



Office of  
the Schools  
Adjudicator

## Determination

<b>Case reference:</b>	<b>VAR2722</b>
<b>Admission Authority:</b>	<b>The Governing Body for St Patrick's Catholic Primary School, Romford, Essex</b>
<b>Local Authority:</b>	<b>London Borough of Havering Council</b>
<b>Date of decision:</b>	<b>30 June 2026</b>

### 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 St Patrick's Catholic Primary School for 2026.

I determine that for admission in 2026 the Published Admission Number will be 30.

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 for St Patrick's Catholic Primary School (the Governing Body; the Admission Authority) has referred to the Adjudicator a proposal for a variation to the admission arrangements for St Patrick's Catholic Primary School (the School or SPCP) for 2026 (the Arrangements).
2. The School is a voluntary aided school for children aged four to eleven years in Romford, Essex. It is a co-educational, non-selective school with a Roman Catholic religious character. The faith body for SPCP is the Roman Catholic Diocese of Brentwood (the Diocese). The local authority for the School is the London Borough of Havering Council (the Local Authority or LA).

3. The proposed variation is that the published admission number (PAN), which applies to admissions to the Reception Year (Year R), be reduced from 60 to 30 in the academic year beginning in September 2026.

4. Parties to the variation request are the School, the Local Authority and the Diocese.

## 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 6 June 2026. This is after the deadline for determining arrangements which was 28 February 2025. This does not affect the standing of the Arrangements or my power to consider them or the proposed variation. As the Arrangements had not been determined when the referral was submitted, this caused significant delay. If admission arrangements have not been determined, an Adjudicator has no jurisdiction to consider a variation to them.

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. 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 this 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 Admission Authority dated 20 April 2026 and supporting documents;
- the determined Arrangements for 2026 and the proposed variation to those Arrangements;
- responses from the School and the LA to my requests for further information;
- maps, including Google Maps and those showing the location of the School;
- information available on the government website ‘Get Information About Schools’ (GIAS); and
- the minutes of a meeting of the Governing Body which took place on 5 March 2026, at which the proposed variation was discussed (the March Governing Body minutes).

11. 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.

12. I note here that the Arrangements for 2027 have been determined and a PAN of 60 has been set. Consequently, if I agree to the Admission Authority’s request to vary the Arrangements for 2026 by reducing the PAN as proposed, it will be for that year only and will not have a bearing on subsequent years.

## **Consideration of proposed variation**

13. 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.

14. The Admission Authority has proposed that the PAN of the School is reduced from 60 to 30 for entry to Year R in September 2026. The referral gave the reason for seeking a variation as follows:

“As we now have National Offer Day data available, the school has been [sic] offered 30 places and this includes one Local Authority allocated place.

As at National Offer Day, there are 85 reception vacancies in the planning area. Reducing St Patrick’s Catholic Primary School to a PAN of 30 would reduce the vacancies in the planning area to 55, which is more than enough places to meet in year demand throughout the 2026/27 academic year. It would also help stabilise the

other schools in the area by reducing the number of unfilled places across the planning area. . .

It will be financially unviable for the school to arrange the reception cohort over two classes for the academic year. Running 2 reception classes for the September 2026 intake when only 30 offers have been made will place significant financial challenges on the school.

Approving the in year variation to reduce the PAN of the school from 60 to 30 for September 2026, will provide the school with the stability required to manage the financial challenge of having fewer pupils in reception.”

15. The referral also made the following assertion:

“As St Patrick’s Catholic Primary School is a faith school, it would not be the most appropriate school to meet in year demand due to the faith based admissions criteria of the school.”

16. Although a school which has been designated as having a religious character may prioritise applicants on the basis of faith, this does not preclude children who do not fulfil any faith criteria from applying to, or being admitted into, such a school. If, say, SPCP admits a number of children which is below its PAN and subsequently receives in-year applications for Year R places, it must admit those applicants until at least the level of the PAN is reached. Oversubscription criteria must only be used when the number of applications received exceeds the number of places available, including to prioritise any children on a waiting list. Consequently, I have given no weight to the above assertion.

