



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2676

Admission Authority: The Governing Body of Buxton School,
Leytonstone

Local Authority: London Borough of Waltham Forest

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 of Buxton School for September 2026.

I determine that, for admission in September 2026 into Year 7, the published admission number will be 120.

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 of Buxton School has referred to the adjudicator a proposal for a variation to the admission arrangements for the Buxton School, Leytonstone (the School) for September 2026 (the Arrangements).
2. The School is an all-through foundation school for children aged three to sixteen. It is located in the London Borough of Waltham Forest. It is a co-educational, non-selective school with no designated religious character.

3. Parties to the request are the Governing Body of the School who are the Admission Authority for the School, the School, and the London Borough of Waltham Forest (the Local Authority).

4. The proposed variation is that the published admission number (the PAN) for admission to Year 7 in September 2026 is reduced from 150 to 120. As the School is an all-through school, Year 6 pupils attending the School automatically transfer to Year 7. The revised PAN for Year 7 entry in September 2026 would, therefore, include up to 60 pupils automatically transferring from Year 6 to achieve a total number of pupils in Year 7 of 120.

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 were determined by the Admission Authority on 15 April 2026. This is after the deadline for determining arrangements which was 28 February 2025. This does not affect the validity of the Arrangements or my power to consider them or the proposed variation.

7. The Admission Authority has provided me with confirmation that the appropriate bodies have been notified of the proposed variation in line with the Code.

8. I find that the appropriate procedures were followed, and I am satisfied that the proposed variation is within my jurisdiction.

9. 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.

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

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

- the referral from the Admission Authority dated 10th December 2025 and supporting documents;
- the determined Arrangements for September 2026 and the proposed variation to those Arrangements;
- responses from the Local Authority and the School to my requests for further information;
- maps, including Google Maps and those showing the location of the School; and
- information available on gov.uk websites (including the 'Get Information About Schools' (GIAS) and 'Financial Benchmarking and Insights Tool' (FBIT) websites), and on the websites of the Local Authority, the School and Ofsted.

12. I have been provided with requested information and data by the Local Authority and the Admission Authority, which I have reviewed. I have referred only to that which has a bearing on my determination.

13. There is no formal consultation required for a variation and so parents and others do not have the opportunity to express their views. It is, therefore, generally preferable for changes to arrangements to be 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.

14. I note that the Arrangements for September 2027 have already been determined with the PAN set at 120.

Consideration of proposed variation

15. 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.

16. The Admission Authority explained that the reason for it seeking a variation is due to the decreasing number of parents applying for a place at the School. This is a result of local housing issues in the area leading to families being relocated out of London. In addition, the School's primary phase numbers have experienced consistent decline over the past five years, resulting in fewer pupils transferring automatically into Year 7.

17. The decline in pupil numbers has led to a forecast deficit budget. This is increasing despite a staff restructure and cost cutting in all areas of the School's resources and organisation.

18. The Admission Authority states that the impact of reduced numbers across both phases of education is compounding issues for the School and believes that “an immediate, strategic approach to make the school less financially vulnerable” is needed.

19. The variation is, therefore, proposed to reduce the PAN for the School in September 2026 from 150 to 120 to support the School. The reduction in PAN is intended to reduce the costs for the School and help with the projected budget deficit.

20. I have considered the data provided by the Admission Authority. Table 1 below shows the actual and predicted number of pupils on roll at the School from September 2025 to September 2028. The School is currently undersubscribed in most year groups with projected numbers on roll declining year on year from September 2026. Spare capacity at the School, without the PAN reduction, is 8.5% this year and this would continue to increase annually.

