



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2173

Admission authority: The governing board for Bow Brickhill Church of England Primary School, Milton Keynes

Date of decision: 23 August 2021

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 board for Bow Brickhill Church of England Primary School for September 2022.

I determine that for admission in September 2022 the Eaton Leys development shall be added to the school's catchment area.

The referral

1. The governing board for Bow Brickhill Church of England Primary School (the school) has referred a proposal for a variation to the admission arrangements for September 2022 (the arrangements) to the adjudicator. The school is a voluntary aided school for children aged 4 to 11 in Milton Keynes, with a Church of England religious character.
2. The proposed variation is to add an area of new housing development to the school's catchment area.

Jurisdiction and procedure

3. The referral was made to me in accordance with section 88E of the School Standards and Framework Act 1998 (the Act) which states that: "where an admission authority (a) have in accordance with section 88C determined the admission arrangements which are to apply for a particular school year, but (b) at any time before the end of that year consider that the arrangements should be varied in view of a major change in circumstances occurring since they were so determined, the authority must [except in a

case where the authority's proposed variations fall within any description of variations prescribed for the purposes of this section] (a) refer their proposed variations to the adjudicator, and (b) notify the appropriate bodies of the proposed variations.”

4. In considering this matter I have had regard to all relevant legislation, and the School Admissions Code (the Code).

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

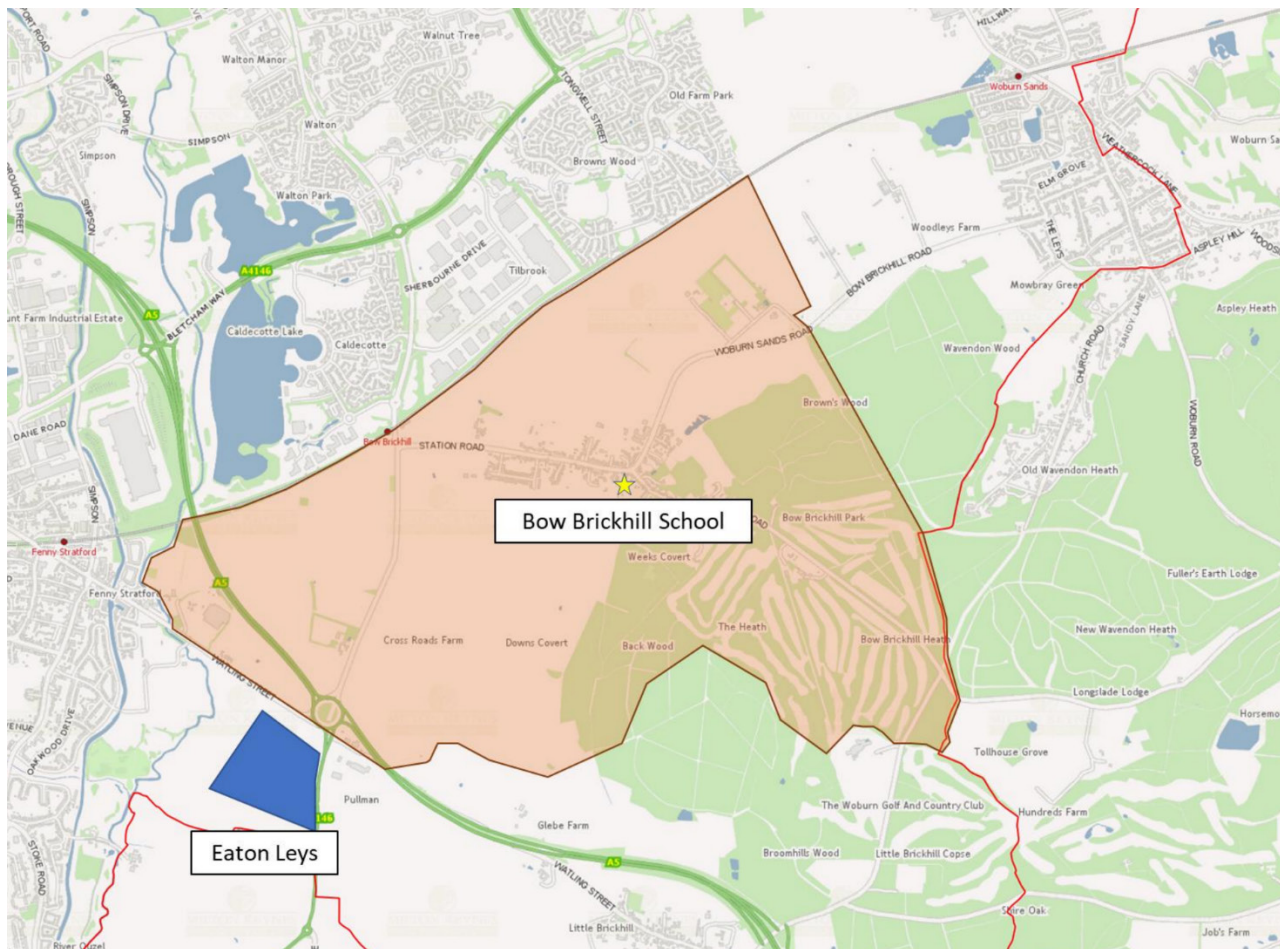
- a. the referral from the governing board received on 16 July 2021, supporting documents and further information provided at my request;
- b. the determined arrangements for September 2022 and the proposed variation to those arrangements;
- c. a map showing the location of the school, its catchment area and the area proposed to be added to it;
- d. projections of pupil numbers at the school and the demand for places from the Eaton Leys development for 2022 and succeeding years;
- e. the response of the local authority (Milton Keynes Council) to the proposed variation; and
- f. the response of the Diocese of Oxford (the diocese), which is the religious authority for the school, to the proposed variation.

