



Office of
the Schools
Adjudicator

Determination

Case reference: ADA 4475

Objector: London Borough of Bromley

Admission authority: Aquinas Church of England Education Trust Limited on behalf of Bishop Justus Church of England School, Bromley, Kent

Date of decision: 17 October 2025

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements for September 2026 determined by the Aquinas Church of England Education Trust Limited on behalf of Bishop Justus Church of England School, Bromley.

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

By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of the date of the determination unless an alternative timescale is specified by the adjudicator. In this case I determine that the arrangements must be revised by 31 October 2025 which is the closing date for school place applications for 2026 admissions. This will ensure that the necessary revisions are made in time to enable applications to be processed in accordance with a set of admission arrangements which conforms to the requirements of the Code.

The referral

1. Under section 88H(2) of the School Standards and Framework Act 1998 (the Act), an objection has been referred to the adjudicator by the London Borough of Bromley (referred to in this determination as either the Objector or the Local Authority), about the admission

arrangements (the Arrangements) for Bishop Justus Church of England School, Bromley (the School), an academy school for children aged eleven to eighteen, for September 2026.

2. The objection relates to the setting of the School's Year 7 Published Admission Number (PAN) for September 2026 admissions at 180, which is a reduction of 60 places from previous years.

3. The local authority for the area in which the School is located is the London Borough of Bromley. The parties to the objection are the Local Authority, Aquinas Church of England Education Trust Limited (Trust), as the admission authority, the School, and the Diocese of Rochester (Diocese).

Jurisdiction

4. The Arrangements were determined under section 88C of the Act by the Trust, as the admission authority, at the Trust Board meeting on 12 December 2024.

5. The Objector submitted their objection on the 15 May 2025.

6. I am satisfied that the objection has been properly referred to me in accordance with section 88H of the Act and it is within my jurisdiction. I have also used my power under section 88I of the Act to consider the Arrangements as a whole.

Procedure

7. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).

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

- a. a copy of the minutes of the meeting of the Trust Board at which the Arrangements were confirmed to have been determined;
- b. a copy of the determined Arrangements;
- c. the Objector's form of objection dated 15 May 2025 and further correspondence;
- d. the Trust's response to the objection and supporting documents;
- e. The Local Authority's Education School Places Commissioning Plan 2024 (the School Places Commissioning Plan); and
- f. information on central government websites, particularly the "Get Information About Schools' (GIAS) and the School Capacity (SCAP) Survey sites.

The Objection

9. The Objector is concerned that the reduction in the School's PAN from 240 to 180 does not align with the School Places Commissioning Plan, which recommends no reduction of the PANs for any schools in the Secondary School planning area in which the School is

located for admissions in September 2026. The Local Authority believes this may result in a shortfall of places and, as a result, render the Local Authority unable to fulfil its duty as set out at section 14(1)(a) of the Education Act 1996 to ensure that sufficient school places are available to meet the needs in the Local Authority area.

10. I have identified that the following paragraphs of the Code may be relevant to the objection raised:

- a. Paragraph 14: “In drawing up their admission arrangements, admission authorities **must** ensure that the practices and the criteria used to decide the allocation of school places are fair, clear and objective. Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated.” ;
- b. Paragraph 1.2: “As part of determining their admission arrangement, all admission authorities must set an admission number for each ‘relevant age group’”; and
- c. Paragraph 1.3: “All admission authorities must consult in accordance with paragraph 1.45 below where they propose a decrease to the PAN.”

Other Matters

11. Having considered the Arrangements as a whole it would appear that there are aspects which I identified as not or possibly not conforming with the requirements of the Code. These matters are set out in detail below at paragraph 76 along with any comments given by the parties and my decision as to whether there is conformity with the Code. In summary, my concerns relate to a lack of clarity in the Arrangements in contravention of paragraph 14 of the Code.

Background

12. The School is a co-educational religiously designated secondary school for children aged eleven to eighteen founded in 2004 with the support of the Diocese. In 2011, the School became an academy and joined the Trust. It is situated in the London Borough of Bromley.

13. Bromley is a diverse London Borough that combines urban and town centre environments, suburbs, and small rural communities on the edge of London, bordering the counties of Surrey and Kent, and six other London Boroughs.