17. The Diocese did not provide any comment on the proposed variation. The Local Authority expressed its support, stating:

“The Local Authority is in support of this variation. Reducing the number of places at St Patrick’s Catholic Primary School would prevent the school from carrying a large surplus of places, which would otherwise place a financial burden on the school.

The in-year variation will also help to stabilise the other schools in the area by reducing the number of unfilled places across the planning area, whilst still having enough places in the planning area to meet in year demand.”

18. I have given careful consideration to the latest available data in order to form a view about the sufficiency of school places in the local area if the PAN of the School is reduced from 60 to 30. I have also considered the demand for places at the School, the potential effect of the proposed PAN reduction on meeting parental preference, and whether the proposed reduction is justified taking into account all relevant circumstances.

19. The Local Authority has a duty to make sure that there are sufficient places for the children in its area. It uses planning areas, which are geographical areas each containing a number of schools, for this purpose. In the Collier Row planning area to which the School belongs, there are seven schools (including the School) which admit pupils to Year R. Table

1, below, shows: the sum of the PANs at those schools; and the number of children offered a place on National Offer Day (NOD) in each of 2023, 2024, 2025 and 2026. Table 1 also demonstrates the effect on surplus places of reducing the PAN of the School as has been proposed.

**Table 1: School places in the planning area, and the number of children offered a place**

	2023	2024	2025	2026
<b>Number of places in Year R in schools in the planning area (with a PAN of 60 for the School)</b>	525	525	525	525
<b>Number of children offered a place</b>	487	512	413	410
<b>Vacant places</b>	38	13	112	115
<b>Vacant places as a percentage of total places</b>	7.24	2.48	21.33	21.90
<b>Number of places in Year R if variation approved (with a PAN of 30 for the School)</b>	N/A	N/A	N/A	495
<b>Vacant places if variation approved</b>	N/A	N/A	N/A	85
<b>Vacant places as a percentage of total places if variation approved</b>	N/A	N/A	N/A	17.17

20. The Department for Education document, “Basic need allocations 2026-27 and 2027-28: Explanatory note on methodology”, refers to the need for two per cent surplus capacity “to provide an operating margin for local authorities. This helps to support parental choice, pupil population movement, and general manageability of the system”. From the data in Table 1, I am satisfied that if the PAN of the School were to be reduced to 30 for 2026, there would be sufficient places available in the area for any children who might be seeking a Year R place.

21. I will now consider the demand for places at the School. Table 2 shows the number of first preference applications received, and the number of offers made on NOD, for 2026 and in the previous two years.

**Table 2: The number of first preference applications for the School, and the number of children offered a place, for each of 2024, 2025 and 2026.**

	<b>2024</b>	<b>2025</b>	<b>2026</b>
<b>The PAN for the School</b>	60	60	60
<b>Number of first preferences</b>	41	38	24
<b>Number of children offered a place</b>	56	39	30

22. Table 2 shows a decline over time in the number of parents expressing a first preference for the School. The data also show that all the children whose parents wanted their child to be admitted to SPCP have been offered a place for September 2026; the number of offers is significantly below the PAN.

23. As NOD has passed, the proposed variation would have no effect on parental preference in respect of applications received as part of the normal admissions process for September 2026. However, if the proposed variation is approved, then no vacant places will remain at the School. I cannot, therefore, rule out the possibility that some parents may be disappointed: namely, those who have or may apply late, and parents who seek a place during the course of the 2026/27 school year. As set out earlier, there are Year R places available within the planning area. As of NOD, four of the other six schools in the planning area each had several vacant spaces for September 2026.