6. Paragraph 3.6 of the Code requires that the appropriate bodies in the relevant area be notified of a proposed variation. The governing board has provided me with confirmation that the appropriate bodies have been notified. I find that the appropriate procedures were followed, and I am also satisfied that the proposed variation is within my jurisdiction.

The proposed variation

7. The school is located on the outskirts of Milton Keynes, serving a largely rural area. It has a PAN of 15, providing capacity for a total of 105 pupils. There are currently 90 pupils on roll. A little to the south of the school's catchment area is an area of new housing development, known as Eaton Leys. There are plans to build a school to serve this development, but this has been delayed until 2024. In the meantime, Eaton Leys does not fall within the catchment area of any school. The school has already admitted some children who have moved into the development and would like to add Eaton Leys to its catchment area for admission in September 2022. It proposes to do this by way of variation to its determined arrangements. Map One shows the extent of the school's catchment area, as defined in the determined arrangements, and the Eaton Leys development that it proposes to add to it.

Map One: Catchment area of the school and the Eaton Leys development



8. 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 certain other limited and specified circumstances. I will consider below whether the variation requested is justified by the change in circumstances.

Consideration of proposed variation

9. The LA has confirmed that it has “no issues” with the proposal and the diocese comments that it “looks very sensible.” I am inclined to agree. The geography of the area suggests that the school is the most easily accessible from Eaton Leys. The inclusion of the development within the catchment area of the school will be helpful to families moving into new housing.

10. My only concern about the proposed variation related to the capacity of the school to accommodate the additional children and the impact their admission might have on the allocation of places in September 2022. The school provided me with forecasts of the “demand expected from new houses” for places in the reception year (YR). For admission in September 2022, three children from Eaton Leys are forecast to require places in YR, rising to seven in 2023 and twelve in 2024.

11. The oversubscription criteria in the determined arrangements can be summarised as follows:

1. Looked after children and previously looked after children.
2. Children with exceptional social or medical needs that make it essential that they attend the school.
3. Children living in the catchment area with a sibling on the roll of the school.
4. Children living in the catchment area.
5. Children living outside the catchment area with a sibling on the roll of the school.
6. Other children.

12. Projections supplied by the LA indicate that four places will be required in YR in September 2022 for children living in the current catchment area. With three children of that age forecast to be living in the Eaton Leys development, it is clear that the school could accommodate both groups within its PAN of 15. Places would therefore also be available for siblings of other children. In fact, the school reports that “the number of expected siblings of pupils in the school is forecast to be low for the coming years.” Indeed, for admission in September 2021, there were no applications in respect of siblings living outside the catchment area (the fifth oversubscription criterion). The governing board believes that the proposed extension to the catchment area will “provide greater stability in pupil numbers going forward.”

13. Bearing in mind the delay to the building of a school at Eaton Leys, I am satisfied that, for admission in September 2022, the extension of the school’s catchment area to the extent shown in Map One will be of benefit to families moving into the development and will not unfairly disadvantage any other group of children whose parents might seek admission to the school. I approve the proposed variation.

14. In its request for a variation, the governing board says,

“We will consult through our usual admissions arrangements consultation for the 2023-24 academic year to include Eaton Leys in our catchment area.”

There is, in fact, no requirement to consult where admission arrangements have not changed from the previous year. My approval of the variation request means that Eaton Leys is included in the catchment area for admission in 2022-23; therefore, there is no need to consult on this matter for admission in 2023-24. Nevertheless, I do consider that it would be wise for the governing board to review the likely impact of its arrangements before determining them for admission in September 2023. The local authority’s projections indicate that six children from the Bow Brickhill part of the extended catchment area and seven from Eaton Leys will require places in 2023, giving a total that is close to the PAN of 15.

Determination

15. 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 board for Bow Brickhill Church of England Primary School for September 2022.

16. I determine that for admission in September 2022 the Eaton Leys development shall be added to the school's catchment area.

Dated: 23 August 2021

Signed:

Schools adjudicator: Peter Goringe