



Office of
the Schools
Adjudicator

Determination

Case reference: ADA4484

Objector: Cheshire West and Chester Council

Admission authority: The Halliard Trust for The Winsford Academy in Cheshire

Date of decision: 23 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 Halliard Trust for The Winsford Academy in the local authority area of Cheshire West and Chester Council.

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.

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 Cheshire West and Chester Council (the local authority or CWAC), about the admission arrangements for The Winsford Academy for September 2026 (the arrangements). The Winsford Academy (the School) is for children aged 11 to 16. The admission authority for the School is The Halliard Trust (the Trust). The objection is to the published admission number (PAN) set for the School for year 7. The local authority and the Trust are the parties to the objection.

Jurisdiction

2. The terms of the academy agreement between the Trust and the Secretary of State for Education require that the admissions policy and arrangements for the academy school are in accordance with admissions law as it applies to foundation and voluntary aided schools. These arrangements were determined by the Trust on that basis.
3. The local authority submitted its objection to these determined arrangements on 13 May 2025. I am satisfied the objection has been properly referred to me in accordance with section 88H of the Act and it is within my jurisdiction.
4. The admission arrangements as a whole are for nine primary schools and three secondary schools (including the School). I have also used my power under section 88I of the Act to consider the arrangements as a whole as far as they relate to the School and admission to year 7. In other words, I have not considered the arrangements where they apply to other schools, post 16 education and in year admissions. The matters I have raised under 88I of the Act and brought to the attention of the Trust, are discussed after my consideration of the objection below.

Procedure

5. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).
6. The documents I have considered in reaching my decision include:
 - a. a copy of the minutes of the meeting of the Trust at which the arrangements were determined and a copy of the determined arrangements;
 - b. the local authority's form of objection, supporting documents and further information provided at my request;
 - c. the local authority's 'Home to Educational Establishment Travel Assistance Policy' (the school transport policy);
 - d. the Trust's response to the objection, and further information provided at my request including to the other matters I have raised;
 - e. the websites for the School, the local authority and Ofsted;
 - f. the website, 'Get information about schools' (GIAS); and
 - g. information available on websites of the Department for Education (DfE) including
 - 'Compare school and college performance in England' (the DfE website);
 - 'Local authority school places scorecards' (the DfE scorecard); and
 - 'Growth and falling rolls fund guidance: 2025 to 2026' (the DfE guidance).

The Objection

7. The local authority's objection was that the reduction in the PAN for the School for year 7 could risk the local authority failing to meet its statutory duty to provide sufficient school places. The PAN was 240 for 2025 and has been set at 180 for 2026. The local authority said that the School had significant capacity and that local authority forecasts showed that more than 180 school places would be needed in future years. In addition, the local authority described an agreement made in April 2024, "which secured a permanent PAN of 240 in receipt of capital funding from the Council for accommodation reconfiguration".

Background

8. The School is located in the town of Winsford and is the only state funded secondary school in the town. The DfE website, which measures distances in straight lines, lists the next nearest secondary school as 3.43 miles from the School. There are six schools which admit children to year 7 within five miles of the School, one of which is in the neighbouring local authority area of Cheshire East Council (Cheshire East).

9. GIAS recorded on 9 July 2025 that the capacity of the School was 1312 and the number on roll was 1023. There was previously provision for post 16 students and this ceased around 2016/17. The funding agreement is for 1312 students aged 11 to 16.

10. The most recent Ofsted inspection report for the School was published in January 2023 and recorded that the School required improvement. At the time of the inspection there were 1,070 on roll so between the inspection and July 2025, there has been a net reduction of 47 students. There were monitoring visits undertaken by Ofsted following that inspection. The most recent monitoring visit by Ofsted, which has been published, occurred in July 2024 and the letter following the visit, dated 26 September 2024, said,

"Since the previous inspection, the school has continued to face considerable challenges with staffing. There has been much instability and uncertainty in senior leadership with many staff taking on temporary leadership roles. Furthermore, the school has been battling to fill vacant teaching positions, which has impacted negatively on the quality of education that pupils receive. It is only very recently that the school has been able to move forward in addressing this turbulence in leadership and staffing by making some substantive appointments. This includes the appointment of a substantive headteacher, a deputy headteacher and a director of school improvement."

11. The DfE website provides data on students at the School. This records that rates of absence and persistent absence at the School were around twice that seen in the local authority's area and nationally in 2023/24 (the most recent data available). The DfE website also records that, for the same year, the proportion of students eligible for free school meals in the previous six years was 43.2 per cent. The national average for secondary schools in the same year was 27.3 per cent. The proportion of students eligible for free school meals

is often used as a measure of deprivation and there are links between deprivation and achievement.