14. The School was founded with six forms of entry. Schools usually organise classes into classes of 30 pupils, such that a six form entry school is likely to have a PAN of 180 pupils. Due to the School’s popularity and in response to increased demand for secondary places in the London Borough of Bromley, it admitted a ‘bulge class’; thereafter, formerly consulting on expansion to an eight form entry in 2017, resulting in an increase in PAN to 240 as from September 2019. The School received capital funding from the Local Authority in order to

carry out the expansion works necessary to accommodate the additional 300 permanent secondary places it had agreed to provide.

15. GIAS reports that it has capacity for 1355 pupils (including the sixth form). Pupils are admitted into the School in Year 7 and the School reported expecting to have 893 pupils on roll in Years 7-11 at the start of the 2025/26 academic year with the numbers in each year group as follows:

	Year 7	Year 8	Year 9	Year 10	Year 11	Total
Number of children	113	124	202	223	231	893
Deficit/surplus places	-127	-116	-38	-17	-9	-307
% surplus of places	53	48	15	7	3	26

16. The School was inspected by Ofsted in February 2025 when it was judged as 'Requires Improvement'.

17. The oversubscription criteria for the School, can be summarised, in order of priority, as follows:

- a. Looked after and previously looked after children;
- b. Up to 75 places for children who attend a primary school within the Aquinas Church of England Education Trust; and
- c. All other children applying for a place at the School;

18. Should it prove necessary to distinguish between children within criteria (b) or (c), priority will be given, in order of priority, to:

- a. Children of staff at the School;
- b. Children who have a sibling at the School; and
- c. those who live nearest to the School.

If applicants live equidistant from the School, random selection supervised by someone independent of the School is employed as a final tiebreaker.

Consideration of Case

19. The Trust consulted on the Arrangements between 4 October 2024 and 15 November 2024 inclusive. The consultation was in respect of the following changes:

- a. the reduction of the PAN for Year 7 from 240 to 180; and
- b. the increase for 20 external places in the School's sixth form.

20. The reasons for the proposed reduction in the PAN are addressed at length in the School's reply to my jurisdiction and further information letter. In outline, the reasons stated for the reduction in PAN are:

- a. The School has experienced falling demand for places over the last two years and this is having a detrimental impact on the School's finances and its ability to allocate resources in an efficient and effective way.
- b. With a PAN of 240, the School has to plan for an eight class structure with 30 children per class. If demand continues to fall then no more than five classes will be needed in 2026.
- c. The difficulties being experienced by the School are exacerbated by increasing pupil mobility and the high number of in-year admissions, with the number of pupils joining the School out of the typical admissions cycle increasing over time. Children who arrive outside the co-ordinated admissions often have more complex needs and/or English as an additional language and this places additional pressure on the School's pastoral and SEND teams and leaves fewer resources for other children.
- d. The School's PAN remaining at 240, in circumstances where there is significant uncertainty around the School's ability to recruit to a PAN of 240, will severely limit the School's ability to put in place long-term financial plans that allow it to adapt to the reality of significantly lower pupil numbers and maintain the investment in school improvement that is required in response to its recent Ofsted report.

21. Seven responses were received in relation to the consultation. Of these, the five responses received from parents were positive. The Diocese also confirmed their support to the proposed changes to the PAN in order "to stabilise the school in terms of teaching, learning, outcomes, and finances."

22. The Local Authority responded to the consultation on 15 November 2024. It stated that it opposed "the proposed change as it does not align with the Council's agreed School Places Commissioning Plan 2024 which seeks no reduction in PAN in the Secondary School Planning Area 1." It went on to say:

"Whilst the Council is aware of lower rolls at Bishop Justus CE School this year, this situation is contrary to the situation elsewhere in the planning area, where other

secondary schools are operating at PAN or are over capacity. It is also a consideration that other local secondary schools cannot continue to admit over PAN indefinitely without physical expansion and the cancellation of the proposed Harris Kent House Free School has worsened this situation.

We understand the challenges currently faced by the school and we have offered to assist the school where required. However, the evidence currently is that the fall in rolls is school specific and we have no evidence that this is linked to the recent drop in primary school admissions, that may impact the secondary sector towards the end of the decade.”

23. The Local Authority therefore asked the Trust to “reconsider the proposed reductions with a view to retaining the existing PAN when determining the final admissions arrangements for 2026-27.”

24. The Trust Board of Trustees considered the responses received to the consultation at the Board of Trustees on the 12 December 2024 and, despite the Local Authority’s opposition, it was unanimously approved to reduce the PAN at the School to 180 from 240 for September 2026 admissions. The Diocese confirmed its “full support of the Trust and school in seeking to do all they can currently to ensure a consistent and stable model for its pupils and staff”.

