



Office of
the Schools
Adjudicator

DETERMINATION

Case reference: VAR681

Admission Authority: Hampshire County Council for Crestwood College for Business and Enterprise, Eastleigh, Hampshire.

Date of decision: 17 June 2016

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by Hampshire County Council for Crestwood College for Business and Enterprise for September 2017.

I determine that for admissions in September 2017: the published admission number shall be 286; the feeder schools will include Cherbourg Primary School, Nightingale Primary School and Norwood Primary School; the catchment area will include the catchment area that was previously that of Quilley School of Engineering and the point of distance of the final tie breaker will be measured from the child's home to the nearer of the two school sites.

The referral

1. Hampshire Council, the local authority (LA) and admission authority for Crestwood College for Business and Enterprise (Crestwood), has referred a variation to the Adjudicator about the admission arrangements for Crestwood, a community secondary school for pupils aged 11-16 years for September 2017. The school has been expanded by the addition of the site and buildings of Quilley School of Engineering (Quilley) which has been closed. The variation requested is: to increase the published admission number (PAN) from to 140 to 286; to add the feeder schools of Quilley to the list of linked (feeder) schools; to amend the point of distance measure of the final tie breaker to take account of the two sites; to enlarge the catchment area to include the catchment area of Quilley; and to allow Crestwood to decide on which of the two sites children allocated a place at the school will be educated.

Jurisdiction

2. 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".

3. I am satisfied that parts of the proposed variation relating to increasing the PAN; adding the feeder schools; increasing the size of the catchment area and amending the point of distance measure are within my jurisdiction. Once a child has been offered and accepted a place at Crestwood, the question of on which of the two school sites a child should receive his or her education is a matter of internal school organisation and management. This is not within my jurisdiction and I have not therefore considered it further.

Procedure

4. In considering this matter I have had regard to all relevant legislation and the School Admissions Code.
5. The documents I have considered in reaching my decision include:
 - a. the LA's form of referral of 13 April 2016 and supporting documents;
 - b. the determined arrangements for 2017/2018 and the proposed variation to those arrangements;
 - c. a copy of the LA's composite prospectus for parents seeking admission to schools in the area in September 2016;
 - d. a copy of the consultation document, public notice and final decision relating to the proposals to close Quilley and expand Crestwood, downloaded from the internet;
 - e. evidence of the required notification received 23 May 2016; and
 - f. an amendment to the request received 1 June 2016.

Background and consideration of factors

6. The school is in the Eastleigh area of Hampshire where the LA reports that there is a need to secure sufficient, good quality secondary school places in the medium term to match the growth in demand for primary school places. The LA proposed that this be achieved by closing another secondary school in Eastleigh, Quilley School of Engineering and expanding Crestwood to form a single secondary school located in both schools' sites.
7. The LA published in November 2015 proposals to enlarge Crestwood from 1 September 2016 and to close Quilley. These proposals were in the form required by the School Organisation (Prescribed Alterations to

Maintained Schools) (England) Regulations 2013 and the School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2103. Consultation on the admission arrangements for 2016 included the permanent increase to 286 of the PAN of the school. The deadline for determining admission arrangements for September 2017 – which was 28 February 2016 – fell within the period of consultation on the proposals. As the LA could not pre-empt the outcome of consultation and any subsequent proposals, it determined for both schools as it is required by regulation 17 of the School Admissions (Admissions Arrangements and Coordination of Admission Arrangements) (England) Regulations 2012 and paragraph 1.46 of the Code. The arrangements were determined on 20 January 2016.

8. On 18 March 2016, the executive Member for Education took the decision to *“(a) Discontinue Quilley Secondary School with effect from 31 August 2016 (b) Enlarge Crestwood Secondary School through the utilization of Quilley Secondary School’s site and buildings, with effect from 1 September 2016.”*
9. The admission arrangements determined in January 2016 for Crestwood are, in summary:
 - a. Looked after children or children who were previously looked after;
 - b. Children or families who have a serious medical, physical or psychological condition which makes it essential that the child attends Crestwood rather than any other;
 - c. Children living in the catchment area of Crestwood with a sibling at the school;
 - d. Other children living in the catchment area of Crestwood;
 - e. Children living out of the catchment area of Crestwood College who are on roll at one of the following linked schools: Otterbourne Church of England Primary School, Shakespeare Junior School or The Crescent Primary School;
 - g. Children of staff living out of the catchment area of Crestwood who have, (1) been employed at the school for two or more years at the time at which the application for admission to the school is made, or (2) have been recruited to fill a vacant post for which there is a demonstrable skill shortage;
 - h. Other children living out of the catchment area of Crestwood.

Straight line distance of home to school is used as a tiebreaker.

10. An LA may request a variation to determined admission arrangements if it considers there to be a major change of circumstance after determination. In this case Quilley will be closed from 1 September 2016. The LA has submitted evidence that it notified the parties required by paragraph 1.44 of the Code and received no comments.

11. The LA seeks to accommodate those pupils who might otherwise have attended Quilley at Crestwood and the statutory proposals to expand Crestwood have been approved. The LA wishes to increase Quilley's PAN to reflect its increased size. As Crestwood will also operate from both its existing site and the former Quilley site and to provide for pupils who might have attended Quilley, the LA wishes to increase Crestwood's catchment area to include that of the closing school; to add the linked primary schools to continue the relationship that Quilley had, and to measure distance from the child's home to the nearer of the two sites if the operation of a tie breaker is required. All of these amendments seem entirely reasonable in the circumstances.
12. The LA wishes to make clear that parents will be invited to express a preference for a particular site but it will be for the school to decide which site a particular child will be educated at. As explained above, this does not form part of the admission arrangements for the school and is not within my jurisdiction. It is therefore a matter which does not require my approval and on which I cannot comment.

Summary

13. The LA has closed Quilley but retained the site for use by Crestwood, forming a single secondary school across both sites. The variation requested addresses this change in circumstance as it seeks to give families similar opportunities to gain admission to Crestwood as they would have had for Quilley. Against this background I agree the variation.

Determination

14. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by Hampshire County Council for Crestwood College for Business and Enterprise.
15. I determine that for admissions in September 2017: the published admission number shall be 286; the feeder schools will include Cherbourg Primary School, Nightingale Primary School and Norwood Primary School; the catchment area will include the catchment area that was previously that of Quilley School of Engineering and the point of distance of the final tie breaker will be measured from the child's home to the nearer of the two school sites.

Dated: 17 June 2016

Signed

Schools Adjudicator: Miss Jill Pullen