of the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 (the Regulations) provides a representation period of four weeks after the publication of the proposals for any person to send the Council comments on, or objections to, the proposals.

3. Regulation 14 requires the Council to determine the proposal within two months of the end of the representation period. The proposal was approved at a meeting of the Council's Cabinet on 4 November 2024.

4. Paragraph 14(2)(d) of Schedule 2 to the Act allows the governing body of a voluntary aided school to request that a local authority refers to the adjudicator any decision taken by that local authority on a proposal made under section 15 of the Act. Regulation 18 of the Regulations requires that such a referral is made within four weeks of the decision being made. The Governing Body of SJTD asked the Council to refer the decision to the adjudicator, and it did so on 4 December 2024.

5. I am satisfied that the proposal has been properly referred to me in accordance with Schedule 2 to the Act and the Regulations and that I have jurisdiction to determine it.

Procedure

6. In considering this matter I have had regard to all relevant legislation and guidance, including statutory guidance for proposers and decision makers concerning the opening and closing of maintained schools. The most recent version of this guidance is dated October 2024² and I have had regard to that guidance.

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

- a) the statutory notice dated 9 September 2024;

¹ Southwark have explained that: "Prior to 1993, St John the Divine (SJTD) CE Primary School was located geographically within the London Borough of Lambeth. As a result of a Local Authority boundary change in that year the school found itself physically situated on the border between Southwark and Lambeth, on the Southwark side of the boundary street. It has continued to be maintained by Lambeth Council, as it was before the boundary change."

² [Opening and closing maintained schools](#)

- b) the public pack of cabinet papers published by Lambeth Council for the meeting of its Cabinet on Monday 4 November 2024³ (the Cabinet pack);
- c) various documents to accompany the referral, including representations from the governing body of SJTD and an accompanying bundle, and submissions from Lambeth;
- d) correspondence and extensive documents provided by the parties in response to my paper requesting further information and to my subsequent queries, in particular about pupil numbers and financial projections;
- e) online maps of the area in which SJTD and CCSW9 are located;
- f) information available on the websites of the Local Authority, the schools and the Department for Education, and
- g) Ofsted inspection reports for SJTD and CCSW9.

Background

The Local Authority

8. The Cabinet pack sets out in some detail the challenges facing Lambeth. It describes a challenging financial position as follows:

“Across the 68 Lambeth maintained schools there was a £16.4m surplus in 23/24, this is forecast to be a £23m deficit by 26/27 (based on budgets submitted by schools). This is a movement of almost £40 million. These deficits form part of the LA wider accounts and the ability of the LA to deliver core public services for its residents in future years.

For 24/25, the LA currently has 75% of schools forecasting an in-year deficit, with only 15% projecting an in-year surplus of over £3k. The LA currently has 24 schools in deficit for 24/25 which is 35% of all Lambeth schools. In terms of benchmarking from the last set of data (2022-23), the LA has the largest deficit position of schools in London and has the 6th highest deficits on schools' balances nationally.”

9. The pack goes on to describe the declining demand for primary school places:

³ [moderngov.lambeth.gov.uk/documents/g16869/Public reports pack Monday 04-Nov-2024 17.00 Cabinet.pdf?T=10](https://moderngov.lambeth.gov.uk/documents/g16869/Public%20reports%20pack%20Monday%2004-Nov-2024%2017.00%20Cabinet.pdf?T=10)

“In 2013, 3,243 children started primary school in Lambeth. In 2024, there were 2,324, a decrease of almost 30 per cent. This has left over 500 vacancies in Reception classes alone, the equivalent of 18 empty classrooms.

On time applications for places in Reception classes in Lambeth schools were 4.8% lower for September 2024 than for September 2023, reducing by 114 from 2,381 to 2,267.

Evidence from GP registrations in the Borough show that the proportion of children remaining in the Borough between birth and school starting age has been in continuous decline in the past five years, which compounds the already decreasing birth-rate.”

10. The pack explains that there are five “Planning Areas” across the borough, and that:

“The East is of particular concern with 32.3% vacancy in Reception and 29% in year (YR) to [Year] 6 across the 16 schools in the Planning Area, as at January 2024 census. Thirteen (13) of the sixteen (16) schools have been requested to reduce their PAN (some schools have made the relevant adjustment which takes effect from September 2024), but there remains a surplus of school places in the East Planning Area of the Borough.”

11. Both SJTD and CCSW9 are in the East Planning Area, which according to the Cabinet pack had 218 vacancies in reception classes in January 2024. This was the highest number, and the highest vacancy rate, out of the five planning areas across the borough. I will set out later the individual circumstances of each school, such as their pupil numbers and finances.