24. The School is affected by the provisions of the School Admissions (Infant Class Size) (England) Regulations 2012 which require that infant classes (those where the majority of children will reach the age of five, six or seven during the school year) must not contain more than 30 pupils with a single qualified schoolteacher except in specific exceptional circumstances. The infant class size regulations apply to Year R, Year 1 and Year 2. Children at the School are currently organised into fourteen, single age classes (two for each year group). If the variation was agreed then all Year R children could be taught in a single class, reducing the total classes to thirteen and resulting in financial savings.

25. If the PAN remained at 60 and, say, one late applicant was admitted to the School, there would be 31 children in Year R. Those children could not be taught by a single teacher without breaching the Infant Class Size Regulations. Unless mixed in with other year groups, the Year R children would need to be taught in two small classes, which is unlikely to be financially viable. As the PAN would apply to Year R for the entirety of the 2026/27 academic year, the School would also be required to admit any child whose parents requested a Year R place, until 60 children had been admitted. Even if the number of children admitted on the first day of term in September 2026 was 30 or fewer and the School was able to operate a single Year R class, any in-year admissions would be likely to necessitate a reorganisation of classes midway through the year. If, however, the proposed variation was agreed, the School would be able to plan with certainty that in September 2026 staffing for a single Year R class would be required.

26. After carefully weighing the above factors, I consider that it is reasonable to conclude that the proposed variation is justified by the circumstances. I approve the proposed variation to reduce the PAN for 2026 to 30.

27. I note here 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 admit more children than it currently expects to, there remains the capacity in the building for it to do so.

28. For the avoidance of doubt, I wish to address a number of points that arise from the following excerpt from the March Governing Body minutes:

“Due to the falling numbers the Local Authority have asked whether our school would go down one class. We will be allowed a bulge class in the future if necessary. The Local Authority stated that it will be for one year only although [a governor] has her doubts.”

29. In respect of this:

- It is for the Governing Body to determine the School's admission arrangements, which includes setting the PAN.
- The reduction of the PAN to 30 is for one year only. The PAN for 2027 has been set at 60 and cannot be reduced unless the Governing Body submits a proposal to the adjudicator and that proposal is agreed.
- If the Governing Body wishes to reduce the PAN of the School for years for which arrangements have not yet been determined, then it may do so providing the requirements for consultation, as set out in the Code, are met. Own admission authorities are not required to consult on their PAN where they intend to increase it or keep it the same.
- The Code provides for an admission authority to admit above its PAN if it so chooses.

30. In other words, there is no question of whether the School would need to be “allowed” to admit more children, including to create a “bulge class”, or to increase its PAN. Those decisions are within the gift of the Governing Body.

## Other matters

31. 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. These matters are set out below (with paragraphs of the Code indicated where relevant).

32. The LA has provided assistance to the School such as suggested, revised wording. Whilst this may be most helpful, I make it clear that it is the responsibility of the Governing Body to ensure that its admission arrangements comply with the requirements of the Code.

33. Paragraph 1.49 of the Code states:

“All admission authorities must determine their admission arrangements, including their PAN, every year, even if they have not changed from previous years and a consultation has not been required by 28 February in the determination year.”

34. As the determination year is the academic year beginning two years before the year to which the arrangements relate, this means that arrangements for 2026 should have been determined by 28 February 2025. As the arrangements were determined in June 2026 the Governing Body did not act in accordance with the Code.

35. Paragraph 1.50 of the Code requires that admission authorities publish their determined arrangements by 15 March in the determination year. There was a statutory requirement for the arrangements for entry into the school in 2027 to be published by 15 March 2026. The arrangements for 2027 had not been published at the time at which the referral was submitted, which was contrary to the Code; this has now been rectified.

36. Admission authorities must set a PAN as part of determining admission arrangements. Although the determination of the Arrangements shows that a PAN was set, this is not included in the Arrangements, which are therefore contrary to the Code. (Paragraph 1.2).

