



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2041

Admission authority: West Sussex County Council for Woodgate Primary School (currently Warninglid Primary School) and Colgate Primary School

Date of decision: 17 December 2020

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variations to the admission arrangements determined by West Sussex County Council for Woodgate Primary School (currently Warninglid Primary School) and Colgate Primary School for September 2021.

The referral

1. West Sussex County Council (the local authority) has referred a proposal for variations to the admission arrangements for September 2021 for Woodgate Primary School (currently Warninglid Primary School) and Colgate Primary School to the Office of the Schools Adjudicator. The schools are community primary schools for children aged 4 to 11 near Crawley in West Sussex.
2. The proposed variations are to change the oversubscription criteria for these two schools to give priority to children who have siblings at either of the schools because they will be working as a federation from September 2021. The variation also defines a new catchment area for Woodgate Primary School which is consequent on its proposed move to a new site.

Jurisdiction

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. I am satisfied that the proposed variations are within my jurisdiction.

Procedure

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

6. The documents I have considered in reaching my decision include:

- a. the referral from the local authority sent on 12 November 2020;
- b. the determined arrangements for 2021 and the proposed variations to those arrangements for each of the schools;
- c. a copy of the local authority's booklet for parents seeking admission to schools in the area in September 2021;
- d. confirmation that the local authority has consulted the governing boards of the schools;
- e. details of the statutory process that has been followed by the local authority prior to this referral;
- f. a map showing the location of the schools and a map of the proposed catchment area for Woodgate Primary School; and
- g. a copy of the letter notifying the appropriate bodies about the proposed variation.

The proposed variations

7. The proposed variations follow a statutory process to relocate Warninglid Primary School to Pease Pottage near Crawley in West Sussex and to rename it as Woodgate Primary School. The local authority also intends that Woodgate Primary School will become a federation with the nearby Colgate Primary School. The variations proposed define a catchment area for Woodgate Primary School and introduce additional oversubscription criteria into each of the two schools' admission arrangements to give priority to children who have siblings attending either of the schools. For Woodgate Primary School there is an additional criterion that gives priority to children with siblings who were originally admitted to Warninglid Primary School and who will have moved to Woodgate Primary school following the change of site.

8. Paragraph 3.6 of the Code permits an admission authority to propose a variation to its determined arrangements if there is a major change in circumstances. The admission authority for these community schools is the local authority. Such proposals must be referred to the Schools Adjudicator for approval. I will consider below whether the variations requested are justified by the change in circumstances.

9. Paragraph 3.6 of the Code also requires that appropriate bodies be notified of a proposed variation. The local authority has provided me with a copy of its notification on the proposed variations and the list of schools and other bodies to which it was sent. I have seen confirmation from each of the school's governing boards that they support the request for the variation. I am satisfied that the appropriate procedures were followed.

Consideration of proposed variations

10. In 2019, the local authority undertook a reorganisation of rural and small schools in its area. Warninglid Primary School, a small rural school with low numbers was identified as being at risk of closure. Following the statutory consultation process in accordance with Part 1 of Schedule 3 of The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (the Prescribed Alterations Regulations) the local authority's Cabinet decided on 16 June 2020 that, rather than close the school, it would relocate the school to a new purpose-built site on the new Woodgate Housing Development in Pease Pottage near Crawley and that it would have a new catchment area reflecting its new location. It was also agreed that the school would be renamed Woodgate Primary School with the intention for the school to form a federation with Colgate Primary School, which is located nearby.

11. The process that the local authority has followed to move the school from one site to another and to rename the school is not the concern of this variation and nor is the federation with Colgate Primary School. The local authority has, however, provided me with a summary of the process and it appears to me from the information provided that it has followed the required process.

12. This variation proposes that the boundary of the catchment area for Woodgate Primary School for 2021 will match the perimeter of the new Woodgate housing development. The local authority has produced a map that shows this. The local authority has said that this area will be used to give priority for admissions to the school in 2021. It proposes to undertake further consultation about the catchment area for admissions in future. It had not been able to undertake this consultation in the time frame required for admissions in 2021 which is why this variation has been requested.

13. The Code permits a variation to be requested if there is a major change in circumstances. The local authority has set out the change that has taken place in agreeing the move for Warninglid Primary School. I am satisfied that the requests to amend the admission arrangements for this school and the school which it will be federating with from 2021 are justified in the circumstances. I have already reported that the local authority has

said that it intends to consult formally on the future admission arrangements for these schools. While I note this point, it has no bearing on these proposed changes to the arrangements for 2021 which are the subject of these variation requests.