12. The proposal is one of a number that were put forward for consideration and consultation at the same time, including proposals for closures and other mergers. The key rationale for these proposals is set out in the pack as follows:

“The proposal is primarily driven by the ambition to ensure **strong and sustainable schools** [my emphasis] in the area that will provide the highest quality education for pupils. With declining pupil numbers impacting on primary schools across Lambeth, the forecast for the long-term sustainability of current primary school places is of major concern.”

The statutory guidance

13. It is important at this stage that I also outline what the statutory guidance has to say about amalgamations. At the time of issue of the statutory notice, the statutory guidance in force was the version dated January 2023. However, this version is virtually identical to the October 2024 guidance which has been updated to reflect Ofsted’s removal of single word judgements. The guidance states:

“There are 2 ways to amalgamate 2 (or more) existing maintained schools:

- The local authority and/or governing body (depending on school category) can publish proposals to close 2, or more, schools and the local authority (or a proposer other than the local authority depending on category) can publish a proposal to open a new school. Where this is a presumption school, this will be subject to publication of a section 6A notice (see part 2 of this guidance). This will result in a new school number being issued.
- The local authority and/or governing body (depending on school category) can publish a proposal to close one school (or more) and enlarge/change the age range/transfer site of an existing school (following the statutory prescribed alterations process as necessary), to accommodate the displaced pupils. The remaining school would retain its original school number, as it is not a new school, even if its phase has changed. This is sometimes referred to as a ‘merger’.”

14. The guidance also states:

“Where a local authority identifies the need for a new school, section 6A of EIA [the Education and Inspections Act] 2006 places the local authority under a duty to seek proposals to establish an academy (free school) via the ‘free school presumption’”

15. There is nothing in the information supplied by Lambeth to suggest that it has sought to establish an academy school to replace SJTD and CCSW9, and so it follows from the guidance that the proposed amalgamation of the two schools would result in the closure of SJTD with CCSW9 remaining open and available to accommodate the displaced pupils from SJTD. (The prescribed alterations process would not be needed since there would not be any requirement at CCSW9 for a change in the published admission number or an increase in capacity.) It is also clear from the guidance that there would be no “new school”. If the proposal were approved, CCSW9 would retain its school number and the governing body would retain its powers. Therefore, there would be no obligation on the governing body of CCSW9 to make any change to those aspects of the school for which it is responsible, such as staffing and ethos, unless it wished to do.

Consideration of factors

16. The responses from the governing body of SJTD to this proposal indicate that they strongly oppose it. It is also clear from the consultation responses set out in the Cabinet pack that there are a significant number of parents of pupils at SJTD who feel a great deal of loyalty to the school and that there is overwhelming local opposition to the closure of their school (the Cabinet pack states that “98% of respondents do not support the proposed amalgamation (merger) of Christ Church SW9 and St John the Divine CofE Primary Schools”). In correspondence with me, the governing body of SJTD and Lambeth have expressed their views about each other’s handling and understanding of this case in robust language. There have also been allegations made by some parties about the actions of others, which have been vigorously rebutted by legal representatives. Such comments

provide background to the case, but I stress here that my role as decision maker is to consider the proposal afresh as required by the Act and to consider the case as required in accordance with relevant legislation and the statutory guidance.

17. The guidance requires that, as decision maker, I should have due regard to all responses received during the representation period. It also requires that:

“[The adjudicator] consider the expressed views of all those affected by a proposal or who have an interest in it, including cross-local authority border interests. The decision maker should not simply take account of the number of people expressing a particular view. Instead, they should give the greatest weight to responses from those stakeholders likely to be most directly affected by a proposal – especially parents of children at the affected school(s).”

I confirm that I have read and given careful consideration to the consultation responses, particularly those submitted by pupils, staff and parents of children at SJTD, who will be most directly affected.

The statutory process

18. The guidance requires that I should be satisfied that Lambeth has carried out the requirements of the statutory process satisfactorily. There are a number of reasons why I do not consider that the required procedure was followed satisfactorily, which I have set out below.

19. Lambeth began the first stage of the statutory process, which is consultation, on 16 May 2024. The consultation document states:

“We want your views on a small number of potential amalgamations and closures to primary schools in Lambeth”

20. The document goes on to explain the issue of surplus places in Lambeth and gives a good deal of background information. The document then lists two potential closures and three potential amalgamations, and asks for comments on, and alternative suggestions to, the options presented.

21. Having considered the extensive contents of the Cabinet’s public pack, I am satisfied that all stakeholders who should have been consulted at stage one had the opportunity to respond.

