



Office of  
the Schools  
Adjudicator

## Determination

<b>Case reference:</b>	<b>VAR2612 and VAR2613</b>
<b>Admission Authority:</b>	<b>The Governing Body for St Mary's Church of England Primary School, Prittlewell, Southend-on-Sea</b>
<b>Local Authority:</b>	<b>Southend-on-Sea City Council</b>
<b>Date of decision:</b>	<b>14 November 2025</b>

### Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variations to the admission arrangements determined by the Governing Body of St Mary's Prittlewell, for 2025 and 2026.

I determine that for admission in 2025 and 2026, the school's PAN shall be 60.

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

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

### The referral

1. The local authority (the LA) has referred to the adjudicator a proposal for a variation to the admission arrangements (the arrangements) for St Mary's Church of England Primary School (the school) on behalf of the school's governing body (the Admission Authority) for both 2025 and 2026. I have been given (on request) written evidence that Admission Authority has formally approved the LA's actions on its behalf.
2. The school is a voluntary aided school for children aged 4 to 11 in Southend-on-Sea. It is a co-educational school whose designated religious character is Church of England. The religious authority for the school is the Diocese of Chelmsford (the Diocese).

3. Parties to the request are the LA, the school and the Diocese.
4. The proposed variation is that the published admission number (PAN) for Year R admissions be reduced from 90 to 60 for both 2025 and 2026. The admission arrangements for 2025 (and therefore the PAN) are relevant until at least 31 December 2025, and for any in-year admissions for the remainder of the school year.

## Jurisdiction and procedure

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

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

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

6. The arrangements for 2025 were determined by the Admission Authority on 24 January 2024, and those for 2026 on 18 December 2024. Although the request to vary these arrangements was first submitted by the LA on behalf of the school’s governing body on 9 July 2025, it was not until 7 October 2025 (and in spite of my repeated requests) that I was given written evidence of these determinations. This was in the form of letters signed by the Chair of the governing body giving me his personal assurance that this had taken place.

7. The LA, acting on behalf of the Admission Authority, has provided me with confirmation that the appropriate bodies have been notified of the proposed variations in line with the Code and that the governing body of the school supports them. I find that the appropriate procedures were followed, and I am satisfied that the proposed variations are within my jurisdiction.

8. I have also used my power under section 88I of the Act to consider the arrangements for both years as a whole and to determine whether or not they conform with the requirements relating to admissions and, if not, in what ways they do not so conform. I will refer to these as ‘other matters’ and they are covered in the section of the determination under that name.

9. In considering the variation request and the matters considered under section 88I, I have had regard to all relevant legislation and the Code.

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

- the referral from the LA dated 9 July 2025 (and supporting documents);
- the determined arrangements for 2025 and 2026, including the relevant Supplementary Application Forms (SIFs) and the proposed variations to those arrangements.
- responses from the LA, the school and the Diocese to my requests for further information.
- maps, including Google Maps and those showing the location of the school (which is located on two sites);
- information available on the websites of the DfE (including 'Get Information About Schools' (GIAS), the school and the LA;
- information I received during a meeting (the parties' meeting) I convened on 7 October 2025 via Teams, attended by representative of all the parties, and
- information provided by the parties following the parties' meeting.

11. I have been provided with a substantial amount of information by the LA and the school. I have referred only to that which has a bearing on my determination.

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

13. I note here that the arrangements for 2027 have not yet been determined. The Admission Authority appears to have misunderstood the way that a change in the PAN for 2026, by way of the proposed variation being approved, would work in future years. If I decide to vary the arrangements for 2026 by reducing the PAN as proposed, it will have the effect of forming the 'baseline' for subsequent years. Should I determine to reduce the PAN, there will be no need to consult on a reduction to the PAN in 2027 as this would be carried forward from the amended 2026 arrangements. However, for the avoidance of doubt, there is nothing in the statutory scheme that would prevent the Admission Authority from consulting if it wished to do so; it is simply that it would not be required to.