12. The Trust consulted on the reduction in the PAN from 240 in 2025 to 180 in 2026 and the local authority responded and made a case that the PAN should not be reduced. The Trust provided its recorded consideration of the reasons given by the local authority as:

- “CWAC pupil number predictions have proved consistently inaccurate for Winsford Academy. The pattern of pupils leaving Winsford to be educated in neighbouring towns is well established and has only increased as neighbouring schools have expanded.
- If preferences change in the future we are open to increasing the planned admission number, on provision of reliable forecasts.”

13. The oversubscription criteria for the School, after the admission of children where the School is named on their education, health and care plan (EHC plan), are (in summary):

- 1) Looked after and previously looked after children.
- 2) Children with an exceptional medical, social or welfare need to attend the School.
- 3) Siblings of existing students.
- 4) Children living in the catchment area for the School.
- 5) Other children with priority to those living nearest to the School in a straight line.

14. The Trust sometimes refers to ‘feeder schools’ in its documentation. There are no named feeder schools in the oversubscription criteria. Where there are such references I understand that the reference is to primary schools in the catchment area for the School and where a proportion of the children at those schools go on to attend the School.

Consideration of Case

15. The objection is to the PAN for 2026 being set at 180. This is a reduction of 60 places from 2025. The law does not permit objections to the PAN when it remains the same (unless an objection is made by the governing body of a community or voluntary controlled school). The PAN is the only lawful guarantee of the minimum number of children to be admitted to a school. Every local authority has a duty to make sure that there are sufficient school places for the children in its area. These combined factors mean that if a local authority has concerns when an admission authority reduces its PAN, even if that concern is for future years and not the year it has been set for (2026 in this instance), the time of the change is the only opportunity to object. For these reasons it is appropriate that I consider demand not only for 2026 but for future years.

16. I will consider three main areas of evidence before coming to my conclusion:

16.1. the demand for places at the School;

16.2. the reasons the local authority objects to the reduction in PAN; and

16.3. the reasons for setting the PAN at 180 provided by the Trust.

Demand for places at the School

17. To meet their duty to make sure that there are sufficient school places for the children in their area, local authorities assess what provision is in place and forecast what may be required. The local authority plans on a planning area wide basis. Winsford is a planning area in its own right. For admissions to year 7, one of the starting points for a forecast will be the number of children in year 6. The local authority said in its response to the consultation held by the Trust,

“The January 2024 school census indicates that there were 388 Year [6] aged pupils residing in the catchment area for the school. This number has been on an upward trajectory for the past 9 years, based on this trend, this figure is predicted to increase for the September 2026 academic year. However, even if it remained the same, there would be a shortage of places if all Year [6] pupils living in the catchment area requested a place at The Winsford Academy.”

18. The local authority provided data on the number of children of primary age living in the catchment area and attending a mainstream CWAC school (so excluding those attending a special school, educated at home, privately educated or attending a school in another local authority area) for 2022 to 2024, based on the pupil census. The figures from 2025 to 2030 are based on NHS data which will include more children than the pupil census. The figures are (for the relevant year group as it would be in year 7):

- 2022 460
- 2023 421
- 2024 407
- 2025 439
- 2026 489
- 2027 450
- 2028 450
- 2029 444
- 2030 422

19. This does not show a significant reduction in the number of children in the area but is not evidence that this number of children might attend the School in the relevant year. For example, in 2022, the pupil census showed 460 children attending a school in the catchment area and 239 were admitted to year 7 at the School.

20. The PAN for the School has varied over the years as follows:

- PAN 300: 2016 to 2019
- PAN 210: 2020 to 2022
- PAN 240: 2023 to 2025
- PAN 180: 2026.

21. The local authority provided a wider context and said,

“Across the Northwich, Tarporley, Weaverham and Winsford areas, the forecasts indicate an operational surplus of 6% for the September 2026 Year 7 cohort...The Department for Education expects Councils to apply a local approach when allowing a margin of operational surplus capacity. In general, we apply 5%, which is used widely by many other local Councils.”

22. This does not indicate an overall shortage of places for 2026. The local authority provided data on its forecasts for the demand for places at the School compared to the number admitted in previous years, which I have summarised in table 1. Table 1 shows admissions to the School were approaching 240 until admissions in 2024 when there was a significant reduction: year 7 in January 2024 had 228 students, year 7 in January 2025 had 171 students. This is a reduction in the number of students in year 7 of 57 students which is broadly equivalent to two classes and the 60 places removed for 2026 by setting the PAN at 180. The forecasts were made one year in advance of admissions. A first preference is the school to which a parent most wants their child to be admitted.