22. However, in my view, the stage one consultation document had some serious shortcomings. Whilst there were a number of references throughout to “potential amalgamations and closures”, the document did not explain clearly enough that any amalgamation requires the closure of at least one school, neither did it set out the range of possibilities were SJTD and CCSW9 to amalgamate, which would have assisted consultees with constructing meaningful responses. By this, I mean it was not made clear to consultees that there are two different forms of amalgamation, both of which involve closure of at least

one school. Nor was it clear which form of amalgamation was being proposed in the case of SJTD and CCSW9.

23. The second stage of the statutory process requires the publication of statutory proposals and an associated statutory notice. These were published on 9 September 2024 and I am satisfied that the notice was published as required by the Regulations on Lambeth's website and in a local newspaper. I am also satisfied that the proposals contained all of the information required by the Regulations, subject to the point that it was not as clear as it should have been that the proposed amalgamation would involve a school closure. However, it is a notable shortcoming of the statutory notice that it refers to "the new amalgamated school [which] will be at the same site as Christ Church SW9". As I have explained earlier, the proposed merger will NOT create a new school, and the notice was therefore misleading in this regard.

24. Stage three of the statutory process requires a period of at least four weeks for representations on the proposal. I am satisfied that consultees were given the required period to respond and that the report to the Cabinet provided a full picture of the views of those who took part. The Cabinet pack devotes several hundred pages to the responses to the proposals, so I am satisfied that the Cabinet would have been able to gauge the views of the respondents prior to taking their decision, although I note that for the shortcomings set out above, consultees may not have been able to express their views fully.

25. The Cabinet met on 4 November 2024 to consider the proposal, having been provided in their pack with a detailed report on the reasons for the proposed amalgamation and the statutory process. I note here that this report makes a number of references to a "new amalgamated school". Furthermore, the relevant Equality Impact Assessment in the Cabinet pack also refers to "one new 1FE school". I consider these erroneous references to a "new" school to be notable shortcomings in the process.

26. The report outlines the following reasons for its recommendation to approve the proposal without modification:

"i. Members should consider that stakeholders at St John the Divine have overwhelmingly objected to the amalgamation proposal and led a strong anti-amalgamation campaign throughout the representation period. Current parents have voiced unequivocally that they would not send their children to Christ Church SW9 if the amalgamation was approved.

ii. The proposal however has been supported by the Christ Church SW9 community and the Southwark Diocesan Board of Education (SDBE).

iii. Closures have only been considered, also, when either a) no viable amalgamation is available or b) where Lambeth Council do not have the powers to amalgamate (for example, a community school with an academy school).

- iv. The LA is projecting demand for 211 school places and 21 Reception places across both schools in 2026 and is therefore the rationale for maintaining one 1FE primary school in the area. The demand for the places is a reflection of forecasts based on peer reviewed methodology for pupil place planning and is not just a reflection of parental choice. Therefore, the demand is maintained in spite of the number or type of schools available. Reducing places across more schools, through amalgamations however will result in a more efficient supply and the hope is to streamline and increase parental choice into fewer schools.
- v. The impact of reducing pupil places is already evident. Following the agreed consultation to reduce PAN across the Borough, PAN was reduced by 195 places across all of Lambeth's Primary schools and in the East planning area by 75 places in September 2024⁴.
- vi. Consequently, the 'offers' as a percentage of PAN increased from 78.6% to 83.6% between 2023 to 2024, across all of Lambeth primary schools. This was in spite of 'all offers' declining from 2,338 to 2,324 from 2023 to 2024.
- vii. In January 2024 63.1% of families attending the school (including the nursery class - 60.8% excluding nursery) lived in Southwark. Overwhelmingly current parents throughout the school have recorded they will not send their children to Christ Church SW9 if the schools were amalgamated.
- viii. We remained particularly concerned however about the volatility of St John the Divine. St John the Divine is of 'most concern' to the LA based on pupil trends with a scorecard of +19 compared to Christ Church SW9 who are also of 'most concern' however they have a scorecard of +14.
- ix. St John the Divine had the third highest vacancies of all Lambeth primary schools, in Reception, in January 2024 (66.7%) and second lowest offers made on National offer day 2024 of all Lambeth primary schools for September 2024 (9 offers). Second only to Kings Avenue who received 6 offers.
- x. St John the Divine had the lowest recorded number of pupils on roll (120 out of a possible 210) of all Lambeth primary schools (Reception to Year 6) at January 2024 census.
- xi. Therefore, the proposal to amalgamate we believe strengthens pupil numbers across both schools, over time, especially that of St John the Divine which is extremely vulnerable. We recognise that current parents may not choose the new amalgamated school and will therefore support parents to find a new school place of