## Consideration of proposed variation

14. Paragraph 3.6 of the Code requires that admission arrangements, once determined, may only be revised, that is changed or varied, if there is a major change of circumstance or in certain other limited and specified circumstances. I will consider below whether the proposed variation is justified by the change in circumstances.

15. The Admission Authority (via the LA) has proposed that the PANs for 2025 and 2026, which were determined as 90, should be reduced from this number to 60. The school's admission arrangements - both for 2025 and 2026 - contain oversubscription criteria which (after the priority given to looked after and previously looked after children) prioritise applications in the event of oversubscription in the order:

- (i) Siblings of children at the school (as defined)
- (ii) Children living in the school's catchment area
- (iii) Children whose parents/ carers have attended St Mary's Church, Prittlewell for a minimum of twice a month for at least two years prior to the application
- (iv) Children whose parents/carers have attended another Christian Church (as defined) on the same basis
- (v) Children whose parents/carers "are committed to the worship ...at another Christian Church or any other world faith [sic]" (as defined)
- (vi) Children of staff
- (vii) Other children

I shall return to a consideration of the issues raised by these oversubscription criteria below.

16. Until September 2015 the school was a two-form entry school on a single site (the Boston Avenue site). The school's East Street site was, as the Chair of Governors has told me, "Recommissioned in response to the increase in pupil numbers in the City of Southend at that time." It houses part of the school's KS1 provision – Reception and Year 1.

17. The LA's form of request said that the reason for the Admission Authority seeking a variation to the school's PAN is to "reduce unnecessary surplus in the planning area and across the City". It also said that the school's East Street site, which has been used for a number of years to help accommodate a bulge in pupil numbers, "cannot be sustained from 2025 onwards", without saying what it meant by the term "sustained". It also made the statement (in the same form) that "the longer-term implication of this reduction is that the East Street site will close at the end of July 2027, and from September 2027 all children will be based at Boston Avenue". Both the LA and the Diocese support the proposed variations.

18. I have therefore considered two matters: the need for Year R places at the school and in the locality, and the site issues brought to my attention by the LA (in case these

imposed any unavoidable restrictions on the numbers of pupils the school could accommodate). I shall consider first the need for school places locally.

### The need for Year R places

19. When the LA submitted the form requesting the variations, it answered the questions which are asked there about the names of other schools in the local planning area, the recent history of preferences expressed by parents for places at these schools, the numbers admitted recently and its forecast of need for the next two years. At the meeting which I held with the parties, the LA told me that one school had been omitted from the list of schools in the planning area in the information it had supplied. I also noted that the admissions data given to me unaccountably did not give figures for what had happened in 2024 or 2025. I therefore asked for a revised version of all this data, and this was provided on 14 October 2025.

20. It had been necessary for me to write to the parties prior to the meeting which I convened setting out other deficiencies in the form of request, principally that I still had no evidence of the determination of the arrangements by the Admission Authority (in spite of two earlier reminders having been sent). I was not in possession of this essential information until the day of my meeting with the parties, on 7 October 2025.

21. The school is one of six primary schools in what the LA calls its West Central planning area. The LA has pointed out that there are a further six primary schools in its East Central planning area and that these are nearby. It has given me forecast data covering both planning areas, and I shall refer to this below.

22. As of 11 October 2025, the numbers of children at the school in its different year groups, together with the number of classes for each, was as follows:

	<b>Year R</b>	<b>Y1</b>	<b>Y2</b>	<b>Y3</b>	<b>Y4</b>	<b>Y5</b>	<b>Y6</b>	<b>TOTALS</b>
<b>Number of children</b>	59	87	89	89	98	93	90	605
<b>Number of classes</b>	2	3	3	3	4	3	3	21

The school's Year R PAN has risen as high as 120 during these years to accommodate increased demand, then fallen to its present figure of 90, the PAN contained in the arrangements for 2025 and those for 2026.