25. As mentioned above, the Objector is concerned the reduction in the School’s PAN from 240 to 180 may result in a shortfall of school places and, as a result, render the Local Authority unable to fulfil its duty as set out at section 14(1)(a) of the Education Act 1996 to ensure that sufficient school places are available to meet the need in the Local Authority area.

26. The Local Authority also considers it a “material consideration that the Council has spent significant sums of public money increasing the capacity of Bishop Justus to ensure that the local need for secondary school places can be met and opposes removing 60 places whilst there continues to be a need for them.”

Sufficiency of places in the Local Authority area

27. The Local Authority has a statutory 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 needed and then plans to meet that need. In order to do this, the Local Authority uses planning areas, which are geographical groups of schools, for this purpose.

28. The Local Authority reviewed their planning areas in 2023/24 with new planning areas being approved by the Department for Education (DfE). The planning area for the School is Secondary School Planning Area 1 (DfE PA 11) which has eleven schools admitting children to Year 7.

29. The combined PAN of the Schools in Secondary School Planning Area 1 was 2416 in September 2025 and, with the reduced PAN at the School in 2026, this figure will drop to 2356 places available as from September 2026.

30. In terms of anticipated demand for places, although the School Places Commissioning Plan highlights a “sustained reduction in the need for primary school places in future years, with a significant surplus of Reception Year places from September 2024 in some primary planning areas”, it goes on to say that “there remains pressure on secondary school rolls in the west of the Borough, and that secondary school rolls are not projected to experience any significant reduction until the end of the decade.”

31. It also states that “[M]ost secondary schools in the Borough have seen an increase in the need for places over recent years and are operating at capacity, with the most acute need being in north-west Bromley, where the Council has had to make offers for out-of-Borough schools on national offer day.” The Local Authority argue that the “GLA School Roll Projections indicate that Secondary Planning Area 1 will not be operating within the Council’s planning target of a five per cent surplus until 2028/29 even without the PAN reduction” which informs its view that the PAN reduction is premature.

32. The Trust argues that the Local Authority’s “assertion that there is a continued demand for places in the Borough and no significant reduction is anticipated until the end of the decade is not supported by the data.” It believes it is “unreasonable” for the Local Authority “to require the School to maintain its PAN at 240 especially given the falling demand for secondary places across the Borough and at the School.” In support of its arguments, the Trust largely used data taken from the previous Education School Places Commissioning Plan 2022-2026.

33. I asked the Local Authority to provide the most up to date information in relation to the PANs, the numbers admitted (actual or forecast) and any surplus (with or without the five per cent planning surplus which is adopted by the Local Authority) for Secondary Planning Area 1 and this is set out below in Table 1. This is on the basis of a PAN of 180 pupils at the School (i.e. with the reduction by 60 places) as from September 2026. I compared the data provided against SCAP data; this is the data which the Local Authority submits to the DfE in relation to school capacity and pupil forecasts. I have used the SCAP data in relation to pupil forecasts for the purposes of the table below.

Table 1: PAN, numbers admitted (actual or forecast) and any surplus (with or without five per cent planning surplus) for Secondary Planning Area 1

			2023	2024	2025	2026	2027	2028
Secondary Planning Area 1	PAN		2458	2471	2416	2356	2356	2356
	No. admitted/forecast		2500	2421	2357	2350	2345	2279
	Deficit/surplus		-42	50	59	6	11	77
	5% per cent		2625	2542	2475	2468	2462	2393
	Deficit/Surplus		-167	-71	-59	-112	-106	-37

34. As can be seen from Table 1, numbers of pupils admitted/forecast are in decline and since 2024, there has been, and will continue to be (even with the proposed reduction in PAN), surplus places in Secondary Planning Area 1. However, as mentioned above, the Local Authority has a policy of adopting a five per cent planning surplus, and when this is factored in, a deficit of places is projected. In 2026, if I were not to uphold the objection, there would be a surplus of just 6 places across the planning area, with a deficit of 112 places when the five per cent planning surplus is applied.

35. On the data provided, this pattern looks set to continue with the Local Authority not likely to hit their target of a five per cent planning surplus for some years to come. Although it is also clear that the Local Authority has not hit that planning surplus target in any of the years 2023-2025 relying on schools in the planning area to admit over their PAN in order to satisfy demand.

