



Office of  
the Schools  
Adjudicator

## Determination

**Case reference: STP652**

**Proposer: Telford and Wrekin Council**

**Referred by: Telford and Wrekin Council**

**Date of decision: 01 April 2022**

## Determination

**Under the powers conferred on me by the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (the Regulations) made under Part 2 of The Education and Inspections Act 2006 I have considered the proposal to expand Holy Trinity Academy (the school), a voluntary aided school maintained by Telford and Wrekin Council (the Council). I approve the proposal.**

## The proposal

1. On 11 March 2021 the Council published a statutory notice to make a prescribed alteration to the school by enlarging the premises and by increasing the number of school places available in Year7 from 150 to 210 from September 2022, with the result that in time an additional 300 places will be added to the school's capacity for Years 7 to 11.

## Jurisdiction

2. The proposal was published under section 19 of the Education and Inspections Act 2006 and the Regulations.

3. The proposal was referred to the adjudicator by the Council. Under paragraph 5(3) of Schedule 3 to the Regulations, proposals for the expansion of a school are to be determined by the Local Authority within the prescribed period of two months from the end of the representation period (the period following publication of the proposals during which representations may be made). Under paragraph 5(4) where the local authority does not make a determination within that two month period the proposals must be referred to the

adjudicator. As a result of planning issues, the Council did not determine the proposal within two months and consequently, under the above provisions, the proposal was referred to me.

4. I am satisfied that I have jurisdiction to determine this proposal.

## **Procedure**

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

- a) the statutory notice dated 5 March 2021, published on the Council's website on 12 March 2021;
- b) A public notice published in the Shropshire Star newspaper on 11 March 2021;
- c) Correspondence between the Office of the Schools Adjudicator (OSA) and the Council; and
- d) Documentation relating to consultation on the expansion of Holy Trinity School.

## **Background**

6. Holy Trinity Academy is a voluntary aided secondary faith school for boys and girls aged 11 to 18, maintained by the Council. The school has a Roman Catholic/Church of England religious character. It is non-selective. It currently has a PAN of 150 for Year 7 with 90 Foundation places for Christian children and 60 open places. The school is jointly sponsored by the Diocese of Litchfield (Church of England) and the Diocese of Shrewsbury (Roman Catholic). The Council informs me that both Dioceses support the proposed expansion. The OSA wrote to both Dioceses on receipt of the referral of this proposal. Neither has responded with any comments.

## **Consideration of factors**

### **The Statutory Process**

7. The Council published a statutory notice on its website on 12 March 2021 which allowed the required four weeks for representations to be sent to the Council. I am satisfied that the statutory notice contained the required information. I am also satisfied that the required notice was published in a local newspaper.

8. Throughout 2021 the Council publicised the plans to expand the school. This did not come before or significantly before publication of the statutory notice. A letter was sent to local residents in March 2021 and the Council issued a news release in December 2021, giving details of the proposed expansion, which was reported in the local press. An informal consultation prior to publication of a statutory notice is not a statutory requirement and I am

satisfied that anyone with an interest in the expansion of the school is likely to have been made aware of the Council's plans and has had the opportunity to comment.

9. There was only one response to the statutory consultation, which concerned only the lack of an electronic means to respond.

10. I am satisfied that the required statutory process has been followed.

## **The rationale for the proposal**

11. The rationale for the proposed expansion is set out in the statutory notice (with paragraph numbers added by me), as follows:

11.1. "The demand for secondary places is increasing and so Telford & Wrekin Council is proposing to increase the permanent capacity of Holy Trinity Academy to meet demand for school places in the North Telford area. This increase in demand is the result of both recently completed and further new housing developments within the area, which will see the North Telford area increase by over 2,000 dwellings. This amount of housing is expected to yield in excess of 320 new pupils across the secondary age-range. It is highly unlikely that the schools offering secondary education in North Telford would be able to offer places to all pupils residing in the area, without an expansion of the permanent capacity available at Holy Trinity Academy.

11.2. This proposal forms part of the Telford & Wrekin Council's ongoing commitment to meet its statutory obligation of providing sufficiency of school places within the Borough. It is intended that the proposals will maintain the excellent standards within the North Telford area by providing additional facilities for the pupils attending Holy Trinity Academy as we are allowing pupils residing in the area to attend their local school, negating the need to travel to alternative locations for their education".