23. The number of preferences and first preferences which were expressed by parents for places at the school in the last three years was:

	<b>2023/24</b>	<b>2024/25</b>	<b>2025/26</b>
<b>All preferences</b>	155	173	133
<b>First preferences</b>	71	85	55

24. The latest forecast of future need at the school, in the school's planning area (West Central) and in the neighbouring East Central planning area provided to me by the LA shows:

<b>Year</b>	<b>Forecast of need for Year R places at the school  (current PAN in brackets)</b>	<b>Forecast of need for Year R places (West Central)  (current PAN total in brackets)</b>	<b>Forecast of need for Year R places (East Central)  (current PAN total in brackets)</b>
<b>2026</b>	60 (90)	337 (425)	398 (510)
<b>2027</b>	41	304	344
<b>2028</b>	60	390	378
<b>2029</b>	40	356	388

It can be seen from the above tables that:

- (i) there has been a steep decline between 2024 and 2025 in the number of first preferences and total preferences for a Year R place at the school. A letter from the LA to the Diocese as part of the notification process concerning the variation request states that the decline in first preferences for the school has been nearly 30 percent in the last five years.
- (ii) the forecast of need for Year R places at the school does not rise above 60 in any of the years for which a forecast is available;

- (iii) if the requested variation for 2026 is approved, then the number of Year R places in the planning area will reduce to 395. If that total PAN remains in place for 2027 and 2028, then there would be only a very marginal adequacy of places in 2028 in the school's planning area, but there would still be considerable capacity in the neighbouring East Central planning area.

25. When I met the parties, who included a representative of the Diocese, I pointed out that the school is the only primary school in Southend which has a Church of England character and asked whether any consideration had been given to the reduction in the proportion of denominational places which a reduced PAN would cause. It was pointed out, and the Chair of Governors has written to me confirming this point, that no child had been admitted to the school "under our faith-based admission criteria" in 2025. This is perhaps unsurprising, since even if a child had completed the school's SIF, if they lived in the school's catchment area they would have been admitted under that oversubscription criterion, since oversubscription criteria are applied sequentially to all applicants if a school is oversubscribed. However, it is also the case that the school was, prior to 2015, a two-form entry school and so there were fewer denominational places than is now the case.

26. After the meeting, I wrote to the LA asking it (amongst other things) to state, in terms, how the proposal would affect its duty to secure sufficiency of educational provision. Its response was in the form of a first document which gave a bullet-point account of the LA's track-record in dealing with the effect of falling birth rates in Southend since 2015 across all five of the planning areas which it uses. I am very appreciative of the effort which the LA has made to provide me with detailed information, albeit that this has sometimes seemed to go beyond what I have been seeking, as here. Unfortunately, as with other documentation which the LA has provided, I also found it difficult to marry some of the information given in this account with that provided by the LA elsewhere. The second document also gave the LA's anticipated need to remove forms of entry across the five planning areas to remain with a 5 per cent surplus, but the two tables in the two documents did not match, which is puzzling and unhelpful.

27. A critical piece of information for my consideration is the latest forecast made by the LA of the need for Year R places across the schools in the East Central and West Central planning areas for 2026 and beyond, and the LA's account of the effect of the variations requested in the context of these figures. The LA said in its reply to me that in the West Central planning area there is a "stable" surplus of places of between 2 and 5 percent, and in the East Central planning area a "surplus rising from 16 % to 26% by 2028/29". However, it is not clear which years the LA was referring to or whether these figures reflected the effect of the proposed variation, or not.

28. I have therefore carried out my own calculations using the figures shown in the above table since these are clearly set out in the LA's documentation. These show:

<b>Year</b>	<b>West Central planning area Year R forecast percentage surplus (no variation)</b>	<b>West Central planning area Year R forecast percentage surplus (If variation approved)</b>	<b>East Central planning area Year R forecast percentage surplus</b>
<b>2026</b>	20.7	14.7	21.9
<b>2027</b>	28.4	23.0	32.5
<b>2028</b>	8.2	1.3	25.8
<b>2029</b>	16.2	9.8	23.9

29. These are the figures which I shall use in my consideration of the request. As I pointed out above, if I agree the variation request, the available surplus in the immediate planning area which includes the school would, in the admissions for 2028, fall below the minimum 2 percent margin usually used by LAs. Although the request concerns only the arrangements for 2025 and 2026, I believe it appropriate to take this into consideration because once school places are lost, it is not a straightforward matter to replace them if they are needed. I have explained this above in relation to the determined PAN, but it is for this reason also that I have been concerned to understand what I have been told about the intention to remove part of the school's accommodation from use at some point in the near future. I shall refer to this below.