Table 1: Actual and projected numbers on roll - September 2025 to 2028

| Academic Year | Year 7 | Year 8 | Year 9 | Year 10 | Year 11 | Total |
|-------------------------|---------------|---------------|---------------|----------------|----------------|--------------|
| 2025/26 (actual) | 107 | 136 | 158 | 147 | 138 | 686 |
| 2026/27 | 120 | 107 | 136 | 158 | 147 | 668 |
| 2027/28 | 120 | 120 | 107 | 136 | 158 | 641 |
| 2028/29 | 120 | 120 | 120 | 107 | 136 | 603 |

21. Although there are declining numbers and surplus capacity at the School, I was concerned that agreeing the PAN reduction may frustrate parental preference. I asked the Admission Authority to provide details relating to historical parental preferences and this is set out in Table 2 below.

Table 2: Parental preferences for admission to the School - September 2023 to 2026

| Academic Year | Automatic transfer | 1st Preference | 2nd Preference | 3rd Preference |
|----------------------|---------------------------|----------------------------------|----------------------------------|----------------------------------|
| 2023/24 | 37 | 43 | 23 | 14 |
| 2024/25 | 35 | 83 | 24 | 12 |
| 2025/26 | 46 | 46 | 10 | 6 |
| 2026/27 | 32 | 61 | 13 | 3 |

22. This shows that there could be a marginal impact on parental preference if the numbers of pupils automatically transferring from Year 6 were at, or close, to the 60 places allocated. However, historically the numbers automatically transferring have been much lower than this. In September 26, only 32 pupils are predicted to automatically transfer.

23. As offers have already been made for secondary school places for September 2026, I asked the Local Authority to provide details of the allocations made to the School and they informed me that 122 pupils had been allocated a place. As this is above the requested PAN variation of 120, I queried this with the Local Authority. In response, the Local Authority has subsequently confirmed that since offer day the school has had 23 refusals, and some late application acceptances, so that the current number of offers is 118 for September 2026.

24. On this basis, I am assured that parental preference for the School should be satisfied with the PAN reduction.

25. As the Local Authority has a statutory duty to ensure that there are sufficient places for the children in its area, I asked the Local Authority whether it supported the variation or not. I also asked what it expected the effects to be on its duty to provide a sufficiency of places in the area if the variation is agreed. The Local Authority responded as follows:

“The LA does support the variation as we are heading towards a fall in secondary demand due to the more recent fall in primary numbers. [The School is] fairly close to at least 3 other schools who are likely to have vacant places for year 7 pupils.”

26. In order for the Local Authority to assess the likely future number of places to be needed and plan to meet that need, the Local Authority uses planning areas, which are a geographical grouping of schools, for this purpose.

27. The School is located in the Leyton Planning Area which comprises six secondary schools, including the School. Data I have reviewed in the Waltham Forest Pupil Place Plan 2024-2030 indicates that there are currently significant surplus places across the planning area. Some level of overcapacity in the planning areas is prudent but too much may lead to financial difficulties for schools, and a balance, therefore, needs to be struck by local authorities to ensure they have enough capacity to satisfy their statutory duties but not too much as to lead to budget deficits in schools.

28. The DfE document, “Basic need allocations 2026-27 and 2027-28: Explanatory note on methodology”, refers to the need for surplus capacity “to provide an operating margin for local authorities. This helps to support parental choice, pupil population movement, and general manageability of the system.” It is clear from the data reviewed that there would still be vacant places across the planning area if I approve the proposed variation.

29. Although it is a common methodology for a local authority to use planning areas to help determine whether it would be able to meet its statutory duty to ensure there are sufficient school places in its area, parents are unlikely to take account of planning areas when applying for a school place. As part of my review, I, therefore, also looked at schools

in close proximity to the School. These are The Lammas School, Connaught School for Girls, and Norlington School for Boys. Information provided by the Local Authority showed projected spare capacity at these schools, with it being significant at both the Lammas School and Connaught School for Girls.

30. I, therefore, conclude that should the variation be approved, there is spare capacity at schools in close proximity and/or within the planning area to cater for any in-year demand for places in September 2026.

31. I will now consider the reason for the proposed variations and why the Admission Authority is seeking the reduction in the PAN from 150 to 120 in September 2026.

