



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** VAR2730

**Admission Authority:** The governing body for Holy Trinity Church of England (Aided) School

**Local Authority:** Buckinghamshire County Council

**Date of decision:** 29 May 2026

### Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by the governing body for Holy Trinity Church of England (Aided) School for 2026/27.

I determine that for admissions in 2026/27 the published admission number shall be 64 and the oversubscription criteria will include, under criterion 3, priority for “Children who were on roll at Little Marlow Church of England Infant School on 1 September 2025” instead of “Children on the roll at Little Marlow Church of England Infant School on the published date for application in the year of entry”.

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 governing body, as the admission authority for Holy Trinity Church of England (Aided) School (the School), referred to the adjudicator a proposal for a variation to the admission arrangements for the School for 2026/27 (the arrangements).
2. The School is a voluntary aided school for children aged seven to eleven years in Marlow, Buckinghamshire. The School has a Church of England religious character and its faith body is the Diocese of Oxford. It is federated with Little Marlow Church of England School, also in Marlow and which provides for children aged four to seven years old (Little

Marlow Infant School) and the two schools share a governing body. Little Marlow Infant School has been a feeder school for the School. Little Marlow Infant School will close from September 2026 and currently has five pupils in year 2 and no other pupils.

3. Marlow Infant School is also a feeder school to the School. These three schools (Marlow Infant School, Little Marlow Infant School and the School) are the only infant and junior schools in the planning area for the School. The planning area contains schools in and around the town of Marlow. All other schools provide for children from reception to eleven years, which I will refer to as primary schools for the sake of ease of reference. Another school in the planning area, St Peter's Catholic Primary School (St Peter's), will also close in August 2026 and so will admit no children in September 2026.

4. The parties to the request are:

- a. the governing body;
- b. Buckinghamshire County Council (the local authority); and
- c. the Diocese of Oxford (the faith body).

5. The proposed variation is that:

- a. the published admission number (PAN) be reduced from 90 to 64 for admissions in 2026/27; and
- b. the oversubscription criteria for the School to be amended to give priority to children who were attending Little Marlow Infant School on 1 September 2025.

## Jurisdiction and procedure

6. 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”.

7. The arrangements for the School were determined by the governing body on 15 October 2024. The governing body has provided confirmation that the appropriate bodies have been notified of the proposed variation in line with the Code. I find that the appropriate procedures were followed, and I am satisfied that the proposed variation is within my jurisdiction.

8. I have also used my power under section 88I of the Act to consider the arrangements 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. The information I have considered in reaching my decision includes:

- a) the referral from the governing body received 14 May 2026 and supporting documents;
- b) the determined arrangements for 2026/27 and the proposed variation to those arrangements;
- c) responses from the governing body, the local authority and the faith body to my requests for further information;
- d) a map showing the School and other schools in the planning area for the School;
- e) information available on government websites including:
  - 'Get Information About Schools' (GIAS);
  - 'Financial Benchmarking and Insights Tool' (FBIT); and
  - Ofsted; and
- f) the website for the School and the federation.

10. 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.

11. I note here that the arrangements for 2027/28 have been determined. This means that if I agree to the governing body's request to vary the arrangements for 2026/27 as proposed, it will be for that year only and will not have a bearing on subsequent years. I anticipate that the governing body will wish to amend the arrangements for 2027/28 and will request a variation in order to do so.

## Consideration of proposed variation

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

13. I will first consider the request to reduce the PAN from 90 to 64. The governing body has proposed that the PAN is reduced to 64 to reflect reduced demand and to allow efficient use of resources. The School has had three classes per year group and states that the numbers only warrant two classes per year group and to provide three classes for the incoming year 3 on the likely numbers would lead to financial problems. I will consider if such a reduction is warranted in light of demand for school places in the area and parental preference.

14. The local authority has a duty to ensure that there are sufficient places for the children in its area. To fulfil this duty the local authority assesses the likely future number of places to be needed and plans to meet that need. The local authority uses planning areas, which are geographical areas and the schools within those areas, for this purpose. The year of entry for the School is year 3 and it is the only school in the planning area which does so. Similarly, from September 2026, Marlow Infant School will be the only school that only provides education until the end of year 2.