⁴ The governing body of SJTD took a decision in March 2024 to reduce the PAN from 30 to 15 for admissions to reception year (YR) in September 2025.

their choice. However removing 30 places from the area from 2026 will, over time, result in efficiency of places based on the forecasts in the Planning Area.

xii. The LA assessed the estimated one-off cost to the Council to close St John the Divine would be £564,036, compared to closing Christ Church SW9 would be £1,049,544.

xiii. If the LA wrote off Christ Church SW9's deficit at the point of amalgamation i.e. 2026, it is estimated it would cost the LA an extra £449,544. If the changes were made a year earlier, in 2025, this would cost an estimated £546,393, £96,849 more than in 2026.

xiv. It would be more cost-effective therefore to not consider an earlier implementation of the proposals however but a write-off of the combined debt of the new amalgamated school in 2026 to reduce the impact on an ongoing cumulative deficit of the new amalgamated schools."

27. The outcome of the Cabinet's decision is recorded in the minutes as:

"RESOLVED... To approve, without modification, the amalgamation of Christ Church Primary SW9 with St John the Divine CofE Primary School by closing St John the Divine CofE Primary School and site and merging into Christ Church Primary SW9 on its site."

28. I note here that the Chair of the SJTD governing body raised a comment which was recorded in the minutes as follows:

"There was concern that amalgamating St John the Divine would result in the additional funding being transferred to Southwark due to many children moving to Southwark schools."

The response to this from Lambeth officers is recorded as:

"A bottom-up approach was agreed and was evidenced by the direction taken in the report.

The projected figures for demand recognised current and future data on trends based on a peer reviewed process, which led to the conclusion that there was only demand for one school."

29. I raise this point because the guidance requires that the decision maker (in this instance the Cabinet) must have considered the point that was raised, which essentially is a variant of the points raised in points i, vii and xi of the Cabinet minutes listed above. This is the question of the number of children from SJTD who would join CCSW9 in the event of the merger, as opposed to those who might join schools in Southwark, where they reside. As I shall explain later on, this is a highly significant point and one which is critical to the justification for the proposal. I shall also explain why I consider that the materials provided

to Cabinet to aid them in their consideration of this matter and their subsequent decision making did not provide them with adequate and accurate information to enable them to scrutinise this crucial point in sufficient detail.

30. My conclusion about the statutory process is therefore that whilst Lambeth carried out many of the requirements of the statutory process satisfactorily, there were notable deficiencies as outlined above.

Misunderstandings about the merger process

31. It has become apparent that certain parties do not have a clear understanding of what happens when two schools merge as proposed. These misunderstandings go beyond the shortcomings highlighted earlier, and I will now comment on them prior to my consideration of the proposal in line with the factors outlined in the guidance.

32. Firstly, a report to Lambeth's Cabinet dated 7 November 2022 ("Review Into Future Education Delivery In Lambeth 2022") discusses a strategy for removing surplus primary places and recommends an option involving amalgamations. It describes the benefit of this option as:

"Sufficient school places would be removed without resorting to closing schools."

This is clearly incorrect, since all amalgamations involve the closure of at least one school.

33. Secondly, in response to one of my queries, an officer from Lambeth stated that:

"The plan is that all children from [SJTD] will be offered a place at [CCSW9]. In terms of School Management, this is for the two governing bodies to determine, however, we would encourage the schools to set up a joint working group who would lead on the amalgamation."

I consider that any such encouragement would not have any legal force. As explained earlier, the management of CCSW9 after the proposed merger would entirely be a matter for the governing body of that school, because SJTD would be discontinued.

34. Thirdly, in a public meeting held at SJTD, the transcript in the Cabinet pack quotes an officer from Lambeth:

"...what happens in an amalgamation is the closing school, the staff in that school are entitled to their jobs just as much as the staff of the other school. It's not a case of the staff here lose their jobs and the other staff in that school keep their jobs, that's not how it works. Both sets of staff in both schools are entitled to their jobs".

This is simply not the case. If SJTD were to close and "merge" into CCSW9, the post-merger staffing of CCSW9 would be a matter for the CCSW9 governing body, and any staff at CCSW9 whose role was unchanged would retain their jobs. The dismissal of staff at SJTD on the basis of redundancy would be a matter for the governing body of SJTD, who is the employer.