32. The School is largely funded based on pupil numbers, with staffing representing its most significant cost. Reducing the PAN to 120 would allow the School to operate as a four form of entry school, which is four classes of 30 pupils, in Year 7. As the School is currently operating as a six form of entry school and is staffed accordingly, a reduction to four forms of entry would allow the School to reduce the number of teachers it needs with the consequent budget savings.

33. I asked the School for details of the impact of the current surplus in places and they provided me with the following information:

- a. the cumulative surplus (or deficit) for the School as at the end of the financial year 2024-25: £216,982 deficit out-turn;
- b. the projected in-year surplus (or deficit) for the financial year 2025-26: £444,640 deficit out-turn; and
- c. financial projections for 2026-27: £619,000 forecast deficit.

34. There is clear evidence of the financial impact on the School if the PAN were to remain at 150. Limiting the PAN to 120 in September 2026 will allow the School to plan with certainty as a four form entry school and budget accordingly.

35. I have considered the impact of decreasing admission numbers on the School's finances balanced against the impact that reducing the School's PAN will have on meeting parental preference. I have also considered the Local Authority's duty to provide sufficient places in its area.

36. I am satisfied that the Admission Authority has presented a compelling argument for the variation it proposes. In particular, I have found that there should be no material impact on parental preference; the Local Authority has provided clear evidence that it will still be able to manage school places in the planning area; and the reduction supports the financial sustainability of the School.

37. I, therefore, find that the variation is justified by the circumstances and approve the proposed variation to reduce the PAN in September 2026 from 150 to 120.

38. I note that reducing the PAN does not reduce the overall capacity of the School unless accommodation is being removed from the premises. It is not being suggested that accommodation is being removed and so the physical capacity of the School remains the same. Reducing the PAN will not change that. What this means is that should there be a need for the School to increase its PAN and/or admit more children in the future than it currently expects to, there remains the capacity in the building for it to do so.

Other matters

39. 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 Admission Authority. Relevant paragraphs of the Code are noted below. Paragraph 14 of the Code is relevant to all the points that I raised and provides as follows:

“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.”

A. **Buxton School Admission to Reception and Year 7**

The Arrangements refer to a reception PAN of 60 pupils and a Year 7 PAN of 90 pupils with pupils currently in Year 6 automatically transferring to Year 7.

The School currently has 150 places in total in Year 7. This will be reduced to 120 places with the approval of the PAN variation. The Admission Authority advises that not all pupils transfer to the secondary phase and, therefore, more places are generally available to external applicants. Historically, this is the case. This would not be clear for parents and the arrangements should be amended.

B. **Children with Special Educational Needs**

Paragraph 1.6 of the Code states:

“All children whose Education, Health and Care Plan names the school **must** be admitted.”

The Arrangements do not make this clear and, therefore, do not comply with the Code.

The Arrangements also refer to the School offering a “Speech and Language Provision in its Secondary phase.” It then goes on to say that it offers a “Speech and Language Provision in both its Primary and Secondary phase” with 8 places available in the Primary Phase and 10 available in the Secondary phase. It is not stated whether these places are in addition to or part of the School’s PAN and this is, therefore, unclear for parents.

C. Oversubscription criteria

Looked-after and Previously Looked-after Children

The definition of Looked-after children and Previously Looked-after children in the Arrangements do not comply with the Code as it does not include children outside England who were previously in care, as required by paragraph 1.7 of the Code.

“Medical or Social Reasons or Children ‘At Risk’”

Paragraph 1.16 of the Code states:

“1.16 If admission authorities decide to use social and medical need as an oversubscription criterion, they **must** set out in their arrangements how they will define this need and give clear details about what supporting evidence will be required (e.g. a letter from a doctor or social worker) and then make consistent decisions based on the evidence provided.”

The Arrangements state that any need must be “permanent or long-term.” This is inconsistent with the Code as some exceptional needs may be temporary but still compelling.

“School Staff Children”

Paragraph 1.39 of the Code allows admission authorities to give priority to children of staff in their oversubscription criteria in the following circumstances:

- i. 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
- ii. the member of staff is recruited to fill a vacant post at the school for which there is a demonstrable skill shortage.