12. At my request greater detail has been provided by the Council, as follows:

## **Background**

T&W had large surpluses at secondary level up until 2018. However, following the huge increase in birth rates and the ongoing number of housing developments in the Borough significantly larger cohorts have been moving through our primary schools to our secondary schools and subsequently there is now significant pressure on Secondary school places with a further 5 years of large Year 7 cohorts coming through from Sept 21 to Sept 25.

At the end of the 20/21 Academic year Telford & Wrekin had 8% surplus at secondary, but all of the surplus is in years 10/11 and subsequently this will disappear as these cohorts leave by July 2022

Across the Borough years 7, 8, 9 and 10 are largely full with most schools already over their planned admission number.

Ideally, we need to be in a position to provide additional places so that we are providing more choice for parents, places in appropriate locations and factoring in a 3% surplus to give us a buffer for the next few years to accommodate the inward migration that we experience on an annual basis

## **Recent Increases in Secondary Sufficiency**

Since 2019 Hadley Learning Community have increased their admission number by 60 places in Year 7 every year and will be providing an additional 300 places when full by Sept 2023

Since 2019 Burton Borough have increased their admission number by 26 pupils and will be providing an additional 130 places when full by Sept 2023.

In 2019 Thomas Telford School agreed to up their PAN by 30 places for the next five years providing an additional 150 places.

In 2020 both of the grammar schools were successful in their application to the Selective School Expansion fund and from 2021, this will provide a further 150 places at each of the grammar schools over the next five years.

\*NB: Significant numbers of out of Borough pupils access Thomas Telford and the Grammar Schools

## **Sept 21 and Beyond**

Other Major Expansions include:

Telford Langley- 300 places. Construction completed in August 2021.

Holy Trinity Academy- 300 places. Planning has been consented. Construction due to complete in August 2022.

## **In year Applications**

Despite all of these additional increases there is significant pressure for places for both the new Year 7 cohorts that come through each September and also from in year admissions.

These pupils often will be people moving into the Borough during a school year or pupils whose parents didn't get their preferred school place and want to move to another school when places become available.

When there are no school places in a certain year group and or in a certain planning area it is not possible to then provide an in year place. We have a statutory duty to respond to parents regarding in year applications within 15 days.

Our admissions team currently deals with circa 2500 in year admissions each year.

## Managing Demand 2021-2025

The current Year 6 cohort is the largest cohort that has come through our schools and we will see a significant increase in the number of year 7 places we need for September 2022.

The following 3 intakes- whilst not quite as significant will nevertheless be over the current Borough wide capacity.

Figures in the table below detail how many additional places are required over and above those already in the pipeline.

The 3% figure shows how many surplus places we would ideally like to have from a place planning perspective in order to comfortably manage the in-year process.

In order to manage Year 7-10 in year volumes there is a need for 3% additional place in these year groups also.

## Additional Year 7 Places Required 2022-25

**Additional Y7 Places above PAN to meet projected need 22-25**

|                         | 2022/23 | 2023/24 | 2024/25 | 2025/26 |
|-------------------------|---------|---------|---------|---------|
| <b>Places Shortfall</b> | 139     | 99      | 95      | 38      |
| <b>Shortfall +3%</b>    | 217     | 177     | 172     | 113     |

13. The Council have helpfully provided a detailed breakdown of numbers in secondary schools in the area demonstrating the shortfall of places, which is increasing as each year higher numbers of pupils come into the schools.

| ID      | School                              | 7   | 8   | 9   | 10  | 11  | NOR  | PAN |
|---------|-------------------------------------|-----|-----|-----|-----|-----|------|-----|
| 8944405 | Burton Borough School               | 243 | 245 | 241 | 215 | 224 | 1168 | 242 |
| 8944002 | Charlton School                     | 238 | 239 | 222 | 238 | 236 | 1173 | 240 |
| 8945402 | Ercall Wood Academy                 | 196 | 192 | 173 | 185 | 172 | 918  | 180 |
| 8946906 | Haberdashers' Abraham Darby         | 184 | 189 | 179 | 183 | 179 | 914  | 180 |
| 8945400 | Haberdashers' Adams                 | 142 | 146 | 142 | 122 | 120 | 672  | 150 |
| 8944439 | Hadley Learning Community Secondary | 246 | 240 | 236 | 191 | 177 | 1090 | 240 |