35. I note here that the statement from the officer is inconsistent with principles laid out in Paragraph 1.1.5 of Lambeth's Schools Redundancy and Redeployment / Organisational Change Policy⁵, which says that:

"In community schools the LA is the employer and if employees are being dismissed for redundancy, the LA will consider applications from those employees to suitable vacant posts within the Council. The LA can suggest to other schools that they offer vacancies to affected employees, but the LA has no power to force other schools to accept redeployees. In voluntary aided and foundation schools the governing board is the employer."

36. Fourthly, it appears that the Diocese has misunderstood the implications of the proposal, since in its written response it states that:

"We maintain the position that an amalgamation of the two schools is preferable to either school being at risk of closure, but we fully acknowledge the concern from both school communities that the proposed amalgamation could result in the loss of one or both schools' identity. Preserving the unique qualities of schools during an amalgamation is essential to ensure that the strengths and distinctive features of each institution are maintained. Should the decision made be to amalgamate, then it would be crucial to secure a process to identify and safeguard the core values, traditions, and educational approaches that have contributed to each school's uniqueness. It will be necessary to ensure there is a carefully crafted strategy that integrates the best aspects of each school to create a unified yet diverse learning environment, benefiting the broader community and enhancing the overall educational offer. There is also the potential for the two schools and churches to come together to share their unique characteristics and expand the offer they deliver. We would support and facilitate that work, should this be the case, and we would work with diocese and the two parish churches linked with the schools."

37. I consider that this statement is at odds with the reality of the proposal. As explained earlier, the proposal would not create a new school, nor would there be any obligation on the governing body of CCSW9 to change the ethos of their school. Under the proposal, SJTD would close and its pupils would be offered the opportunity to transfer to CCSW9, which would remain open on its existing site.

38. I do not make the above statements to apportion blame on any of the individuals or institutions that have misunderstood the implications of the proposed merger as a consequence of the failure of Lambeth to communicate accurately. Rather, I do so to illustrate a key point at the outset of my decision making about the rationale for the

⁵ This can be downloaded from [Schools Human Resources - Key documents for schools | Lambeth Schools Partnership](#)

proposal. Had Lambeth considered SJTD to be “surplus to requirements”, then it could have simply followed the statutory process for a closure, in the way that it did for two other primary schools during the stage one consultation. Instead, it is clear to me that Lambeth’s intention is to achieve an additional outcome, over and above the reduction in surplus places arising from a mere closure. This additional outcome is that CCSW9 is secured as a strong and sustainable school with a PAN of 30, maintaining a high quality of education and Church of England provision in the area. It is this outcome which is clearly supported by the Diocese in their written response. However, I repeat here my earlier point about the deficiencies in the statutory process, namely that because of the errors in communication from Lambeth, consultees (such as the Diocese) may have made a different response to the consultation if they had not been under what it now transpires is the misapprehension that what was being proposed was the form of merger in which a new school is created comprising the staff and pupils from both schools, as opposed simply to the closure of SJTD with the option for pupils to transfer to CCSW9.

Demand and Need / School Size / Funding – projections of pupil numbers and implications for CCSW9

39. Table one below shows the numbers of pupils projected to be attending both schools in September 2025. I have used the latest numbers supplied by the schools for their current year groups and assumed that all pupils currently at the schools in YR to Y5 will stay. I have taken the numbers of YR places offered and accepted for September 2025 (as supplied by the schools) as a proxy measure for YR numbers.

Table one – estimated pupil projections for 2025/26 (YR to Year 6)

Year group	CCSW9	SJTD
YR	25	5
Year 1	18	13
Year 2	23	13
Year 3	28	15
Year 4	22	19
Year 5	17	18
Year 6	28	18
Total	161	101

40. I note here that these totals are around 10% above the projections for 2025/26 supplied to the Cabinet, which were 147 and 91 respectively. I make this point because

Lambeth has relied extensively in its submissions on the validity and accuracy of what it describes as its “peer reviewed methodology for place planning”.

41. From the above table, it can be seen that reasonable estimates for the numbers of those pupils that will still be on roll in September 2026 (that is, those who will then be in Years one to six) are 133 for CCSW9 and 83 for SJTD. Added to these will be the numbers that will join in YR in 2026. These numbers are of course difficult to predict exactly; the governing body of SJTD are of the view that the low number of YR offers for 2025 is a consequence of the uncertainty surrounding the school, and they also point out that in 2023 there were only 7 pupils in YR at the October Census, a cohort which has now substantially grown. However, if a similar number were to be admitted as in 2025, then there would be a total of around 246 pupils (158 for CCSW9 and 88 for SJTD). Once again, this projected figure is somewhat different to that presented to Cabinet as the output from the “peer reviewed methodology”. This latter figure is 211, being the total of Lambeth’s projections of 135 for CCSW9 and 76 for SJTD.