36. On the basis of the data provided by the Local Authority that I have reviewed, I agree with the Local Authority's assertion that the five per cent planning surplus will not be achieved until after 2028.

37. The Local Authority further pointed out to me that "despite the council's objection, the school made a determination at a PAN of 180 for the 2026 admission year. Since that time the national offer day for Secondary admissions 2025 has passed which provides further justification for our position. The Council acknowledges that the school is undersubscribed for September 2025, but spaces were required to enable the Council to secure Local Authority Allocations (non-preference offers) for pupils without which it could not have met its legal obligations. On national offer day (3 March 2025) Bishop Justus Church of England School received a total of 205 offers (comprised of 108 preference offers, 90 Local Authority Allocations and 7 Education, Health and Care Plan (EHCP) pupils). This left just 35 vacant places."

38. The Trust argues that even if there is insufficient capacity in Secondary School Planning Area 1 then the Local Authority could be compensated by places in Secondary School Planning Area 2 due to the proximity of several secondary schools within that planning area to the School.

39. I put this to the Local Authority who disagreed, maintaining that any spare capacity in Secondary School Planning Area 2 was in schools "located in the extreme east of the Borough/Secondary Planning Area 2 and not adjacent to Secondary School Planning Area 1."

40. Information provided by the Local Authority, which I have reviewed, shows that the majority of schools in Secondary School Planning Area 2 are either at capacity or with low single digit surplus. Only two schools, Harris Orpington and Kemnal Technology College have any real spare capacity with Kemnal Technology College, similar to Bishop Justus in Secondary School Planning Area 1, having the vast majority of the Year 7 surplus within the planning area. Kemnal Technology College is located 3.47 miles from the School and I do

not believe that this can therefore be reasonably offered as an alternative because of the distance and travel time for children.

41. Another point that the Local Authority raised was the impact the proposed reduction could have on its ability to meet its statutory duty with regards to in-year admissions from 2026/27 onwards. It stated that if the School “decided to cap other year groups at 180, this would make admitting all in-year admissions challenging as planning area capacity would be insufficient.” I note what is said here regarding ‘capping’ but the School would only be able to refuse admission to year groups other than Year 7 where the admission of an additional child would prejudice the efficient provision of education or the efficient use of resources¹. ‘Capping’ the number of places available is not permissible as a blanket policy. However, I do recognise that reducing the PAN to 180 would, over time, reduce the maximum number on roll at the School to 900 in Years 7-11 (based on a reduction of 60 fewer pupils in each year group if the PAN continued to be 180) as opposed to 1200 in Years 7-11 if the PAN were 240.

Planning surplus

42. A planning surplus is a prudent and recognised approach in pupil place planning and provides operational flexibility for local authorities in mitigating against issues such as pupil population movement. The Local Authority re-affirms in the School Places Commissioning Plan that the planning margin of five per cent above the Greater London Authority School Roll Projections would continue to be implemented “to provide for local variations in need and to meet parental demand.”

43. I asked the Local Authority to provide the rationale (and basis) for adopting a target five per cent planning surplus and it told me that:

“The Council has for many years planned for school places for both primary and secondary sectors on the basis of achieving a five per cent surplus. This was implemented over 10 years ago following reviewing advice from national audit organisations, reviewing the policy of other local authorities and in response to a number of years when the rate of change in the need for school place was significantly above forecasting models.

The policy provides a contingency to contain peaks and troughs in demand from year-to-year, allows choice for a mix of different types of schools in line with the Council’s statutory and supports the efficient operation of the admissions system.”

44. The Trust point out that this approach has not been reviewed for some years by the Local Authority and argue that it is unreasonable for the Local Authority to have a planning

¹ See section 86 of the School Standards and Framework act 1998.

surplus of five per cent of secondary school places, particularly where projections “indicate falling secondary pupil numbers and net migration into the Borough.” It also argues that:

“A target of 5% fails to consider the financial impact on schools which face increasing pressures on budgets whilst maintaining this surplus. In the School’s case, it has a crippling surplus of 40%-50% to maintain LBB’s 5%, which cannot be fair or reasonable especially where LBB are still meeting its duty to ensure that sufficient school places are available to meet the needs in the local authority area.”

45. Some level of overcapacity in the planning areas is prudent, but as noted by the Trust too much may lead to financial difficulties for schools. A balance, therefore, needs to be struck by local authorities to ensure that they have enough capacity to satisfy their statutory duty to provide sufficient school places, but not too much as to lead to budget deficits in schools. With that in mind, I will consider whether a five per cent planning surplus is an appropriate level for the Local Authority to adopt.