| ID      | School                     | 7           | 8           | 9           | 10          | 11          | NOR          | PAN         |
|---------|----------------------------|-------------|-------------|-------------|-------------|-------------|--------------|-------------|
| 8944000 | Holy Trinity Academy       | 152         | 148         | 178         | 147         | 143         | 768          | 150         |
| 8946905 | Madeley Academy            | 187         | 185         | 198         | 208         | 173         | 951          | 180         |
| 8944364 | Newport Girl's High School | 120         | 90          | 90          | 88          | 83          | 471          | 120         |
| 8944425 | Telford Park School        | 133         | 127         | 117         | 128         | 116         | 621          | 120         |
| 8944001 | Telford Priory School      | 199         | 221         | 180         | 219         | 148         | 967          | 180         |
| 8944408 | The Telford Langley School | 245         | 209         | 187         | 177         | 162         | 980          | 240         |
|         | <b>Totals</b>              | <b>2285</b> | <b>2231</b> | <b>2142</b> | <b>2101</b> | <b>1933</b> | <b>10693</b> | <b>2222</b> |
|         | <b>Surplus Places</b>      | <b>-63</b>  | <b>-9</b>   | <b>79</b>   | <b>121</b>  | <b>289</b>  |              |             |

14. I accept that there is a need for more school places within the Council's area and that the expansion of the school is required in order to meet that need.

### Effect on other educational provision in the area

15. The statutory notice states (my paragraph numbers):

15.1. "It is not anticipated that the proposed expansion of Holy Trinity Academy will have any impact on other educational facilities within the local area as the proposed expansion of the school is to meet a forecast deficit of secondary places in the area. The proposal has been made to accommodate the increase in pupil numbers that is expected to arise from the new housing developments within the North Telford area and in addition to this, it is expected that the vast majority of the increased capacity that will result from this proposal will be filled by those pupils residing in North Telford area. Therefore there is no foreseen effect on other schools in the area, as the expansion is proportionate to meet the forecast demand for places."

16. I accept that, as demonstrated by the data set out above, there is a need for additional school places across the schools in the Council's area. I find that the expansion of the school will not have an adverse impact on other educational provision in the area.

17. The statutory guidance "Making significant changes ('prescribed alterations') to maintained schools" (October 2018) sets out a number of other matters to be considered by the decision maker in relation to proposals. These are set out and considered in the following paragraphs.

### Education standards and Diversity of provision

18. The Council has provided the following information under this heading.

18.1. "At their Ofsted inspection Holy Trinity Academy was described as a good school with a broad and balanced curriculum which gives pupils good

opportunities to pursue their academic interests. Extra-curricular activities are extensive and help pupils develop a wide range of sporting, artistic and social skills

- 18.2. Holy Trinity Academy is a popular and successful school, which is over-subscribed and has a “Good” Ofsted rating. During the consultation we had no respondents indicating that expanding Holy Trinity Academy would be detrimental to educational quality because of the proven standards at the school.
- 18.3. There are 13 Secondary schools across the Borough of Telford & Wrekin, two of which are selective and two of which operate Fair Banding protocol. Seven of the secondary [schools] are currently rated good or outstanding and as detailed previously Holy Trinity is currently rated good. They have a very strong school improvement plan and their results have progressed impressively since opening in 2015. Holy Trinity Academy have a strong educational vision and a high quality curriculum offer based on ambitious standards of attainment at all key stages. The school strives to ensure that pupils consistently achieve highly, particularly the most disadvantaged, and pupils with SEND.
- 18.4. Although Holy Trinity Academy is a voluntary aided multi faith school, it is open to children of faith or of no faith. The school focuses on children’s spiritual, not religious, development. Clearly, Telford & Wrekin’s proposal to expand Holy Trinity Academy, if approved, would mean that parents specifically seeking a non-faith school would need to send their children to an alternative secondary all of which are non-church schools”.

19. I accept that the school provides a good level of education and development for its pupils and that the proposed expansion will not have a detrimental impact on education standards. There is a diversity of provision within the Council’s area, and with the increased PANs of a number of local schools (detailed above) I am satisfied that this will continue to be the case. I am satisfied that the proposed expansion will help to meet the needs of parents, contribute to raising local standards and narrowing attainment gaps.

## Equal Opportunities

20. The Council has provided the following information under this heading.

- 20.1. “As a borough council, we are committed to ensuring fair and accessible services for everyone in Telford & Wrekin. The weight given to the equalities and inclusion policy area within the Council specifically complements our organisational priority in respect of supporting vulnerable people. Details from their own equalities policy state that at Holy Trinity Academy staff are committed to ensuring equality of education and opportunity for all pupils, staff, parents and carers receiving services from the school, irrespective of

race, disability, sex, sexual orientation, gender reassignment, religion or belief.