Table 1: previous forecasts regarding admissions to the School and actual admissions to Y7

	2021	2022	2023	2024	2025
PAN	210	210	240	240	240
Forecast	215	254	275	225	234
Number of on time first preferences	N/A	263	219	162	146
Number on roll at relevant January census	239	239	228	171	N/A

23. The local authority provided explanatory notes for each year as follows:

- 23.1. 2021: “210 offered on National Offer Day. Further 30 places offered following agreement to increase to 240 places. More allocated due to upheld appeals.”
- 23.2. 2022: “240 offered on National Offer Day with more allocated due to upheld appeals.”
- 23.3. 2023: “270 places agreed, 256 offered on National Offer Day with more allocated via backfilling. The highest number being 269 allocated at one point. Due to declines, trust asked for the 270 places to be reduced back down to 240 PAN.”
- 23.4. 2024: “175 offered on National Offer Day with more allocated via backfilling. The highest number being 185 allocated at one point.”

24. These explanatory notes show considerable movement in terms of allocations between national offer day (on or around 1 March) and the census in the following January. I will refer to this as churn. Churn is not unusual as families can make all sorts of changes to their lives between 1 March and 1 September, places can become available at other, more favoured schools and so on. However, this is a very high level of churn which must be difficult for the School and the local authority to manage. Clearly the local authority must make sure that there are sufficient places available; there is no guarantee that families will change their situation or their minds and the local authority must meet its duty to provide places.

25. I also note that for 2021 and 2022, the number in the School in year 7 at the time of the January census was close to 240, the equivalent of a class of 30 and higher than the PAN of 210 for those years. The PAN was raised to 240 for 2023, which makes sense in the circumstances. However, despite a forecast of 275 children requiring a place in year 7 in September 2023, there were 228 children on roll in January 2024 so 47 fewer than the forecast. There were also only 219 first preferences for 2023 compared to 263 for 2022. The reduction for 2024 is even more marked with 146 first preferences when 234 children were forecast to be admitted. The Trust put this reduction down to increases in the PAN of other secondary schools and I will consider this aspect below.

26. Table 2 below provides a summary of the forecasts made by the local authority for future demand for places at the School. The local authority explained its, “forecasting methodology takes into account historical trends of secondary allocations.” I understand this to mean that the calculations include admissions to other schools including those outside the local authority’s area. The Trust has expressed its lack of confidence in the accuracy of the local authority’s forecasts. Certainly for 2023, 2024 and 2025 the forecasts were high compared to the number admitted. The local authority provided forecasts for future years in its objection. The forecasts were updated following work on the school capacity survey (SCAP) in summer 2025 and the updated forecasts provided to me as shown in table 2.

Table 2: forecasts of future demand at the School for Y7

Forecast	2026	2027	2028	2029	2030
September 2024	234	233	240	241	260
September 2025	178	184	197	198	177

27. The DfE scorecard, that compares local authority forecasts of student numbers with other local authorities, assesses the local authority as broadly accurate for one year ahead and "Overestimate of pupil numbers, larger overestimate than at least 75% of local authorities" for over three years ahead.

28. Table 2 shows a sharp reduction in the number of places forecast to be required. The current forecast is that the PAN of 180 would be sufficient for admissions in 2026 but more places would be needed in 2027, 2028 and 2029. Forecasts are just that and all sorts of things will affect them including the reputation of schools, the availability of other schools,

house building, and inward and outward migration. If another school is a first or higher preference and a place becomes available, then the child is likely to go to the higher preference school and this is one of the causes of churn.

29. The local authority provided data on the number of pupils attending primary schools in the catchment area of the School and how many were allocated a place at the School. This is summarised in table 3. I note that children who attend a rural primary school, Whitegate, very rarely join the School. Similarly a high proportion of children attending a Catholic primary school in Winsford do not attend the School but may move to a Catholic secondary school for year 7. There may also be movement from the Church of England primary schools in Winsford to a Church of England secondary school. These are surmises on my part to explain a long-standing pattern of some children living in Winsford going to secondary schools other than the School.

30. I note that the number of pupils in year 6 attending these primary schools has reduced by 38 children between 2022 and 2025 and then increases for 2027.

Table 3: number of year 6 pupils attending primary schools in the catchment area for the School

	2022	2023	2024	2025	2026	2027	2028
Total number of pupils in year 6 for the relevant year	415	418	380	377	379	404	356
Number allocated a place at the School	234	244	171	146	N/A	N/A	N/A
Difference	181	174	209	231	N/A	N/A	N/A
Proportion of total allocated a place at the School	56%	58%	45%	39%	N/A	N/A	N/A

31. Table 3 shows that a high proportion of children attending a primary school in the School's catchment area has traditionally attended a school other than the School. In 2023, there was a high point with 58 per cent attending the School reducing to 39 per cent of admissions in 2025. The figures for 2026, 2027 and 2028 are based on those currently in the younger year groups at the schools. It is possible that those numbers will vary as those year groups go through the schools, either to increase or decrease.