46. It is important to be clear about the basis for determining the need for new places. Where a local authority identifies a need for additional school places in order to meet its duty, it can make a case to the DfE for capital funding for what is called ‘basic need’ for school places. Capital funding allocations are made to local authorities to meet the cost of providing such new school pupil places whether by expanding existing maintained schools, free schools or academies, or by establishing new schools. This is the funding accessed in order to fund the expansion works necessary to increase the PAN at the School in 2018/19.

47. Funding for new places is only provided where the existing capacity of publicly funded schools is below the level of projected need for places. Capacity in this context is not calculated by multiplying the PAN for each school by the number of year groups. Instead, it is calculated by reference to the SCAP.

48. The DfE document, “Basic need allocations 2025-26: Explanatory note on methodology”, refers to the need for only 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.” Although this is an explanatory note on guidance and not mandatory, it gives valuable direction on what Central government presently consider to be a reasonable level at which to set any planning surplus. It also would indicate at what numbers capital funding would be available for the Local Authority via basic need grants. Anything above that two per cent level is not deemed necessary by the DfE and would therefore have to be funded by the Local Authority.

49. Table 2 below shows a comparison between the combined PANs with or without the PAN reduction and the impact of the Local Authority adopting either its current five per cent planning surplus target or the DfE approach of two per cent. Again, the SCAP projections of pupil numbers have been used.

Table 2: Comparison between the combined PANs with or without the PAN reduction and adopting either a two per cent or five per cent planning surplus

		2026	2027	2028	2029	2030	2026	2027	2028	2029	2030
Secondary Planning Area 1 (DfE PA 10)	PAN	2416	2416	2416	2416	2416	2356	2356	2356	2356	2356
	No. admitted/forecast	2350	2345	2279	2232	2168	2350	2345	2279	2232	2168
	Deficit/surplus	76	71	137	184	248	6	11	77	124	188
	Planning surplus - 2%	2397	2392	2325	2277	2211	2397	2392	2325	2277	2211
	Deficit/surplus - 2%	19	24	91	139	205	-41	-36	31	79	145
	Planning surplus – 5%	2468	2462	2393	2344	2276	2468	2462	2393	2344	2276
	Deficit/Surplus – 5%	-52	-46	23	72	140	-112	-106	-37	12	80

50. This shows sufficient and increasing spare capacity without the PAN reduction in September 2026 with the adoption of a two per cent planning surplus. With the PAN reduction, there would be sufficient spare capacity in 2028 with the adoption of a two per cent planning surplus.

Demand for places at the School and current impact of declining pupils numbers

51. Against this background, I have considered the Trust's reasons for reducing its PAN. My sources are the consultation, the minutes of the meetings of the Trust where this was discussed and information provided to me by the Trust in response to my questions and comments made by the Local Authority.

52. Since 2023, the School has experienced falling demand for places. To counteract this, the School's admissions arrangements (including the Christian commitment criteria) were modified to appeal to a wider group of pupils and parents. In addition, more proactive marketing was undertaken by the School with the early engagement of Year 5 and 6 primary school pupils to try and arrest the declining rolls. Despite these actions, the School is not full with overall numbers declining.

53. The Trust provided me with admissions data between 2022 and 2025 and this is set out below in Table 3.

Table 3: School admission data 2022-2025

	2022	2023	2024	2025
PAN	240	240	240	240
First preferences	129	107	69	50
Second preferences	42	44	23	26
Third preferences	36	32	21	18
Fourth preferences	11	10	17	7
Fifth preferences	11	11	10	4
Sixth preferences	7	5	3	3
Local authority allocations	0	41	105	90
Non-preference/EHCP	4	5	3	7
Total offered as at 1 March	236	250	248	198
Total admitted	237	213	143	113
% of surplus places in Sept	1.6	11.25	40.41	52.91

54. This shows a pattern of declining numbers which is matched by the significant drop of preferences being expressed for admission to the School in the normal admissions round (from 236 preference offers in 2022 down to just 108 in 2025). As outlined above, the School's 2024 Year 7 is at approximately 40% below PAN and for 2025, the new Year 7 will be at approximately 50% below PAN. This is in contrast to the majority of the other schools in Secondary School Planning Area 1 which are at or over capacity.