15. As explained above, another school (St Peter's) in the planning area will also close at the end of August 2026. These are significant changes that reflect falling demand locally. In 2025, the sum of the PANs for the schools in the planning area that admit to reception was 285 with 235 children admitted. For 2026, the sum of the PANs for the schools in the planning area which admit to reception will be 240 and 217 children have been allocated places. These figures are evidence that demand for the School, which admits children to year 3, will reduce.

16. The parents of children attending an infant school can apply for a place in year 3 at a primary school, which would be an in year admission, or a junior school. Broadly most children will go onto a junior school from an infant school. I have therefore focused on the numbers in the infant schools and the junior school to assess the demand for places. However, I asked the local authority for the number of vacant places in the current year 2 classes in the primary schools to ascertain any flexibility. The local authority provided its assurance that there would be sufficient places in the area taking into account the pupils in year 2, the number of allocations already made for year 3, and the need for additional places for any child moving into the area or other reason for requiring a school place. In effect, the local authority anticipates that across the primary schools there would be at least 16 places available in September 2026. I note that this includes places allocated for the other primary school closing.

17. The places for September 2026 have already been allocated at the School with 61 offers admitted made. This is sufficient for all those children attending one of the infant

schools in year 2 and leaves three vacancies. Table 1 illustrates the trend in pupil numbers for the School.

**Table 1: data on admissions to the School for year 3**

	2024	2025	2026
<b>School's PAN</b>	90	90	90
<b>Number of first preferences</b>	78	75	64
<b>Number of children admitted (2024 and 2025) or forecast (2026)</b>	79	78	61
<b>Vacant places (actual or forecast as above)</b>	11	12	29

18. The School is not one subject to the School Admissions (Infant Class Sizes) (England) Regulations 2012 (the Infant Class Size Regulations) which largely limit class sizes for infant children to 30. However, for educational reasons few schools wish to have classes that are significantly more than 30.

19. Schools are largely funded on the basis of pupil numbers. The costs of providing a small class can be higher than the income derived from the pupils. In other words, if a class has around 23 pupils, for example, then the costs of providing the class may be higher than the income derived from the pupils within it. This can lead to financial deficit over time if not addressed.

20. The evidence of demand is that there would be no need for the School to provide three classes for year 3. However, if the PAN were to remain at 90 then the governing body would have to admit any child for whom a place was requested until 90 places were offered. For example, if six children were to wish to join the School in the 2026/27 academic year, and 64 children had been admitted already, there would be 70 pupils which is too many, by most standards, for two classes and too few for three classes economically.

21. The governing body has provided figures showing that if the School had to provide three classes, it would soon be in a financial deficit. The figures also show that in three years the School would have a financial deficit with two classes, but it has time to find ways to address that. Running three classes on the numbers anticipated for year 3 in September 2026 would lead to a significant deficit which would be hard to address.

22. The local authority and the faith body have both expressed their support for the reduction in the PAN to 64. I have taken into account demand for school places at the School and in the area and find that the rationale for a PAN of 64 is sound and justified by the circumstances. I agree that the PAN can be 64 for 2026/27.

23. The governing body also wishes to amend the oversubscription criteria in light of the closure of Little Marlow Infant School from September 2026. The arrangements set out the following oversubscription criteria (in summary):

- 1) Looked after and previously looked after children
- 2) Exceptional social or medical need to attend the School
- 3) Children on the roll of Little Marlow Infant School or Marlow Infant School on the published date for application in the year of entry
- 4) Children living in the catchment area for the School with a sibling at the School
- 5) Children of teaching staff or teaching staff being recruited to fill a post for which there is a demonstrable skills shortage
- 6) Children living in the catchment area
- 7) Children living outside the catchment area with a sibling at the School
- 8) Other children.