32. Taking the number of children in year 6 currently, 379, if 58 per cent were to want to join the School in 2026 (as in 2023), there would be demand for 220 places. If 39 per cent were to want to join the School in 2026 (as in 2025) there would be demand for 148 places.

33. The popularity of other secondary schools in the area and the availability of places at these schools are factors. In addition, if the School were to become more popular, perhaps due to a more favourable Ofsted report, then this would be another factor in changing potential demand.

34. In summary, there have been considerable fluctuations in the number of children admitted to the School. The number of first preferences for the School has been reducing

from 2022 and the number admitted dropped significantly for admissions in 2024. The number of children living in the catchment area and attending a primary school in the catchment area for the school is much higher than the PAN set. The number of children attending a primary school in the catchment area varies from year to year with no clear pattern of increase or decrease.

The reasons the local authority objects to the reduction in PAN

35. The local authority objected to the reduction in the PAN via the consultation undertaken by the Trust before making its objection to the adjudicator. In its objection, the local authority quoted its response to the consultation and said that it objected to the reduction in the PAN for the following reasons. I take these as a summary of the objection:

- “The Council’s statutory duty of providing sufficient school places
- The original intended capacity of the school
- The number of pupils for the September 2026 cohort on roll at primary schools in the town
- The forecast data for the planning area and neighbouring secondary planning areas
- The fact that the numbers of secondary school aged pupils resident in the school’s catchment area is far in excess of the proposed PAN of 180 and is indeed even greater than the original intended PAN of 300
- The impact the reduced PAN of 180 would have on an already constrained home-to-school travel assistance budget
- The new housing in the area
- The capital investment the school has benefited from
- The recent agreement that the trust and Council entered into in April 2024 which secured a permanent PAN of 240 in receipt of capital funding from the Council for accommodation reconfiguration”

36. I have considered demand for places at the School above. The local authority’s forecasts will have taken into account house building, the number of children living in the area, previous patterns and the number of children attending primary school in its forecasts. The number of children who might move into an area from house building is very difficult to estimate. There are algorithms to assist in estimates which give a figure of how many children of various ages might ensue from the building of a particular number of houses. However, while useful, such algorithms cannot allow for the many things which affect the decisions of individual people so such estimates are sometimes inaccurate. In addition, housing developments can be delayed for many reasons. All these factors contribute to the difficulties of forecasting pupil numbers. Table 4 below provides data on the secondary schools in the wider area and I will consider these schools and their effect on demand for the School below as this is a major part of the Trust’s case for setting the PAN at 180.

37. I will now consider the school transport budget and the capital investment aspects in this section starting with school transport. The local authority’s school transport policy explains that:

“Section 508B of the [Education] Act [1996] sets out the general duties placed on the Council to make such school travel arrangements as they consider necessary for ‘eligible children’ within their area, to facilitate their attendance at the relevant educational establishment. Such arrangements must be provided free of charge.”

“An ‘eligible child’ is:

- of ‘compulsory school age’ (aged 5-16) and
- attending the nearest ‘qualifying school’ ... and
- there is no other suitable home to educational establishment travel arrangement already in place and fulfils one of the following criteria:
 - ‘the school’ is beyond the statutory walking distance of 2 miles for children below the age of 8, and 3 miles for those aged 8 and over”.

38. This means, in effect, that if a child is of secondary school age and the nearest secondary school with sufficient places to admit the child is more than three miles, then the local authority must provide free transport for the child to attend the school. If a parent has chosen that their child attend a school that is more than three miles distant from their home when there is a closer suitable school, then the parent will meet the transport costs. In the context of the objection, if a child is refused a place at the School because the PAN is 180, then as all other secondary schools are more than three miles from the School it is likely the local authority would have to meet the costs of transporting any such children to the alternative school. Some, of course, may live less than three miles from an alternative school with places.

39. The local authority said,

“there are expected to be significantly more Year 6 pupils living within the catchment of The Winsford Academy than there are Year 7 places available. A PAN reduction of 60 places, with an increase in parental preferences (as seen in 2022 and 2023) could see an increase in transport costs of around £60,000 per year as the current average cost of mainstream school transport is £1,000 per pupil. Winsford is not well served by public transport and therefore it is likely that additional contracts would be required. This was the case for the September 2022 intake when The Winsford Academy’s PAN was 240 but 32 Winsford resident pupils did not secure a place at the academy and were transported to the next nearest school with a place available.”

40. Also, if a child were unable to attend their nearest school, there may be an increased journey to school in terms of distance, cost and time taken as the nearest schools may fill to their PAN with children who meet higher criteria. This could be unfair to the child if the alternative journey were to be a time consuming and considerable distance which also prevented the child attending activities after school or being part of the school community. If this were to occur, there would need to be significant justification.