37. The Arrangements refer to pupils with “a Statement of Special Educational Needs”. Statements of special educational need no longer exist, having been replaced by Education, Health and Care plans. Use of an obsolete term renders the Arrangements unclear and contrary to paragraph 14 of the Code.

38. In the event of oversubscription, after the admission of any child with an Education, Health and Care plan which names the School, the criteria used to prioritise applicants are, in summary:

1. Baptised Catholic looked after and previously looked after children.
2. Baptised Catholic Children who are “resident in the parish”.
3. Other Baptised Catholic children.
4. Other looked after and previously looked after children.
5. Catechumens and members of an Eastern Christian Church.
6. Christian children of other denominations, whose applications is supported by a minister of religion.
7. Any other children.

39. The Arrangements state:

“Within each of the categories listed above, the following provisions will be applied.

- (i) The attendance of a ‘brother or sister’ at the school at the time of enrolment will increase the priority of an application within each category.
- (ii) Priority after (i) above will be given in each of the oversubscription criteria [sic] to children of staff (specifically teachers) in either or both of the following circumstances.
  - a. 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
  - b. the member of staff is recruited to fill a vacant post at the school for which there is a demonstrable skill shortage.”

40. The Arrangements do not comply with paragraphs 1.40 and 14 of the Code as it is not clear how the priority afforded to a member of staff recruited to fill a post “for which there is a demonstrable skill shortage” will be applied. To put it another way, it is not clear how a member of staff would know whether or not they would be included in this criterion or how they should ascertain this.

41. The Arrangements state (my underlining for emphasis):

“If you do not provide the information required in the SIF and return it by the closing date, together with all supporting documentation, your child will not be placed in criteria 1 to 3, 5 or 6, and will be placed in category 7.”

42. As this underlined statement does not allow for applicants to be prioritised under the fourth criterion (looked after and previously looked after children who do not fulfil the Catholic faith criteria) it is contrary to the Code. (Paragraph 1.7).

43. The Arrangements use the term “category” to refer to oversubscription criteria. As this term is not defined it is likely to be confusing and is therefore contrary to the requirement for clarity in paragraph 14 of the Code.

44. The Arrangements state (my underlining for emphasis):

“A child is entitled to a full-time place in the September following their fourth birthday. A child’s parents, in agreement with the school, may request to defer the date at which their child, below compulsory school age, is admitted to the school, until later in the school year, but not beyond the point at which they reach compulsory school age, or beyond the beginning of the final term of the school year for which an offer was made. Again, in agreement with the school, a child may take up a part-time place until later in the school year, but not beyond the point at which the child reaches compulsory school age.”

45. The rights of parents to defer admission, and to part-time attendance, are set out in paragraph 2.17 of the Code. These are rights that cannot be denied; as such there is no request to be made and agreement is not required. Consequently, the Arrangements are contrary to that paragraph of the Code.

46. The Arrangements state that, “the parents of a summer born child, i.e. a child born between 1st April and 31st August, may request that the child be admitted out of their normal age group, to reception rather than year 1”.

47. However, the Arrangements do not make clear the rights of a parent of a summer born child to choose not to send that child to school until the September following their fifth birthday. Consequently, the above statement is incomplete and the Arrangements do not comply with the requirement for clarity set out in paragraph 14 of the Code, or with paragraph 2.18.

48. In respect of the admission of children outside of their normal age group, the Arrangements state:

“Any such request should be made in writing to the Admissions Manager, London Borough of Havering, Town Hall, Romford RM1 at the same time as the admission application is made. The Admissions Manager will advise the schools governing body who will make its decision about the request based on the circumstances of each case and in the best interests of the child. In addition to taking into account the views of the head teacher, including the head teacher’s statutory responsibility for the internal organisation, management and control of the school, the governing body will take into account the views of the parents and of appropriate medical and education professionals, as appropriate.”