24. The current third oversubscription criterion is (in full):

“Children on the roll at Little Marlow Church of England Infant School on the published date for application in the year of entry

Children on the roll at Marlow Church of England Infant School on the published date for application in the year of entry.”

25. The governing body wish to amend this to read:

“Children who were on roll at Little Marlow Church of England Infant School on 1 September 2025 and

Children on the roll at Marlow Church of England Infant School on the published date for application in the year of entry.”

26. I asked the governing body to explain why it had requested this amendment to the third criterion and I was provided with minutes of the meeting of the governing body on 16 December 2025. These explain that parents had moved their children from Little Marlow Infant School because that school was closing but some still wanted their children to join the School for year 3. In light of the particular circumstances, the governing body wanted to give these parents, whose children had attended Little Marlow Infant School previously, assurance that their children would still have a high priority for the School in the oversubscription criteria. These are unusual circumstances and the children concerned are likely to have attended the Little Marlow Infant School for the majority of their education. I agree that this change is justified by the circumstances. I therefore agree both elements of the variation.

## Other matters

27. Having considered the arrangements 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 governing body. These matters are (paragraphs of the Code are indicated where relevant):

a. The arrangements refer to statements of special educational need. These no longer exist and so references to them make the arrangements unclear (14).

b. Criterion 3 is:

“Children on the roll at Little Marlow Church of England Infant School on the published date for application in the year of entry

Children on the roll at Marlow Church of England Infant School on the published date for application in the year of entry.”

This is unusually specific, except the date is not entered (presumably on or about 15 January) and implies that if a late application were to be made for a child who joined one of these schools after this date, then the child would not meet the criterion. This could be unfair (14 and 1.8).

c. Criterion 5 of the oversubscription criteria is:

“Children of permanent members of the teaching team or children of a parent who is being recruited to fill a teaching vacancy for which there is a demonstrable skill shortage”.

Paragraph 1.39 of the Code says:

“Admission authorities may give priority in their oversubscription criteria to children of staff in either or both of the following circumstances:

- where the member of staff has been employed at the school for two or more years at the time at which the application for admission to the school is made; and/or
- the member of staff is recruited to fill a vacant post at the school for which there is a demonstrable skill shortage.”

As there is no reference in the criterion to the member of the teaching team having been employed at the School for two or more years, the arrangements do not comply with the Code in this regard or the arrangements are not clear (14, 1.8 and 1.39).

d. Paragraph 2.18 of the Code says:

“Parents may seek a place for their child outside of their normal age group, for example, if the child is gifted and talented or has experienced problems such as ill health. In addition, the parents of a summer born child may choose not to send that child to school until the September following their fifth birthday and may request that they are admitted out of their normal age group – to reception rather than year 1. Admission authorities **must** make clear in their admission arrangements the process for requesting admission out of the normal age group.”

The arrangements do not make the process for applying clear, which would need to include what information will be taken into consideration as explained in paragraph 2.19 of the Code. The arrangements do not comply with the Code in this respect.

- e. Paragraph 14 of the Code requires admission arrangements to be clear. The oversubscription criteria include priority on the basis of a catchment area and links are provided in the arrangements. Unfortunately these links do not appear to work. Information on the catchment area is part of the arrangements and its lack makes the arrangements unclear (14, 1.8 and 1.14).

28. The governing body has told me that it will address these matters, as permitted by paragraph 3.6 of the Code, which is welcomed. As the governing body has accepted that changes are required, I will not discuss them further other than to make clear that the Code requires that the arrangements be amended to address the points set out here.

## Determination

29. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by the governing body for Holy Trinity Church of England (Aided) School for 2026/27.

30. I determine that for admissions in 2026/27 the published admission number shall be 64 and the oversubscription criteria will include, under criterion 3, priority for “Children who were on roll at Little Marlow Church of England Infant School on 1 September 2025” instead of “Children on the roll at Little Marlow Church of England Infant School on the published date for application in the year of entry”.

31. 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.

32. 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: 29 May 2026

Signed:

Schools Adjudicator: Deborah Pritchard