41. I asked for information on the capital investment raised in the objection. The local authority and the Trust described jointly funded work which was largely around the

infrastructure for the School. The contract, signed by the local authority and the trust responsible for the School at the time on 15 April 2024, says,

“The ESFA Basic Need Fund of £134,805.00 is for capital works to enable The Winsford Academy to facilitate a permanent Published Admission Number (PAN) of 240 (two hundred and forty) pupils with effect from September 2023. It is conditional on The Winsford Academy’s PAN being increased to 240 (two hundred and forty) on a permanent basis.”

42. It is clear that there is sufficient capacity at the School for a PAN of 240 and that there was an agreement that the PAN would be 240 for future years.

The reasons for the reduction for the PAN provided by the Trust

43. In response to my enquiries regarding its reasons for reducing the PAN, the Trust referred to:

- 43.1. “The financial rationale for the reduction in PAN is the severe risk of unfunded growth from 2028-29 onwards.
- 43.2. The educational rationale is this: The Winsford Academy is one of the most vulnerable schools in the planning area, if not the most vulnerable. By retaining its surplus capacity in this school CWAC would be putting it at a significant disadvantage, not only in relation to unfunded growth but also by having unpredictable intake and needing to staff for variable numbers, including in-year. There are currently on average 7 concurrent classes in year 7 this year, having staffed for 210 pupils but receiving 173. The planning for [2025-26] is still underway due to the restructure taking place. However, it is anticipated that again the school will need to overstaff to some extent.
- 43.3. The 1312 number reflects the true capacity of the building.” However, the Trust also said that there were frequent leaks closing off parts of the School and all classrooms were needed because of the high levels of special educational needs in the School “necessitating smaller class sizes in some cases, nurture groups and interventions.”
- 43.4. The Trust also doubted the forecasts provided by the local authority.

Lack of faith in the local authority’s forecasts

44. I will consider this last point first and in conjunction with the information on demand for places at the School as discussed above. The Trust’s data provided shows that forecasts made in 2022 were out by around 26 per cent for 2024. The Trust also said there was a reducing number of pupils attending primary schools in Winsford (reflecting the national pattern). Table 3 does not show the pattern described by the Trust.

45. The Trust listed the secondary schools in the area which had increased their PANs in recent years implying that this is why the numbers at the School had reduced. Both parties referred to the increase in PANs at secondary schools in the area. Information shared by the parties included:

- The PAN for County High School, Leftwich (Leftwich) increased from 195 to 210 prior to 2023 in response to anticipated demand from housing developments. This is an increase of 15 places and Leftwich has filled to its PAN since that time. Housing development is expected to continue.
- The PAN for Tarporley High School and Sixth Form College (Tarporley) increased from 180 to 210 in 2023. The local authority said that this formalised a situation as 210 has been admitted to Tarporley for some years.
- The PAN for Hartford Church of England High School (Hartford) increased from 210 to 240 in 2023 in response to anticipated housing demand from housing developments and housing development is expected to continue.
- The PAN for Holmes Chapel Comprehensive School (Holmes Chapel) increased from 215 to 240 in 2024. Holmes Chapel is more than six miles from the School. The Trust says that the increase in the PAN at Holmes Chapel has attracted children who might otherwise have attended Middlewich High School (Middlewich) (both are in the area of East Cheshire) and thus Middlewich has had capacity to admit children who might otherwise have attended the School.

46. I asked the local authority for information on the secondary schools within ten miles of the School. There are 18 such schools, 12 of which are in the neighbouring local authority area of Cheshire East. Two secondary schools situated within five miles are schools with religious characters: Hartford and St Nicholas Catholic High School (St Nicholas). Table 4 provides further information on the five schools within the local authority's area with the School as a comparator and Tarporley as information shows that some children living in Winsford attend Tarporley.

Table 4: secondary schools attended by children living in the catchment area for the School as provided by the local authority

School	Distance from the School in miles	PAN 2023 to 2025	Admitted 2023	Admitted 2024	Admitted 2025	PAN 2026	Forecast 2026
Winsford	N/A	240	240	173	168	180	
Leftwich	3.4	210	211	214	210	210	
Hartford	3.7	240	233	209	222	240	
St Nicholas	3.7	215	212	224	221	215	
Rudheath	4.8	168	117	115	111	168	
Weaverham	4.9	235	221	234	222	235	

School	Distance from the School in miles	PAN 2023 to 2025	Admitted 2023	Admitted 2024	Admitted 2025	PAN 2026	Forecast 2026
Tarporley	6	210	208	201	209	210	
Totals	N/A	1518	1442	1370	1363	1458	1378

47. Forecasts of student numbers are more likely to be accurate across a larger area than for individual schools. This is because this allows for the varying popularity of schools. Of course, where there are schools across a nearby local authority border, as is the case here, that is less easily achieved. However, the forecast across the larger area for 2026 is 1378 school places will be needed. The sum of the PAN for all the secondary schools in that area is 1458. Therefore the difference between the sum of the PANs and the forecast is 80 school places which is around five per cent vacant places; the level sought by most local authorities.