14. Children who currently attend Warninglid Primary School will migrate to the new school building in September 2021. Children whose parents apply for and are offered places for September 2021 will begin in the renamed and relocated school. The proposal provides priority for siblings of children who are currently attending Warninglid primary school by giving them priority. They would have a lower priority without this because they will no longer be likely to be living in the catchment for the school. The local authority has established a catchment area to serve for 2021 admissions and it has provided me with a map that it will use to define the area and I am satisfied that it is “reasonable and clearly defined” as required by paragraph 1.14 of the Code. I therefore approve this part of the variation request for Woodgate.

15. The local authority has proposed that the newly named Woodgate Primary School should federate with Colgate Primary School which is close to where Woodgate Primary School will be located. In recognition of this proposed federation the local authority has proposed the following oversubscription criteria for the two schools. These differ from the standard community school criteria in West Sussex because they include criteria that give priority to children who live in either of the schools’ catchment areas or children who have siblings who attend either of the two schools.

Woodgate Primary School

1. Any child with an Education, Health and Care Plan naming the school will automatically be admitted to that school, under section 43 of the Children’s & Families Act 2014.
2. Looked after children (children in public care), children who were previously looked after who leave care under a special guardianship, residence, child arrangement or adoption order;
3. Children who are under a special guardianship order who were not previously in the care of the local authority;
4. Children who need a place at the school on exceptional and compelling social, psychological or medical grounds;
5. Children who live in the catchment for Woodgate Primary School (or whose sibling currently attends Warninglid Primary School and will be at Woodgate Primary School when the child starts school) with brothers or sisters already at the school;
6. Children who live in the catchment for Woodgate Primary School;

7. Children who live in the catchment area for Colgate Primary School with brothers or sisters already at the school;
8. Children who live in the catchment area for Colgate Primary School;
9. Children who live outside the catchment area for Woodgate Primary School or Colgate Primary School with siblings already at the school;
10. Children of staff;
11. Children who live outside the catchment area for Woodgate Primary School or Colgate Primary School.

Colgate Primary School

1. Any child with an Education, Health and Care Plan naming the school will automatically be admitted to that school, under section 43 of the Children's & Families Act 2014.
2. Looked after children (children in public care), children who were previously looked after who leave care under a special guardianship, residence, child arrangement or adoption order;
3. Children who are under a special guardianship order who were not previously in the care of the local authority;
4. Children who need a place at the school on exceptional and compelling social, psychological or medical grounds;
5. Children who live in the catchment area for Colgate Primary School with brothers or sisters already at the school;
6. Children who live in the catchment area for Colgate Primary School;
7. Children who live in the catchment for Woodgate Primary School with brothers or sisters already at the school;
8. Children who live in the catchment for Woodgate Primary School;
9. Children who live outside the catchment area for Colgate Primary School or Woodgate Primary School with siblings already at the school;
10. Children of staff;
11. Children who live outside the catchment area for Colgate Primary School or Woodgate Primary School.

16. The governing boards for the two primary schools have been consulted on these proposed arrangements and while each raised a question as part of the consultation, the local authority has responded that these are matters that can be dealt with as part of a more substantial consultation that will take place concerning future arrangements. Colgate Primary School board is concerned about the relative priority for children of staff. Woodgate Primary School Board is satisfied with the catchment area defined for 2021 but wishes to see it increased in the future so that the school can reach a sustainable size.

17. The local authority has rightly pointed out that parents will wish to know what the admission arrangements are when they apply for places at either of these schools by the deadline of 15 January 2021. These proposed changes are particularly relevant to applicants for places who have a sibling who attends Warninglid Primary School or Colgate Primary School.

18. I am satisfied that the proposed changes to the admission arrangements for these two schools will enable the local authority to admit children to the schools and take account of the imminent move for Warninglid Primary School to its new site in Pease Pottage as it becomes Woodgate Primary School. The proposed oversubscription criteria are set out above and I approve these for use within the 2021 admission arrangements for these two schools.

19. The variations proposed cover the oversubscription criteria for both schools and the catchment area for Woodgate Primary School. I am satisfied that these criteria comply with the requirements of the Code and I approve the variations as proposed for 2021.

Determination

20. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variations to the admission arrangements determined by West Sussex County Council for Woodgate Primary School (currently Warninglid Primary School) and Colgate Primary School for September 2021.

Dated: 17 December 2020

Signed:

Schools Adjudicator: David Lennard Jones