55. In years 7 to 9, the School is currently carrying a surplus of more than the Local Authority's five per cent margin for Secondary School Planning Area 1. The Trust argue that this "quantifiable financial burden should not be borne by a single school with its obvious detrimental effects on teaching and learning."

56. The number of applicants for Year 7 places at the School through the co-ordinated admissions process has continued to decline as has the number of pupils accepting places at the School. The Trust therefore argues that “even if the School maintains a PAN of 240, parents do not want a place at the School.”

57. The Trust advises that “the School is suffering from an acute lack of demand now both at the point of entry in Year 7 and in all year groups.” The Trust believes that this is due to “the lack of confidence in the School from Bromley residents following the recent Ofsted outcome of ‘Requires Improvement’ in behaviour and attitudes, personal development and leadership and management.”

58. The Trust argues that “a reduction in the PAN at the School will therefore not impact parental preference as this is already in decline in relation to the School. In fact, in the last 2 years of admission LBB allocated places at the School in circumstances where parents had not included the School as a preference.”

59. This is all correct but what is also clear from the data provided is that as preferences for the School decline, the number of Local Authority allocations to the School are increasing. It is also apparent that the total offers made on National Offer Day in March were all above the reduced PAN of 180 and in three out of the last four years they were very close to or above the PAN of 240 even though this did not then transpire, in the last two years at least, with pupils being admitted into the School at those levels.

60. The Trust also argues that in year applications for places at the School would also not be sufficient to reduce the surplus of places in each year group especially as migration out of the borough of secondary age pupils is historically greater than those coming in.

61. The current number of in year admissions are detailed below in Table 4 as at the end of the 2024/25 academic year. They are broken down by Bromley residents (in) and out of borough residents (out). The final column details the number of surplus places at the end of the academic year in each year group at the School.

Table 4: In-year admissions by year group with resulting surplus across Years 7-11

	2022/ 2023			2023/ 2024			2024/ 2025		
	In	Out	Surplus places	In	Out	Surplus places	In	Out	Surplus places
Year 7	9	0	9	20	4	24	2	1	76
Year 8	21	1	9	12	3	15	15	4	37
Year 9	23	0	11	22	1	7	20	7	17
Year 10	8	0	8	29	4	8	19	1	9
Year 11	1	0	4	10	0	7	5	1	14
Total	62	1	41	93	12	61	61	14	153

62. It can be seen from this that the School is receiving in-year admissions, particularly in years 7, 8 and 9, but is still carrying increasing surplus in all year groups. As schools are largely funded on a per pupil basis, maintenance of a surplus of places over time has a significant negative impact on a school. The Trust reports that “as a result of the difference between the PAN and admitted pupils, the School began the budget setting process for 2025/26 with a shortfall of approximately £500,000 due to this factor alone (in addition to underlying government funding pressures).” Whilst the Trust advises that the School has done all it can to make savings, it has proved impossible to affect this scale of change in time for the start of the academic year, without having a significant detrimental impact on the provision of education and therefore, the School has set a deficit budget for 2025/26 of £200,000.

63. The Trust states that as long as the School’s PAN remains at 240, in circumstances where there is significant uncertainty around the School’s ability to recruit to a PAN of 240, this will severely limit the School’s ability to put in place long-term financial plans that allow it to adapt to the reality of significantly lower pupil numbers and maintain the investment in school improvement that is required in response to its recent Ofsted report.

64. For the next 2 years, the School will see an eight form cohort of Year 11 pupils leave. Whilst the incoming Year 7, based on the September 2025 intake, will be no more than a five form cohort. The Trust report that the financial impact each year will be approximately a £928,000 reduction in income (based on approximately £8,000 per pupil in government funding due to be received in 2025/26) and views a break-even budget in these circumstances can only be achieved by changes to staffing structures. The Trust says that this cannot be done if the School needs to be staffed and resourced for eight forms of entry (240 pupils). The Trust therefore expect the deficit would remain at £200,000 or greater in this case. Even with the PAN reduction, the School’s current Year 7 and expected intake for September 2025 are expected to lead to a shortfall of £448,000, and the School will still struggle to set a break-even budget for 2026/27.

65. The Trust argue that reducing the PAN to 180 would reduce the scale of changes required in response to a smaller intake and the School would have the benefit of a higher degree of confidence in long-term organisational change and establishment of new staffing structures that are more appropriate for the numbers of pupils being admitted. They say that financially it is therefore critical that the School's PAN be reduced.