48. Table 4 shows that in 2025, four of the secondary schools had at least some vacancies (excluding the School) and three were around or a little above their PAN. This would indicate that if parents were willing to transport their children, that there are places available at other secondary schools that were fewer than six miles away.

49. Table 5 shows the number of children living in the catchment area for the School at the time of the January census in 2024 and 2025 (so those admitted in September 2023 and September 2024) and the school attended. Again Middlewich is not provided and I am aware that capacity in this area could affect numbers at the School. The local authority was unable to provide the numbers admitted to Middlewich but was able to provide the number of children allocated a place who live in the catchment area of the School (as follows). These are substantial proportions.

- 2023 49
- 2024 64
- 2025 54

Table 5: children living in the catchment area for the School and the number attending the listed schools in year 7

School	PAN 2023 to 2025	Most recent Ofsted judgement	January 2024	January 2025
Winsford	240	Requires improvement	227	171
Leftwich	210	Outstanding	6	12
Hartford	240	Good	25	33
St Nicholas	215	Good	54	62
Rudheath	168	Good	22	9
Weaverham	235	Good	36	29
Tarporley	210	Good	17	28
Total	N/A	N/A	387	344

50. The reduction from the number of year 7 students at the School in January 2024 to January 2025 is 56 (similar to the PAN reduction of 60 from 2025 compared to 2026). In addition, the number of students in year 7 attending any of the secondary schools listed in table 5, reduced from 387 in January 2024 to 344 in January 2025, which is 43 places.

51. Table 3 shows the number of year 6 pupils attending primary schools in the catchment area for the School for admission to year 7 in September 2023 (so counted in the January 2024 census) was 418 and for September 2024 was 380 so in each year, over 30 children (31 in 2023 and 36 in 2024) went to secondary education elsewhere, possibly out of the area entirely, fee paying schools, home education or schools in the local authority area of Cheshire East. These figures shows that there is some merit in the School's argument that the capacity in other secondary schools in the area has contributed to the reduced demand for the School.

The financial rationale for the reduction in PAN is the severe risk of unfunded growth from 2028/29 onwards

52. Schools are funded largely on the number of students on their roll. The census, counting the number of students, is in October each year. That figure sets the funding for the following year (this is described as lagged funding). So, if 200 children were at a school in October in one year, the funding allocated the next year would be based on 200 children, whether 150 or 250 were at the school at the time of the October census. This can create challenges as numbers fluctuate. In this instance, the Trust provided a table showing that admitting 240 children a year, that by the end of 2031, the School would have 'lost' £2,226,000. This was calculated by extrapolating the existing numbers at the School, and as each leaves at the end of year 11, add enough students to make 240 in year 7. For example, in 2027, when the table starts, there are assumed to be 206 students in Y11 so when these leave, they are replaced by 240 students which is an increase of 34. As the funding is lagged, these students will not be funded until the following year. Assuming £7,000 per student, the Trust describes this as a loss of £238,000. Assuming this pattern continues year on year between 2028 and 2034 with the increase forecast at up to 90 students, the Trust comes to the £2,226,000 figure which, it says, will create a "catastrophic deficit".

53. The first point I would notice on this calculation is that the Trust is assuming that the local authority's forecasts are accurate and that the School will admit 240 children. This is in contradiction to its criticisms of the local authority's forecasting.

54. If I have understood correctly, the Trust is saying that one of its reasons for reducing its PAN for 2026 to 180 is it anticipates financial problems from 2029 if the Trust had to admit up to 240 children to the School each year from 2028. This is based on the assumption that the costs of each student are £7,000. The DfE guidance on funding growth in schools says,

Growth funding "will be based on the observed differences between the primary and secondary number on roll in each local authority between the October 2023 and

October 2024 school censuses. Growth is measured at the level of middle layer super output areas (MSOA) within each local authority – these are [areas used by the Office for National Statistics \(ONS\)](#), based on population data, which allow us to capture growth in small geographical areas within local authorities. The growth allocation for each local authority will be...£2,350 per new secondary pupil...Allocations are subject to an area cost adjustment (ACA).”

55. Growth funding is therefore for when the local population expands and more children are admitted to schools than previously. It is to help the schools manage the lag in funding described above. The amount allocated to the local authority for this purpose by the DfE is £2,350 per new pupil (on top of the PAN). The local authority has to have criteria for the allocation of growth funding to schools which will vary from area to area depending on the context. The figure of £2,350 per child is around a third of that used for the calculations by the Trust (£7,000). The local authority provided an extract from the local policy which says, "For classes up to 30 pupils the lump sum will be worth at least $\text{£}1,570 \times 30 \times 1.00378 = \text{£}47,278.03$ ".