20.2. Both Borough of Telford & Wrekin and Holy Trinity Academy comply with the Public Sector Equality Duty (PSED)".

21. I am satisfied that the Council and the school are committed to improving equality of opportunity and, as far as the information I have been given will allow, to complying with the Public Sector Equality Duty.

## Community Cohesion

22. The Council has provided the following information under this heading.

22.1. "Holy Trinity Academy is located in the heart of the Priorslee parish and is an inclusive faith based school that serves the whole of the Telford and Wrekin community, Shropshire and beyond.

22.2. The mission of Holy Trinity Academy [HTA] is 'to create and sustain an inclusive and outstanding learning community for all, rooted in the teachings of Jesus Christ, in which all will aspire to excellence in learning, teaching and care for one another, and all will achieve and grow as unique individuals made in the image of God'.

22.3. HTA have faith as one of the criteria for application to the school and whilst in their published admission arrangements they reserve 90 places for pupils meeting the faith criteria, however the reality of this is that fewer than 40 were allocated a place on faith grounds in the last academic year. The school welcomes pupils and families of all faiths/world views and none. Schools in Telford and Wrekin are highly inclusive and are able to address the needs of all pupils and parents. HTA provide an environment where pupils behave with consistently high levels of respect for others, where commonalities are identified and celebrated, difference is valued and nurtured, and bullying, harassment and violence are never tolerated. HTA take account of the need to serve the local community and reflect the need for community cohesion. The school population includes over 13% FSM [free school meals], 1.7% with a EHCP [Education Health and Care Plan] and 11% with SEN [Special Educational Needs] Support. A Community Use Agreement has been signed to allow use of the school facilities outside of normal school hours".

23. I am satisfied that the school, with the proposed expansion, will provide opportunities for young people from different backgrounds to learn with, from, and about each other; by encouraging through their teaching, an understanding of, and respect for, other cultures, faiths and communities.



## **Travel and accessibility**

24. The Council has provided the following information under this heading.

24.1. "As part of the planning process an updated travel plan has been agreed and approved by Telford & Wrekin Highways to ensure that we minimise journey times and to promote the LA's sustainable travel and transport to school model".

25. I am satisfied that the expansion of the school will not have an adverse impact on pupils' travel to and from school and that the increased numbers attending the school has been taken into account and planned for by the Council.

## **Funding**

26. The Council has provided the following information under this heading (my numbering).

26.1. "The project to increase the permanent capacity at Holy Trinity Academy to provide accommodation for the additional pupils that would be educated on the school site, in the event that this proposal proceeds, is expected to cost in the region of £7,500,000... The project would be funded by a combination of Section 106 developer contributions and basic need grant funding received from the Education and Skills Funding Agency (ESFA).

26.2. Works at the school to accommodate this expansion is starting on site in February 2022 and we anticipate the works will be complete by mid-September."

27. I am satisfied that the funding is in place to enable the necessary works to have progressed sufficiently to accommodate the first expanded intake in September 2022.

## **Note to the school's governing body**

28. The admission arrangements for 2022 have already been determined and published on the school's website. My approval of this proposal will require those arrangements to be varied to reflect the change to the school's PAN for 2022. The number of Foundation and Open places will accordingly also require variation. The procedure for the governing body as admissions authority for the school to refer proposed variations to the adjudicator is set out in paragraphs 3.6 and 3.7 of the School Admissions Code. Similar variations will be required for the 2023 admission arrangements, assuming they have been determined by the deadline of 28 February 2022.

29. I have also noticed that in the current admission arrangements for 2022, criterion 1 for Foundation places refers to looked after children but not to previously looked after children. Criterion 1 for open places refers to looked after and previously looked after children. The School Admissions Code requires that both looked after and previously

looked after children are the first priority in each case. This is something the Governing Body should correct in its application for a variation.

## **Determination**

30. Under the powers conferred on me by the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (the Regulations) made under Part 2 of The Education and Inspections Act 2006 I have considered the proposal to expand Holy Trinity Academy, a voluntary aided school maintained by Telford and Wrekin Council. I approve the proposal.

Dated: 01 April 2022

Signed:

Schools Adjudicator: Tom Brooke