Paragraph 1.40 of the Code goes on to state:

“1.40 Admissions authorities **must** specify in their admission arrangements how this priority will be applied, for example, which groups of staff it will apply to.”

The Admission Arrangements do not comply with the Code as they do not make it clear how the priority will be applied as the group of staff where there is a demonstrable skill shortage is not identified.

“Distance”

Paragraph 1.13 of the Code states:

“1.13 Admission authorities **must** clearly set out how distance from home to the school and/or any nodal points used in the arrangements will be measured. This **must** include making clear how the ‘home’ address will be determined and the point(s) in the school or nodal points from which all distances will be measured. This should include provision for cases where parents have shared responsibility for a child following the breakdown of their relationship and the child lives for part of the week with each parent. The selection of a nodal point must be clearly explained and made on reasonable grounds.”

The Arrangements do not comply with the Code as:

- i. where applicants live in the same building, priority is given based on “whose door number is the lowest numerically and/or alphabetically,” rather than by distance. Where distance is the same, there is already a random allocation tie break within the Arrangements; and
- ii. the term “equal custody” is used. This is not a recognised legal term and this could, therefore, confuse parents.

D. Admission of Children outside their Normal Age Group

This includes the statement that “It is important for parents to note that they will have responsibility for providing evidence to support their request.” Paragraph 2.18 and 2.19 of the Code provides as follows in relation to an application for admission of children outside their normal age group:

2.18: “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.”

2.19: “Admission authorities **must** make decisions on the basis of the circumstances of each case and in the best interests of the child concerned. This will include taking account of the parent’s views; information about the child’s academic, social, and emotional development; where relevant, their medical history and the views of a medical professional; whether they have previously been educated out of their normal age group; and whether they may naturally have fallen into a lower age group if it were not for being born prematurely. They **must** also take into account the views of the head teacher of the school concerned. When informing a parent of their decision on the year group the child should be admitted to, the admission authority **must** set out clearly the reasons for their decision.”

In addition, the Department for Education has published “Guidance on Handling Admission Requests for Summer Born Children.” This guidance states:

“Admission authorities should not expect parents to get evidence they do not already have and must still consider requests that are not accompanied by evidence from professionals. Authorities should not refuse a request solely because it is not accompanied by professional evidence.”

The Arrangements are not sufficiently clear as to the process for applying and what factors are taken into account when making a decision (particularly in relation to summer-born children). They are also misleading, given the statement that parents are expected to supply evidence in support of any application.

7. Waiting Lists

Paragraph 2.15 of the Code states:

“2.15 Each admission authority **must** maintain a clear, fair, and objective waiting list until at least 31 December of each school year of admission, stating in their arrangements that each added child will require the list to be ranked again in line with the published oversubscription criteria. Priority **must** not be given to children based on the date their application was received, or their name was added to the list. Looked after children or previously looked after children allocated a place at the school in accordance with a Fair Access Protocol **must** take precedence over those on a waiting list.”

The Arrangements do not comply with the Code as they do not explicitly state that:

- i. “each added child will require the list to be ranked again in line with the published oversubscription criteria;”
- ii. priority must not be given to children based on the date “their name was added to the list;” and
- iii. “Looked after children or previously looked after children allocated a place at the school in accordance with a Fair Access Protocol must take precedence over those on a waiting list.” The Arrangements refer to “a vulnerable child” with no definition of what this means.

40. The Admission Authority has confirmed that it will address these matters by collaborating with the Local Authority, as permitted by paragraph 3.6 of the Code, which is welcomed. As the Admission Authority 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

41. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the Arrangements determined by the Governing Body of the School for September 2026.

42. I determine that, for admission in September 2026, the published admission number will be 120.

43. 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.

44. 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 Arrangements within two months of this determination.

Dated: 29 May 2026

Signed:

Schools Adjudicator: David Holland