66. As at the last published accounts to 31 August 2024, the Trust has reported a balance of unrestricted and restricted income reserves of £3,765,000 (2023: £3,363,000). The Trust adopt a policy of six per cent reserves above the previous year's General Annual Grant funding levels, which is the primary source of government funding which the Trust receives from the DfE.

67. As all year groups are below the PAN of 240, the Trust state that the number of pupils joining the School out of the typical admissions cycle is also increasing over time. Of additional concern to the Trust is the number of pupils who also leave in year, increasing the number of possible in year admissions in a cohort, and the proportion of pupils who enrolled after September in Year 7, more of them with complex needs requiring tailored pastoral, emotional, and academic support or with English as an additional language. These combined pressures lead to significant additional challenges: learning is disrupted for both new arrivals and those admitted during the co-ordinated admission process (co-ordinated admission group), as they miss key content or struggle to adapt to different curricula. Teachers face extra workload assessing needs and adjusting support, while pastoral staff manage complex admissions and transitions. New arrivals typically require additional provision to help prevent social isolation, ensure effective safeguarding, or minimise behavioural challenges. Higher mobility undermines community cohesion, making it harder to build a consistent culture and ethos.

68. The Trust therefore argue that:

"The School cannot financially staff for a PAN of 240 where income is based on actual pupil numbers which will continue to decline. In circumstances where the School is not able to use its resources to address all the issues highlighted by Ofsted, it will not be able to improve and will face further decline and reduction in demand for places due to this decline. This will only lead to a downward spiral.

With a more stable pupil population, staff will be better able to deliver consistent pastoral and academic support, build strong relationships, and ensure safeguarding and SEND interventions are timely and well-coordinated. Reduced mobility will also ease pressure on admissions, pastoral, and behaviour teams, enabling them to take a more proactive approach to supporting vulnerable pupils, improving attendance, and managing behaviour. It will also give leaders greater capacity to enhance the School's personal development offer.

Curriculum delivery will also benefit from greater stability in the pupil population. Teachers will be able to plan more effectively, manage class sizes consistently, and invest in subject-specific pedagogy without the need for constant adaptation. In turn, this will support improved learning outcomes and teacher workload. This will also support more effective use of assessment and responsive teaching, enabling teachers to check understanding more carefully and close gaps swiftly, so that all pupils are supported to know more and remember more over time. Leaders will be able to reorganise the structure of the School with greater certainty, increasing the efficiency

of the staffing modelling and freeing up valuable resources so work to tackle low attendance, raise attainment, and reduce exclusions can be sustained.

Overall, a smaller, more stable intake will create the conditions necessary for long-term improvement in both pupil outcomes and staff wellbeing. With a clearer and more consistent picture of the School population, senior leaders and Aquinas will be better placed to put in place appropriate structures, evaluate practice accurately, target weaknesses effectively, and drive improvement with greater precision.”

Analysis

69. I do not underestimate the difficulties faced by the School in relation to its finances and the movement of children in and out of cohorts during the school year. Such turbulence creates extra work, can cause disruption and makes planning difficult. In terms of the Trust’s assertion that the School is not a popular one and that the spare capacity is not actually ever going to be used, again I have sympathy for that argument and there is the wider question for the Local Authority to consider in relation to the design of its pupil place planning strategy across the Borough to ensure the location of demand matches that of supply as far as possible.

70. However, from the data provided by the Local Authority I am not satisfied that there will be sufficient places at local schools within the planning area to accommodate the projected numbers in September 2026 with the reduction in PAN at the School from 240 pupils to 180 pupils. The data shows that the Local Authority needs the additional places at the School in order to satisfy projected demand in the planning area when taking into account Local Authority allocations to the School on National Offer Day and the need for an operational planning surplus. The Local Authority cannot rely on schools to admit over their PAN in the case of oversubscription.

71. With that said, I do not believe it is necessary or reasonable for the Local Authority to maintain a planning surplus of five per cent with the pattern of declining demand in the planning area. With a planning surplus of two per cent, the data suggests that there will be sufficient headroom for a reduction of 60 pupils in the PAN as from September 2028 with a lesser PAN reduction also potentially being manageable as from September 2027.

72. Although there are strong arguments from both the Trust and the Objector and it is finely balanced between the competing interests of the parties, I do agree with the Local Authority that weight should be given to the fact that the School received public funds to expand the School to accommodate more pupils in order to ensure the Local Authority could satisfy its statutory duty. It would therefore be contradictory to receive that funding and then reduce the PAN of the School when the Local Authority still believes that it is required to be maintained at its current level and the data supports that.

