

## **DETERMINATION**

**Case reference:** VAR/000611

**Admission Authority:** Devon County Council

**Date of decision:** 19 August 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 determined by Devon County Council, the admissions authority, for Sutcombe Community Primary School, a community primary school from September 2013.**

**I determine that the relevant area for the school will be the southern half of the geographic area comprising the combined former designated areas for Sutcombe Community Primary School, Bradworthy Primary Academy and West and East Putford Primary School. This area includes Abbots Bickington, Bulksworthy and Milton Damerel.**

### **The referral**

1. Devon County Council, the local authority, (the LA), which is the admission authority for community and voluntary controlled schools, has referred a variation to the Adjudicator about the admission arrangements for Sutcombe Community Primary School, (the school), for September 2013. The variation that has been requested is to change the designated area for the school for 2013/14, following the closure on 31 August 2013 of another local school, West and East Putford Primary school.

### **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. 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 of the LA for 2013 and the proposed variation to those arrangements dated 15 July 2013;
  - a copy of the notification of the proposed variation dated 8 December 2012;
  - the response from the school dated 23 July 2013;
  - minutes of the governing body meeting on 10 October 2012, at which the proposed change was considered;
  - a copy of the booklet for parents seeking admission to primary schools in the area in September 2013;
  - an excerpt from the minutes of a meeting held on 20 June 2013 at which the governing body approved the decision to seek a variation; and
  - maps of the proposed designated area.

## **Background**

6. The school currently has a published admission number (PAN) of 8 for the relevant age group, that is, for admission of pupils to the reception class. The school has a total roll of 42 pupils and capacity to accommodate 56 pupils.

7. Bradworthy Primary Academy, (Bradworthy), the other school in the local area of Holsworthy has a PAN of 30 and 169 pupils on roll. The designated area for this school has two geographically separate parts, one local to the school and the other which includes the village of Milton Damerel, over 4 miles away and closer to the village of Sutcombe. This arrangement was established on the closure of the primary school in Newton St Petroc in the early 1970s and has not been reviewed since then.

8. The area as a whole is experienced falling rolls; and pupil numbers have diminished in recent years to the extent that in 2012/13 the pupil roll at West and East Putford Primary School fell to just 29 pupils. The decision of the governing body to propose closure of the school, with effect from 31 August 2013, was approved by the LA on 13 March 2013. This was after the arrangements for community schools had been determined for 2013/14. The designated area for that school had to be apportioned between the two remaining local schools in Sutcombe and Bradworthy.

9. After consulting widely, the LA advised parents in the area about the proposed new designated area for Sutcombe. The LA has suggested to the governing body of Bradworthy, which is its own admissions authority, that in the light of its decision to request a variation to its arrangements for 2013, and subject to the outcome, it may wish to undertake a review of its own designated area.

10. For admissions in 2013, the existing designated areas for admissions to Sutcombe and Bradworthy were used in the allocation of places.

### **Consideration of Factors**

11. The LA maintains and keeps under review a network of school designation areas (or relevant areas) across the county; which it says is of particular importance for schools in rural areas, where children may live at some distance from their nearest school and so may be eligible for free transport. The oversubscription criteria for community schools include priority for children on the basis that they live in the school's designated area. The LA provides discretionary transport to eligible children living over two miles away from school, but still within the designated area of the school they attend.

12. In making proposals about the division of the designated area for West and East Putford School, the LA considered options that take into account the number of children living in the area, the distance to nearest schools and the cost and sustainability of transport. The LA wants to promote sustainable schools; to maximise choice and diversity for parents; to support the presumption against the closure of rural schools; and to consider the impact on the transport budget of the entitlement to free school transport for pupils.

13. The Education (Relevant Areas for Consultation on Admission Arrangements) Regulations 1999 place a responsibility on LAs to determine relevant areas for maintained schools, after due consultation. The LA consulted 320 residents across the area and responses were requested by 31 December 2012, in order to be able to inform the parents at West and East Putford Primary School as soon as possible of their designated school.

14. The LA considered the whole of the area covered by the three primary schools and consulted the schools in the Holsworthy Local Learning Community and local residents to seek a consensus. It provided three different options for consideration and each one divided the total area previously served by the three schools, in a different way. The LA provided information about the pupil numbers resident in the designated areas of the two remaining schools; aware that parental preference would have an influence on final pupil numbers at each school. The three options were as follows:

- Option one apportioned approximately half of the geographic area, with a north/south division that included Abbots Bickington and Bulksworthy in the school's designated area. The LA assessed the number of primary age pupils resident in each area as 67 for the school and 133 for Bradworthy.
- Option two allocated three quarters of the area to Bradworthy, linking the two quite separate areas that form the current designated area (and which includes Milton Damerel), and adding the area between the two. Pupil numbers resident in these areas are 42 for the school and 158 for Bradworthy.
- The third option was also a north/south division but excluded Abbots Bickington and Bulksworthy from the school's designated area. Pupil numbers resident in these areas are 58 for the school and 142 for Bradworthy.