30. There is a further point which I need to bear in mind in this case and that is that the adjacent planning area shows a significant surplus in Year R provision throughout the period of the LA's available forecast, as I have shown above. The LA divides the central part of Southend into the two planning areas, but it might easily not do so, since the combined area is itself geographically compact. I have used Googlemaps, and the maps showing the location of schools which the LA sent to me, to estimate that, taken together, the two planning areas span an area which is about 3.5 miles from east to west and about 2 miles from north to south. So, families located in any part of this area would be able to access most of the 12 schools which the area contains with relative ease.

31. The LA's forecast shows that of these 12 schools, all 6 in the East Central planning area are predicted to have surplus Year R places in 2026, 2027 and 2028. Five of these six are currently rated as "good" by Ofsted. The combined percentage of surplus YR places in the two planning areas in each of these years (if I agree the variation request for 2026, and

this remains the school's PAN throughout) are 18.8 percent, 28.4 percent and 15.1 percent respectively. In other words, if I agree the requested variation for 2026, there are many accessible Year R places at 'good' schools for parents living in the area.

32. I have also considered the matter of whether parental preference would be denied if I agree the variation request. Only 55 first preferences were expressed for the school in 2025/6. Given the total Year R forecast of need for each year 2026, 2027 and 2028 does not exceed the requested PAN, it is probable that all first preferences in these years would be satisfied, and that parental preference would not be denied if I agree the request for a PAN of 60 in 2026. Places for the 2025 year group have already been allocated and accepted. There are 59 children on roll, which leaves one vacant place,

33. In summary, I have concluded that the requested variations do not compromise the need for Year R places locally, even though my approving them would result in there being little margin for error in 2028 if the PAN remained the same, because of the level of surplus provision in good schools nearby. I can see no reason to believe that any unfairness would result to children for the same reason. Neither is parental preference likely to be denied, as I have said.

#### The school and its accommodation

34. For the reasons given above, I have tried to understand what implications, if any, there are for my decision arising from the school premises issues which have been raised with me. These were also outlined above. It could have been that if there was no choice as to whether both sites could remain in operation and that the school would therefore need to reduce to two forms of entry simply because it had no space for a third class in Year R. I have sought to understand, if this were so, for which year that would be the case, since it may have been for 2026.

35. I have been informed that the Diocese owns the East Street site, that it is leased to the LA, and that the cost of £90,000 per annum is reclaimed from the DfE. The LA has said that the DfE has questioned the need for this provision in view of the falling rolls which Southend is experiencing, and the LA is not confident that it will continue to provide the necessary funding. The LA has developed a plan to cease to use the East Street site as part of the school from September 2027.

36. Although the LA said in the form of request that the East Street site "cannot be sustained from 2025 onwards", it has not expanded on this, and it is clear that the site remains available at the present point in time. It is also clear from the responses which the LA has made to my enquiries (which were intended only to provide me with some further clarity) that the Boston Avenue site will not be able to accommodate all the classes that would be needed in 2027 even if I agree the request variations. There are 4 classes in operation in Y4 in 2025, so 19 classrooms would be needed in 2027 even if there are only two classes in Year R in 2025, 2026 and 2027. The Boston Avenue site has 18 class bases, four of which are now in use as SEN bases. So, while there is no absolute imperative that the school move to one site in 2027 (notwithstanding what the LA appeared to be saying to me), and while the LA has told me of the plans it is making to vacate the

second site, it is not certain that this will be feasible. What I can see however is that the sooner the school does become two form of entry in YR, the easier the process of vacating the East Street site will be.

37. Nevertheless, this is ultimately a matter for the school and the LA to work through and cannot be my prime consideration – which has to be whether the variation which has been requested would negatively affect either the LA’s capacity to secure sufficient educational provision locally or deny parental preference or cause unfairness to some children. I have dealt with all these matters above.