73. Having considered all the evidence with which I have been provided, I have decided that there is insufficient justification to reduce the PAN of the School from 240 to 180 in September 2026 and I therefore uphold the objection. The Local Authority thought the reduction to be premature and I agree with that assessment however it is also my view that

a PAN reduction could be progressed sooner than argued by the Local Authority if a two per cent rather than five per cent planning surplus was adopted.

Consideration of other matters

74. I now turn my attention to considering the Arrangements as a whole. There are matters which I have found do not comply with the requirements set out in the Code. Where I refer to parts of the Arrangements not being clear for parents, that is in respect of paragraph 14 of the Code. Other parts of the Code are specified where relevant.

75. I asked both the Trust and the Local Authority to comment on the other matters I raised. The Trust responded to say that it accepted that the various matters outlined below in sub-paragraphs 75 b - f did not comply with the Code and would therefore amend the Arrangements accordingly and I am grateful to the Trust for this. The Trust commented further on the point raised in sub-paragraph 75 a and I have therefore included the response below with my further comments and determination.

76. The matters in the Arrangements I raised are as follows:

- a. The Arrangements do not include a date by which applications for places must be submitted and therefore fail to provide the necessary clarity for parents. The Trust responded that the “admission arrangements state that applications for places at the School are made via the Home local authority’s common application form (CAF). The date by when this form must be submitted is set by the home local authority and not determined by the admission authority for the School. The CAF states by when applications for places must be submitted.”

The closing date for secondary school applications is set nationally as the 31 October in each year, as outlined in the Code. The Trust is therefore incorrect in its assertion that it is “set by the home local authority.” The current Arrangements therefore need to be amended to include the national closing date for secondary school applications to give the necessary clarity for parents.

- b. Paragraph 1.6 of the Code states that “All children whose Education, Health and Care Plan names the school must be admitted.” The section in the Arrangements entitled “Children with an Education, Health and Care Plan” does not comply with the Code as it is unclear and confusing to parents in that:
 - i. it does not clearly state that all children with an EHCP naming the School must be admitted; and
 - ii. the phrase “Statement of Special Educational Need” is used. Statements no longer exist, and arrangements should therefore only refer to Education Health and Care Plans (EHCPs).
- c. The Arrangements refer to priority for places being determined using the Tie break (as defined in the Arrangements). Paragraph 1.8 of the Code provides that arrangements “**must** include an effective, clear, and fair tie-breaker to decide between two

applications that cannot otherwise be separated.” A tie-breaker is therefore different from oversubscription criteria and the terminology used in the Arrangements is therefore unclear and do not comply with the Code.

- d. The Arrangements at section 1(a) prioritise the children of staff but do not specify what is meant by “a demonstrable skill shortage” or how a member of staff would be aware of whether that priority was afforded to them. In that respect, the arrangements fail to comply with paragraph 1.40 of the Code.
- e. The Arrangements at section 3 do not comply with the Code as the criterion “Children who live the shortest distance to the academy...” does not appear first in that section and the words “If there are more children who qualify for a place than places available in this category, places will be allocated to children living closest to the School” are unnecessary due to the section already being a distance criterion.
- f. The section of the Arrangements entitled “Waiting Lists” refers to a child being placed on the waiting list “until the end of the Autumn Term”, if so “requested by their parent.” Paragraph 2.15 of the Code specifies that admission authorities must maintain a waiting list until at least the 31 December in the admission year. A waiting list, to all intents and purposes, is created automatically where there is oversubscription; the children who were not admitted are the waiting list. The Code does not set out that a further process needs to take place at the point of oversubscription such that parents must request being on a list. The Trust cannot, therefore, require parents to request to be on the waiting list, though it can enquire if a parent wishes for their child’s / children’s name(s) to remain on it.

77. The Code requires that the Arrangements be amended to address the points I have raised within the timescale set out in this determination.

Determination

78. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the Arrangements determined by Trust for Bishop Justus Church of England School.

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

80. 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 unless an alternative timescale is specified by the adjudicator. In this case I determine that the arrangements must be revised by 31 October 2025 , which is the closing date for school place applications for 2026 admissions. This will ensure that the necessary revisions are made in time to enable applications to be processed in accordance with a set of admission arrangements which conforms to the requirements of the Code.

Dated: 17 October 2025

Signed:

Schools Adjudicator: David Holland