15. It was not possible to reach an agreement with the governing body of Bradworthy about which option should be selected, and a report was presented to the cabinet of the LA on 13 March 2013 to provide feedback from the consultation. The report notes of the residents about a third (108) responded to the consultation and of these 85 per cent preferred option 2, with just five residents in favour of the first option, which has been put forward by officers for consideration by the LA. With the exception of Bradworthy, the views expressed by the schools represented at the Local Learning Community were wholly in favour of option one. There was consensus that the outlying parts of the area should not be re-designated to primary schools that had formal links to other secondary schools outside the area and the LA is mindful of the historic links within the Local Holsworthy Learning Community.

16. It was considered logical to split the West and East Putford area as equally as possible between the two closest Holsworthy schools. Feedback suggested that the arrangement whereby pupils in Milton Damerel were prioritised for admission to Bradworthy, before children who lived closer to that school, should cease. Concern was expressed that the LA was transporting children past one school to another school further away, purely on the grounds that this had been done since 1972. This was not seen as an environmentally sound or financially prudent arrangement.

17. The LA said that the new arrangements for funding schools and the sparse nature of the local population means that there is a greater threat to the viability of smaller schools in rural areas. The governing body of the school says that unless a fair distribution of the designated areas is achieved then the result would undoubtedly be closure.

18. Throughout the LA area, there is a policy of recognising only one designated school at both primary and secondary phase for each home address of pupils, for transport purposes. Where the LA is the admissions authority for a school, it will determine what it considers to be a reasonable and appropriate designated area; and for other schools that are 'own

admissions authorities' it will recommend what it considers to be reasonable and appropriate. In this context, the LA's opinion is that the appropriate designated areas for Sutcombe and Bradworthy is that described in option one, which in effect divides the area equally.

19. In extending the designated area for the school, which would include the village of Milton Damerel, the LA intends to recognise the school as the appropriate school for the area. It would then become the designated school for free transport for children who reside over two miles from the school but within the newly enlarged catchment. The LA wishes to minimise the extent of free school transport provision on discretionary school grounds, however, it will operate transition arrangements, so that any children resident in Milton Damerel and currently in receipt of transport to Bradworthy will remain eligible for free transport for the remainder of their time on roll at that school.

20. As noted above it will be for the governing body of Bradworthy to extend its designated area to cover the northern part of West and East Putford and to consider whether or not to make any other changes. The LA recognises that as its own admissions authority Bradworthy is entitled to determine its own relevant area.

21. The number of children in the area and therefore likely to be affected by the proposed variation to the designated area of the school is extremely low. Of the 12 children from West and East Putford who required a primary school place for September 2013, seven accepted a place at Bradworthy and five at Sutcombe. The LA has confirmed there was only one child from Milton Damerel starting school in September 2013 and the parents had applied to the school, in Sutcombe, to join an older sibling already on roll.

## **Conclusion**

22. In making the variation to the arrangements of the school for 2013, the LA would like to achieve several strategic aims which include the continuing availability of primary school places, cost effective provision of school transport and arrangements for admission to schools that provide clarity and certainty for parents living in the area.

23. The continuing decline in pupil numbers in the area has recently resulted in the closure of a local primary school and the LA acted promptly to consult a wide range of stakeholders about how best to apportion that school's catchment area, to the designated areas of the two remaining local schools so that parents at the closing school had certainty about the options open to them in transferring to new schools.

24. The LA has undertaken a review of the total area covered by all three schools and has been cognisant of the need to ensure that in redesignating a relevant area for the school, it complies with the requirement of paragraph 1.14 of the Code, for designated areas to be both reasonable and clearly defined.

25. For this reason and for those included above I agree to the variation to the admission arrangements for the school, for September 2013. The relevant area will be the southern half of the total geographic area which is comprised of the combined designated areas of Sutcombe Community Primary School, Bradworthy Primary Academy and the former West and East Putford Primary School. The area will include Abbots Bickington, Bulksworthy and Milton Damerel.

### **Determination**

26. In accordance with section 88E of the School Standards and Framework Act 1998, I agree to the proposed variation to the admission arrangements determined by Devon County Council, the admissions authority, for Sutcombe Community Primary School, a community primary school from September 2013.

27. I determine that the relevant area for the school will be the southern half of the geographic area comprising the combined former designated areas for Sutcombe Community Primary School, Bradworthy Primary Academy and West and East Putford Primary School. This area includes Abbots Bickington, Bulksworthy and Milton Damerel.

Date: 19 August 2013

Signed:

Adjudicator: Mrs Carol Parsons