42. The figure of 211 is important, because it shows that in the financial modelling supplied to the Cabinet, Lambeth have assumed that all the pupils projected to be at SJTD in 2026 will, in the event of a merger, be joining CCSW9.

43. The projection for the total number of pupils at both schools in 2026/27 is important because it underpins the financial calculations used to justify the merger as making CCSW9 strong and sustainable. The Cabinet were told that:

“Closing St John the Divine and amalgamating with Christ Church SW9 and operating from the Christ Church SW9 site will result in a predicted in-year school's surplus of £26k. This is therefore a financially viable option.”

44. Having reviewed the data supplied to Cabinet that leads to this figure of £26k, I make the following observations:

- a) Underpinning this figure is an assumption that ALL pupils displaced by the closure of SJTD will join CCSW9. I consider this highly unlikely, for reasons I shall outline shortly.
- b) The projected pupil numbers that give rise to this figure are likely to be wrong. As explained above, it is almost certain that the total at both SJTD and CCSW9 will be higher than Lambeth’s total of 211. However, I still consider it unlikely that the number of pupils at CCSW9 would reach 211 if SJTD closed, as I shall explain later.
- c) The calculation assumes that there will need to be eight classes in the merged school, but no explanation is given as to whether this is reasonable. (The calculation simply divides 211 by 30 then rounds up). The number of classes could be higher or lower, depending on the numbers in each year group post-merger, the impact of the School Admissions (Infant Class Sizes) (England) Regulations 2012, and how the school decides to organise classes.

45. I therefore consider that the financial evidence as supplied to Cabinet is insufficiently robust to allow proper scrutiny of the proposal and to justify what was set out in the recommendations on the proposal.

46. Instead, the evidence I have in relation to the projected numbers is as follows:

- a) The governing body of SJTD have surveyed the parental body and their interpretation of the results is that only a small number of pupils could move to CCSW9. They claim that only 4 pupils would move to CCSW9 and only 14 to Lambeth schools. Although Lambeth have not refuted the governing body's contentions, they have dismissed the survey results as irrelevant to their calculations of demand for places. They have done so without having carried out any specific additional research, outside of the consultations, in order to achieve any accurate conclusions. I will assess the impact of various models of pupil movement below.
- b) The content of the consultation responses in the Cabinet pack also gives a strong indication that, whilst parents at SJTD overwhelmingly oppose the merger, a majority of them would opt for a Southwark school if the proposal went ahead and SJTD were to be discontinued.
- c) There is data indicating that the majority of pupils at SJTD are Southwark residents, and that there are a high number of vacancies in Southwark primary schools within walking distance of the SJTD site. Indeed, Southwark's submission in the Cabinet pack states that there is one Church of England primary school that is 0.54 miles from SJTD which could accommodate all the current SJTD pupils who are Southwark residents.
- d) Latest projections of pupil numbers, as outlined above, show in particular that there will be around 158 pupils at CCSW9 in 2026/27 prior to any SJTD pupils joining.

47. Having considered this evidence, I find that Lambeth's implied assumption that all pupils from SJTD will join CCSW9 is overly optimistic and cannot be justified. In relation to future demand, Lambeth may well be right that "demand is maintained in spite of the number or type of schools available", but I am not persuaded that any methodology for estimating future demand can be indicative of the choices parents may make should their child's school close.

48. Having dismissed the assertion implied in the Cabinet report that all SJTD pupils will join CCSW9, and having concluded that it is more likely that only a minority will do so, I now turn to the crucial question about the viability of CCSW9 should the proposed merger take place.

49. I asked Lambeth to model the financial calculations in the Cabinet pack for a total number of 200 pupils. The modelling assumes that these children are organised into seven classes, which is consistent with an organisational model of single-age classes and one class per year group. This model shows that with 200 children, the projected in-year surplus

for 2026/27 will only be £9,060. From this, it can be easily deduced that the break-even point, according to Lambeth's own analysis, is at around 199 children. In other words, approximately 40 children would be required to join CCSW9 from SJTD immediately following closure in order for CCSW9 to become a one form entry school with single-age classes which is financially viable. I consider this scenario to be unlikely. From the evidence, I consider it much more likely that the number of pupils at CCSW9 after the proposed merger would be considerably lower.