56. The reason that growth funding is so much less than the normal pupil allowance where there has not been growth, is that the additional costs of, say, an additional class are marginal. The main infrastructure of staffing (leadership and administration) and school buildings are already in place. Roughly, an additional class would need the equivalent of an additional full-time teacher as the core cost. This is unlikely to cost more than £70,500 per annum. It is for these reasons that I understand the growth costs to be marginal.

57. Obviously the circumstances will be vary from area to area, which is why the DfE uses the area cost adjustment. Growth funding has been allocated to the School before as, as shown above, numbers have fluctuated considerably. The local authority explained that the criteria prevented growth funding being allocated when the school concerned had large reserves and this was the case here at the time. The local authority also said, "The September 2023 funding allocation was then automatically allocated at 240 as this is the Academy's permanent PAN and no longer a growth figure."

58. If the numbers at the School are around 180, the PAN remains at 240 and the numbers grow to 240, the Trust is concerned that there will be financial problems in the future. If the PAN is set at 180 then admissions above that figure may be considered to be growth and funded as such. However, the figures used by the Trust imply that the School will suffer losses if its numbers grow. This has some merit but not to the extent described by the Trust as the costs will be marginal.

Educational rationale

59. There are close links between financial and educational matters in schools. Financial challenges can be caused by variations in student numbers and lead to loss of staff, recruitment of staff, loss of staff and so on as student numbers dictate both the need for staff and the finances to pay for staff. Instability in student numbers will not assist in the

recruitment and retention of good staff and the quality of the educational provision made can suffer accordingly.

60. My understanding of the educational rationale for the Trust can be summarised as follows. If the PAN for the School is 180 then the School can be confident that it will admit approaching that number each year. The School could then staff on the basis of six classes per year group in most subjects (assuming up to 30 students in most classes). This gives stability in staffing, possibly increasing the quality of the provision through continuity and provides an economical model.

61. A contrast is recruiting on the possible need to admit 210 students, so seven classes, but only having 173 students as occurred with the year group admitted in September 2024. Six forms of entry (at around 30 per form of entry) would be more appropriate financially for 173 students. Schools cannot wait to recruit until the students walk in the door in September but have to commit in advance. There is therefore, given the actual numbers joining the School, an educational argument for reducing the PAN to 180.

62. In addition, there will be in year admissions. Children who move into an area do need a school place but if there are high levels of turnover, it can be difficult for a school to manage and can be disruptive to education. With the PAN set at 180, there would be fewer places available for those moving school for whatever reason.

63. The Trust described the School as vulnerable so I sought to understand what was meant. The Trust referred to the Ofsted judgements on the two previous schools that closed and were replaced by the School in 2010. One required special measures and the other was causing concern. In 2022 Ofsted judged that the School requires improvement and two monitoring visits published by September 2024 had not seen sufficient improvement. The Trust described the socio-economic context as:

- “Winsford faces higher unemployment, and a significant portion of families live in disadvantaged areas.
- Many students commute out of town for education.
- Town's indicators show lower median income and higher economic inactivity...

Socioeconomic disadvantages persist, making it difficult to close achievement gaps, particularly for disadvantaged students. Previous recruitment challenges have impacted upon substantive appointments in key areas across the academy...The school is in quintile 4 (more deprived) in location deprivation, and its pupil base is in quintile 5 (most deprived) for deprivation.”

64. The Trust also said, “The proportion of students with special educational needs is higher than average, with 52 students currently having an EHC (education, health and care) Plan and an additional 11 draft plans awaiting finalisation. 48% of all EHC Plans identify social, emotional and mental health as the main area of need.”

65. The DfE website provides data on all schools with the most recent data being for the 2023/24 academic year. The DfE website records that 3.6 per cent of the School's population have an EHC plan compared with 2.7 per cent nationally. Similarly the DfE website records the proportion of students with special educational needs and disabilities (SEND) support as 14.2 per cent, compared with 12.9 per cent nationally. In both cases these are higher but not dramatically higher proportions to the national average. The DfE website records four per cent of students whose first language is not English compared with 18.6 per cent in all schools in England. A more striking figure is that 43.1 per cent of students have been eligible for free school meals at any time in the past six years compared with 27.3 per cent across all secondary schools in England. As described earlier, being eligible for free school meals is an indicator of deprivation and in too many instances, those experiencing deprivation tend to achieve less academically than other students. This supports the Trust's argument that there are high levels of deprivation for students within the School. These factors will affect perceptions of the School and are likely to affect the attractiveness of the School to parents for their children and for staff seeking employment.

66. A lower PAN would make it more likely that the School is oversubscribed. An oversubscribed school is often perceived to be a better school and this can attract more students and staff. This, combined with the near certainty of knowing how many students will be admitted and being able to organise the School accordingly, could assist the School in raising standards. These are understandable reasons why the Trust decided to set the PAN at 180.