49. Admission arrangements must make clear the process for requesting admission out of the normal age group. I find it likely that a parent reading the Arrangements would not know what the Admission Authority will take into account when considering a request and therefore will not be sufficiently informed to make such a request. Further, the statement that “the governing body will take into account the views. . . of appropriate medical and education professionals” is unclear. I note that the governors have no right to approach professionals themselves to obtain evidence, or to discuss an individual child for whom an application has been made, without the explicit consent of the parents. To do so would be an infringement of the child’s privacy rights. For these reasons, the Arrangements are contrary to paragraphs 14, 2.18 and 2.19 of the Code.

50. The Arrangements contain a section entitled “Admission of Service or Crown Servant Children” which uses language such as “admission authorities must”. This section appears to be an excerpt from the Code; the Arrangements are consequently unclear. (Paragraph 14).

51. Paragraph 1.13 of the Code states:

“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.”

52. As the Arrangements do not define home address, including where parents have shared care, they are contrary to the Code.

53. The Admission Authority has told me that it will address these matters, 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.

54. There was one matter on which the School disagreed with my view. The second oversubscription criterion prioritises applicants who are “resident in the parish”. Note 9 of the Arrangements is provided to support this criterion and states, in its entirety:

“For the purposes of this policy, parish boundaries are as shown on the map and will be applied to the admission arrangements for

La Salette – Our Lady of La Salette

St Alban’s – St Alban’s or English Martyrs

St Joseph’s – St Joseph’s or English Martyrs

St Mary’s – St Mary, Mother of God

St Peter’s – St Edward the Confessor

St Patrick’s – Corpus Christi

St Ursula’s – St Dominic, Most Holy Redeemer or Christ the Eternal High King.

“Deanery of Havering” is defined by the diocesan authority and comprises the parishes of St. Dominic, Most Holy Redeemer and Christ The Eternal High Priest, St. Mary Mother of God, English Martyrs, Corpus Christi, St. Alban, St. Edward the Confessor, Our Lady of La Salette & St. Joseph. (Diocesan Directory)”

55. Although not entirely clear, my assumption is that the parish from which children are afforded priority for entry to the School is that of Corpus Christi. In other words, that parish is the catchment area of the School. Paragraph 1.14 of the Code requires that catchment areas are clearly defined. As the Arrangements do not, say, include a map of the parish, provide a link to a map or define the parish in any other way, it was my view that the Arrangements may be contrary to the Code. When I raised this matter with the School it stated:

“The parish boundary map is included within the admission arrangements and is included on our website.”

56. I make three observations. First, there is no map within the Arrangements provided to me by the School. Whilst an admission authority may choose to place a map or other catchment information on a website and not within the Arrangements themselves, this should be immediately accessible from the Arrangements through a single link. Reference in the Arrangements to “the map”, with no further explanation, is unclear. Secondly, the only map on the page of the School website which deals with admissions is one entitled, “Havering Deanery Boundaries”. That map shows two large, overlapping areas; one is outlined in black and the other in blue. Neither is labelled as being the parish of Corpus Christi. These large areas include some subdivisions into smaller areas; these are labelled, but none of the labels refers to the School or to the parish of Corpus Christi. Thirdly, the map does not show clearly which properties do and do not belong within any of the areas marked on it.

57. For the reasons set out above, the catchment area is not clearly defined and the Arrangements are contrary to the Code.

58. I have not considered the School’s arrangements for 2027. However, it seems likely that they would possess at least some of the defects which appear in those for 2026. I strongly suggest that the Governing Body uses the powers available to it under paragraph 3.6 of the Code to revise the arrangements for 2027 so that they comply with all mandatory requirements of the Code.

## Determination

59. 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 St Patrick’s Catholic Primary School for 2026.

60. I determine that for admission in 2026 the Published Admission Number will be 30.

61. 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.

62. 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: 30 June 2026

Signed:

Schools Adjudicator: Jennifer Gamble