50. Furthermore, I asked both Lambeth and CCSW9 to supply me with financial modelling to show the impact of CCSW9 having fewer than 211 pupils in 2026/27. I do not propose to go into detail about these estimates, suffice to say that with a projected number of 158, which I consider to be a realistic "lower-bound" estimate of the number of pupils likely to be on roll at CCSW9 in September 2026, the school would not be financially viable with single-age classes. Indeed, Lambeth's own projection for a merged school of 150, even with only 5 classes, predicts an in-year deficit in 2026/27 of £257,709.

51. In summary, I have not been presented with any evidence which supports the possibility that, as a result of the proposed merger with SJTD, there would be a sufficient number of pupils on roll at CCSW9 in September 2026 to allow the school to operate a seven class model whilst avoiding an in-year budget deficit. On the contrary, financial modelling and the evidence for the lack of willingness for pupils at SJTD to take up places at CCSW9 renders it highly unlikely that the proposed merger would create a school with sufficient numbers of pupils on roll to be able to operate with an in-year surplus in 2026-27.

52. I therefore conclude that the proposed merger will not achieve the intended outcome of a stable, seven class school on the CCSW9 site.

Demand and Need / School Size / Funding – the viability of SJTD

53. At the outset, I must make it clear that the findings in the preceding paragraph are arrived at without the need to consider the viability of SJTD. From the information I have, CCSW9 is not made viable by the proposed merger, and I have not been given any evidence to suggest that Lambeth have modelled alternative proposals that might achieve the desired outcome of a strong and sustainable school on the CCSW9 site.

54. Therefore, an in-depth investigation into the viability of SJTD (as would have been needed had the proposal simply been the closure of SJTD) is not necessary to my determination. I will, however, comment briefly on the situation since it has been brought to my attention and has been the subject of a good deal of correspondence.

55. Much is made in Lambeth's submissions about their concerns about the sustainability of SJTD, summarised in their statement to me that:

"The Council believes that SJTD is inherently neither financially sustainable nor viable."

56. I have already referred to the fact that the “planning methodology” which was adopted by Lambeth does not appear to have accurately predicted the number of pupils that will be on roll at SJTD in September 2025. I also observe that in its calculations of vacant places, which are a key constituent of its “score-card” for rating the vulnerability of schools, Lambeth does not seem to take account of how pupils are organised within schools, nor of the fact that the PAN for a school only applies to the normal year of entry, in this case Reception Year. SJTD has already reduced its PAN to 15. If it does only have 88 pupils in 2026/27, there would be the potential for considerable staffing savings were it to reorganise its classes into mixed-age groups. This is a mechanism employed in numerous small rural schools across the country, and whilst I accept that mixed age organisation may not be Lambeth’s preferred model for its primary schools, that does not prevent the governing body of SJTD from adopting such a model. There are over 2000 primary schools in England with a roll of 100 or less, and therefore I do not accept that having these numbers makes a school inherently unviable.

57. I do accept, however, that small schools are not without their own particular challenges, for example, the impact on finances from unexpected events. SJTD had a surplus of £81,764 at the end of the 2023-24 financial year. However, the projection supplied to me by the governing body dated 21 March 2025 showed that this was projected to fall to a deficit of £184,734 by the end of the 2024-25 financial year. They explain this as follows:

“As with any small primary school, our income is sensitive... and we had an unusual drop in the figures on roll at the October 2023 Census (which is used for our income for the 2024-25 Financial Year). However, as we expected and despite the uncertainty surrounding the School given the Proposal, the local community continues to support the School and values it. Accordingly, the numbers on roll went up and at the October 2024 Census we had 128 (R-Y6) pupils on roll, instead of the 115 of the previous year. Current pupil numbers show 125 (R-Y6) pupils on roll. Given the expected future income and temporary nature of the blip, we considered that running a deficit for a year was a better option for pupil outcomes and the School than temporarily merging classes for a year or otherwise acting to reduce cost for the year.

[...]

The change [in the cumulative balance] is almost entirely due to an increase in “exceptional” staffing costs, generally the use of supply teachers to cover abnormal amounts of unexpected staff absence. The increased level of staff absence is, in our assessment, likely to be a consequence (at least in part) of increased stress resulting from the uncertainty surrounding the future of the School, and is not expected to be ongoing if the Proposal is rejected. Historic records of staff absence would show this to be true.”