38. The school has also told me that it is keen, for obvious financial reasons, to be able to avoid then need to employ a third teacher in Reception, either for the remainder of the 2025/26 school year or in September 2026. It has also responded to my enquiry about the possibility of it moving to mixed-age teaching in the early years. It has explained that the current physical lay-out of the East Street site makes this difficult and that mixed-age teaching would require a wholesale reorganisation of the way the building is used, which I can understand.

39. On balance, although the forecast of the need for Year R places does reach 60 again in the future, for the reasons I have given above, I approve the request that the school’s PANs for both 2025 and 2026 be reduced from 90 to 60.

## Other matters

40. The arrangements for 2025 and 2026 are identical in every respect other than the dates which are used within them. Having considered both as a whole, it appeared to me that there are matters which may not conform with the requirements of the Code and so I brought them to the attention of the Admission Authority. These matters are:

- the oversubscription criterion which gives priority to “Children whose parents/carers are committed to the worship ....at another Christian Church or any other world faith [sic]” does not comply with the requirement of paragraph 1.8 of the Code that oversubscription criteria are objective in nature. It is not possible for a commitment to a future action to be attested to independently and it cannot therefore be objective in nature.
- the SIF (which forms part of the admission arrangements) asks for information which has already been provided via the LA Common Application Form (CAF) or which has no bearing on decisions about the school’s oversubscription criteria and so is contrary to paragraph 2.4 of the Code.
- the statements which the Code (in paragraphs 2.15 and 2.17) says **must** be included in admission arrangements are not present in the arrangements.

41. Paragraph 1.8 of the Code says:

“Oversubscription criteria **must** be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation.”

42. Paragraph 2.4 of the Code says:

“In some cases, admission authorities will need to ask for supplementary information forms in order to process applications. If they do so, they **must** only use supplementary forms that request additional information when it has a direct bearing on decisions about oversubscription criteria or for the purpose of selection by aptitude or ability.”

43. The school’s SIF simply sets out the oversubscription criteria and asks parents to “Indicate here the category under which you seek admission for your child” and asks parents to supply information such as their address (which will already have been supplied via the LA’s CAF) and the gender of the child (which is not relevant to a consideration of their application). The SIF goes on to say that applications “under” the oversubscription categories that refer to religious attendance must be accompanied by supporting evidence and that “failure to provide this evidence will result in the application being assigned to another relevant category.” This is not compliant with the Code’s description of how applications for places at a school are to be considered by an admission authority against its determined admission arrangements, since parents request a place at a school, and do not apply under a single category only. The Code says (in paragraph 1.7) that:

“All schools **must** have oversubscription criteria for each ‘relevant age group’ and the highest priority must be given, unless otherwise provided in this Code, to looked after children and all previously looked after children .....Oversubscription criteria **must** then be applied to all other applicants in the order set out in the arrangements.”

44. Paragraph 2.15 of the Code requires all determined admission arrangements to contain a statement set out there concerning the operation of waiting lists, and paragraph 2.17 requires the same concerning admissions to a school of children below compulsory school age. Both are mandatory requirements and neither statement is included in the school’s admission arrangements, either those for 2025 or those for 2026.

45. The Admission Authority has told me that it will address these matters, as permitted by paragraph 3.6 of the Code, which is welcomed. However, as determined, the arrangements for both 2025 and 2026 fail to comply with what the Code requires for the reasons I have given. The Code also requires that the arrangements (for both years) be amended to address the points set out here.

## Determination

46. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variations to the admission arrangements determined by the Governing Body of St Mary's Prittlewell, for 2025 and 2026.
47. I determine that for admission in 2025 and 2026, the school's PAN shall be 60.
48. I have also considered the arrangements under section 88I(5) and find that they do not comply with requirements relating to admission arrangements in the ways set out in this determination.
49. 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 this determination.

Dated: 14 November 2025

Signed:

Schools Adjudicator: Dr Bryan Slater