

## **DETERMINATION**

**Case reference:** VAR/000614

**Admission Authority:** The governing body of Church End Lower School, Marston Moretaine, Bedfordshire

**Date of decision:** 9 October 2013

### **Determination**

**In accordance with section 88E of the School Standards and Framework Act 1998, I agree to the proposed variation to the admission arrangements for September 2014, determined by the governing body of Church End Lower School the admissions authority, for the school; to create two priority areas within the current catchment area, to determine admissions to the Church Walk and Marston Park sites.**

### **The referral**

1. Central Bedfordshire Council, the local authority (the LA) has requested a variation to the admission arrangements of Church End Lower School, on behalf of the governing body, to retain the existing catchment area but within this to operate priority areas to determine which pupils attend the existing school site or the new site that will open in Marston Park in September 2014.

### **Jurisdiction**

2. The referral was made to me in accordance with section 88E of the School Standards and Framework Act 1998 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”.

3. The LA has made the request for the variation on behalf of the governing body of the school. The governing body has confirmed to me that they wish the LA to act on their behalf in this matter. I am satisfied that the proposed variation is within my jurisdiction.

### **Procedure**

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

5. The documents I have considered in reaching my decision include:
- the determined arrangements for 2014 and the proposed variation to those arrangements dated 15 July 2013;
  - a copy of the consultation document on the proposal to expand the school dated May 2013;
  - a copy of the statutory notice dated 17 June 2013;
  - a copy of the Strategic Plan for School Places 2011-2017;
  - maps of the proposed priority areas within the existing catchment area for admission to the two school sites; and
  - a copy of the notification of the proposed variation to all schools, admission authorities and neighbouring LAs, dated September 2013.

## **Background**

6. The school is a foundation primary school supported by a trust, The Vale of Marston Schools' Trust, in Marston Moretaine, for pupils aged 3 to 9 years of age. It has a published admission number (PAN) of 54 and admitted all 41 applicants in September 2013. The current capacity of the school is 270 and there are 290 pupils on roll.

7. There is a significant housing development planned on land east of Bedford Road in Marston Moretaine which is expected to provide up to 480 homes and the school is being expanded to prepare for the increased demand for primary places from this new housing development

8. The LA plans to build new accommodation for the school on a separate site within the Marston Park development. The current school site will be known as Church Walk and will have a PAN of 60; and the new site will be called Marston Park and will have a PAN of 30. The proposal is to enlarge the school by providing additional places in new buildings within the Marston Park housing development for occupation from September 2014. Following implementation the proposed capacity will be 300 for the Church Walk school campus and 150 places at the new Marston Park campus.

9. The total capital cost of the project is currently estimated at approximately £2.7m and this will be funded in full by the LA. The land for the new campus is currently in the process of being transferred to the LA and the freehold will subsequently be transferred to the trustees.

10. On 27 March 2012 the executive committee considered the rolling capital programme for new school places as set out in the executive report, and recommended the programme to the council. On 19 April 2012 the full council approved the programme and on 8 March 2013 the executive approved the commencement of the consultation and the publication of statutory notices for the proposal to expand Church End Lower School,

Marston from its current capacity of 270 places to provide a total of 450 places across two sites with an implementation date of September 2014.

11. On 13 August 2013 the executive made the following recommendations::

- (i) that the procedures established by The Education and Inspections Act 2006 (EIA 2006) and The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 as amended by The School Organisation and Governance (Amendment) (England) Regulations 2007 and The School Organisation and Governance (Amendment) (England) Regulations 2009, have been complied with in bringing forward the proposal to expand Church End Lower School, Marston as outlined in this report;
- (ii) that the representations received in respect of the Church End Lower School proposal to the statutory notice as set out in Appendix B to the report, issued on the 17 June 2013 under Section 19(1) of the Education and Inspections Act 2006 be noted following consideration;
- (iii) that the statutory proposal to expand Church End Foundation Lower School from a 270 place lower school for pupils aged 4+ to 9 to a 450 place lower school for pupils aged 4+ to 9 be approved through the creation of a new second campus on a new site with an implementation date of September 2014. The school would have an admission number of 60 for the Church Walk site and an admission number of 30 at the new Marston Park site;
- iv) that the detailed business case attached at Appendix C to the report be approved, thereby approving the commencement of the project and related expenditure, subject to the grant of planning permission under Part 3 of the Town and Country Planning Act 1990 by 1 February 2014.

### **Consideration of Factors**

12. The school is expanding to meet demand from new housing development in Marston Park and as part of the Strategic Plan for School Places the LA has commissioned the school to provide an additional 150 places over two sites, with the building on the second site due to be completed by September 2014. The decision to expand the school was made by the council's executive on 13 August 2013 after wide consultation and notification was sent to all schools, admission authorities and neighbouring LA's in September 2013.

13. The aim of this project is to retain the school's current site and capacity to ensure that the needs of the existing community will continue to be met on that site; and at the same time to secure local provision to meet the needs of the growing community of Marston Park. Interim arrangements will be made by the school to house additional pupils that arise from the new development before the second site is completed. The expansion of an established school, through the creation of a second campus mirrors federation arrangements elsewhere in Central Bedfordshire where schools are managed in a similar way and governed across two or more sites.

14. The admissions criteria for the school are as follows:

- 1) All 'looked after' children or previously 'looked after' children
- 2) Pupils living in the catchment area with siblings at the school
- 3) Other pupils living in the catchment area
- 4) 'Very exceptional' medical grounds
- 5) Other siblings
- 6) Any other children

15. The proposal will be implemented by the LA with the full support of the governing body and the local community. The school wishes to retain the existing catchment area but to create priority areas within it, in order to determine which sites the pupils will attend from September 2014. The new priority area within the current catchment affects a very small minority of homes at a distance from the current site, located nearer to the new campus. Parents were advised during consultation that there would be as much flexibility as possible in 2014 to meet parental preferences, so that siblings could remain together.

16. In my view this is a reasonable and objective solution to the management of admissions to the school, once the new site has been established.

### **Conclusion**

17. In proposing this variation to the admission arrangements for the school from September 2014, the LA, with the full agreement of the governing body, is seeking to secure a clear way of allocating places between the two sites. The variation will leave the major part of the current catchment area unchanged and it is expected that the majority of pupils who are already on roll will remain in the current school building. The priority area for the new site includes a small number of homes that are situated further away from the current building and much closer to the new site. I have concluded that this is a pragmatic solution and one that will provide much needed clarity for parents in the area and for this reason I approve the variation.

### **Determination**

18. In accordance with section 88E of the School Standards and Framework Act 1998, I agree to the proposed variation to the admission arrangements for September 2014, determined by the governing body of Church End Lower School the admissions authority, for the school; to create two priority areas within the current catchment area, to determine admissions to the Church Walk and Marston Park sites

Date: 9 October 2013

Signed:

Adjudicator: Mrs Carol Parsons