58. The above quotation supports points made by Lambeth that the finances of small schools tend to be volatile because the income is susceptible to relatively small fluctuations

in pupil numbers and the expenditure can rise suddenly due to unforeseen circumstances such as staff illness. I also accept Lambeth's point that reduction in surplus places is a legitimate aim and that the proposed merger will remove a small number of places from the East Planning Area. However, whilst I note that some of SJTD's financial projections for 2025-26 and 2026-27 rely on pupil numbers that are higher than those I have projected earlier, I do not agree with Lambeth that the school is "inherently neither financially sustainable nor viable". SJTD is undoubtedly vulnerable to downward movements in pupil numbers and other negative financial occurrences, but on the basis of the information supplied, I consider that at the moment it has the potential to be viable, provided the governing body matches its staffing and class organisation to actual demand.

59. That being said, I accept that there is a possibility that SJTD may become unviable in the future. Lambeth have identified the financial risk of this possibility in the Cabinet report, pointing out that if the school were to remain open for the time being, and its cumulative deficit were to increase, any future write-off of this deficit might be higher than the current cost of closing the school, which is estimated to include £600k of redundancy costs, offset (or increased) by any cumulative surplus (or deficit) and estimated annual net security costs of £20k.

60. My evaluation of this risk is lower than Lambeth's, for the reasons explained above regarding the potential viability of SJTD. I note that the financial risk of remaining open is mitigated somewhat by the fact that closure would mean a loss of revenue to Lambeth due to pupils moving to Southwark schools, which I find to be a likely outcome, based upon the evidence set out in the surveys conducted by SJTD. I also note that I am unaware of any funds that Lambeth would be able to realise from the assets of the school were it to close.

Summary of considerations so far

61. I have already set out my reasons for concluding that there were notable deficiencies in the statutory process, and that upon considering the proposal afresh I do not find that the proposal will achieve the intended outcome of securing a strong and sustainable school on the CCSW9 site, regardless of the viability of SJTD. In the light of these conclusions, I do not approve the proposal. It is therefore only necessary for me to consider briefly the other factors listed in the statutory guidance.

Other Factors

62. I have not been able to find a copy of the determined admission arrangements for CCSW9 for 2026/27 on the websites of the school or the Council. However, I am satisfied that given the high number of surplus places in the area, the proposal would not lead to a child being unable to access a primary place that is within a reasonable distance of their home. I am also satisfied that there are no travel issues raised by the proposal. Whilst some parents have expressed concerns about crossing the busy road that constitutes the boundary between Lambeth and Southwark, there is an ample surplus of places in the area that would enable any parent who wished their child not to cross that road, for whatever reason, to find a suitable primary place within walking distance.

63. I note here the strong emphasis placed by the governing body of SJTD on their community services and nursery provision, which would be lost if the school were to close. I accept these points based upon the evidence I have seen. However, I have not considered this matter in detail, since it has no bearing on my overall conclusion.

64. I note that both SJTD and CCSW9 have positive Ofsted judgements. There is also ample surplus primary provision in the area that is of good quality and which does not fall into the category of “causing concern”. There is therefore no need for me to consider the statutory guidance on schools causing concern.

65. The governing body of SJTD have raised a number of points in relation to equal opportunity issues and community cohesion. Indeed, Lambeth’s own Equality Impact Assessment (EIA) states that:

“The proposed amalgamation of the schools would affect current pupils at the school. As Black and Multi Ethnic pupils are overrepresented in the pupil population of St John the Divine this could potentially negatively affect those pupils.”

The justification provided by Lambeth for what is acknowledged by them to be potential indirect discrimination on grounds of race is that the overall need to reduce surplus capacity and the benefits derived from the proposed merger will off-set any disadvantage to “Black and Multi Ethnic pupils”. In the light of my earlier conclusions, I will not address this matter in detail and I do not consider it necessary to make a finding as to whether there would be potential indirect discrimination on grounds of race. However, I note that if there were such potential indirect discrimination, in view of my conclusion that the claimed benefits of the merger are unlikely to be realised, there would be no justification for any disparate impact.

66. I am satisfied that the proposal would not upset the balance of denominational provision in the area. There are 510 Church of England primary school places in Lambeth and the proposal would remove just 15. As explained earlier, there are also many surplus primary places in a Church of England school in Southwark close to the SJTD site.

Conclusion

67. I have considered the proposal as required by the statutory guidance and my conclusions and their rationale are set out above. I reject the proposal.

Determination

68. Under the power conferred on me by Paragraph 17 of Schedule 2 to the Education and Inspections Act 2006 and The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013, I have considered the proposal to amalgamate Christ Church Primary SW9 with St John the Divine Church of England Primary School, by discontinuing St John the Divine Church of England Primary School on 31 August 2026 and merging into Christ Church Primary SW9 on its site. I hereby reject the proposal.

Dated: 24 June 2025

Signed:

Schools Adjudicator: Clive Sentance