Capacity of the School

67. The Trust said that the building quality lessened the effective use of the building and that smaller classes were provided due to the needs of many of the students. There is capacity for 1312 students at the School.

68. If 240 students were to be admitted to each of its five year groups over time, there would be 1,200 students in the School. I have seen no argument that leads me to doubt that the School has capacity for 1,200 students. If 180 students were to be admitted to each year group, there would be 900 students in the School. The Trust has told me that it has no intentions of removing capacity, although it would be open to using spare capacity to provide a resource centre for the wider area.

69. Where there is a need for additional places, due to growth in the number of places needed such as through new housing developments, local authorities can access funding via the DfE. This is known as basic need funding. However, the measure of capacity is based on school capacity, not its PAN. In other words, if the PAN were to remain at 180 and an additional 60 places were needed for year 7, the local authority could not receive basic need funding as the capacity to accommodate those 60 places already exist. This could be a lack of 300 places over five years. It is not good use of the public purse to build new school buildings if the classrooms and so on are in place.

70. The Trust has said that it would be open to admitting above its PAN if there were to be sufficient demand and the Code permits this. However, if the PAN were to remain at 180, the local authority has no power to make the Trust admit more than 180 pupils; although parents could appeal to an independent appeals panel. In other words, the PAN is the only safeguard that a local authority has regarding how many children could be admitted to a school.

Conclusion

71. I have carefully considered the information provided to me. There are three significant factors on forecasts. One is that the revised forecasts for 2027, 2028 and 2029 are above the PAN of 180 (see table 2). Another is that the PAN is the only guarantee of admissions for a local authority and the local authority could not object if the PAN were to be 180 in any of these years; 2026 is the only opportunity as it is the year for which the PAN changed. The third is that the demand for the School is likely to increase if the School were to have a more favourable Ofsted report and the revised forecasts would then be likely to be underestimates when previously they were overestimates.

72. The Trust's financial reasons for setting the PAN are not sufficient to justify the potential lack of places. The educational reasons have merit as a PAN set at 180 would give the School the ability to plan with certainty and this is likely to affect positively the education provided.

73. The local authority also has to plan ahead. It will not be able to object to a PAN of 180 for 2027 if the PAN for 2026 were to remain at 180. A PAN of 180 could lead to the local authority having to pay to transport children to other schools, this would not be a good use of public funds nor fair on children who would like to attend their local school and not spend more time than necessary travelling elsewhere.

74. If the house building continues, it is also possible that these other schools may not have capacity to accommodate the children living in the catchment area for the School. As the School has capacity for 1312 students, the local authority would not have a case for more capital investment to expand educational provision; again it would not be good use of public funds to spend money on school buildings when there are already sufficient.

75. For these reasons, I have decided to uphold the objection to setting the PAN at 180 for admissions in 2026.

Other observations

76. I draw the Trust's attention to paragraph 3.6 of the Code, which allows the admission authority for an academy to seek from the Secretary of State a variation to its arrangements in certain circumstances. This means that it would be possible for the Trust, if the number of offers for 2026 justified such a step, to seek a reduction to its PAN for 2026 in order to reduce the number of surplus places. As the 2027 arrangements would by then have

already been determined, any such approved variation to the PAN would not set a baseline for future years.

Other Matters

77. As I considered the arrangements other matters came to my attention which did not comply with the Code. I brought these to the attention of the Trust which agreed to address them. This is welcomed. I did not consider those aspects of the arrangements which relate specifically to other schools (so primary and post 16) or appeals. The other matters I did raise mainly relate to clarity. Paragraph 14 of the Code is relevant and says:

“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.”

78. On reading the relevant sections of the arrangements, there was repetition of some elements and that there was not always consistency in the repetition. This makes the arrangements unclear. There were other aspects which are factually inaccurate and so would make the arrangements unclear. There was also extraneous information, which could lead to confusion. I have not listed all the matters I raised here as some relate to formatting but as I have brought them to the attention of the Trust, the Trust must amend them to comply with the Code. The matters are listed below (with the most relevant paragraphs of the Code in brackets).

- a) The information on the role of the Schools Adjudicator and variations to the determined arrangements is inaccurate in some respects (10, 14, 3.6).
- b) The definitions of looked after children are not clear (14, 1.7 and 1.8).
- c) The information on waiting lists is not clear (14 and 2.15).
- d) The information required by the Code on the admission of children outside their normal age group is not clear (14 and 2.18).

79. As the Trust has agreed to address these matters I will not discuss them further.

Determination

80. 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 Halliard Trust for The Winsford Academy in the local authority area of Cheshire West and Chester Council.

81. 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.

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

Dated: 23 October 2025

Signed:

Schools Adjudicator: Deborah Pritchard