



Office of  
the Schools  
Adjudicator

## Determination

**Case reference: ADA3972**

**Objector: North Northamptonshire Council**

**Admission authority: the governing board of Creative Education Trust for Wrenn School, Wellingborough**

**Date of decision: 31 August 2022**

## Determination

**In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements for September 2022 determined by the governing board of Creative Education Trust for Wrenn School, Wellingborough.**

**I have also considered the arrangements in accordance with section 88I(5) and find there are other matters which do not conform with the requirements relating to admission arrangements in the ways set out in this determination.**

**By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of the date of the determination unless an alternative timescale is specified by the adjudicator. In this case I determine that the arrangements must be revised by 31 October 2022.**

## The referral

1. Under section 88H(2) of the School Standards and Framework Act 1998, (the Act), an objection has been referred to the adjudicator by North Northamptonshire Council (the objector). The objector is also the local authority (LA) for the area in which the school is located. The objection is about the admission arrangements (the arrangements) for the Wrenn School (the school) in Wellingborough, an academy for 11 to 18 year olds, for September 2023. The school is part of the Creative Education Trust (the trust), a multi-academy trust which sponsors 17 academies (a mixture of both primary and secondary).

2. The objection is to the school reducing its published admission number (PAN) from 260 to 225 places for admissions in September 2023.

## Jurisdiction

3. The terms of the agreement between the trust and the Secretary of State for Education require that the admissions policy and arrangements for the school are in accordance with admissions law as it applies to maintained schools. These arrangements were determined by the governing board of the trust (the trust board), which is the admission authority for the school, on that basis.

4. The objector submitted its objection to the determined arrangements on 13 May 2022. I am satisfied the objection has properly referred to me in accordance with section 88H of the Act and it is within my jurisdiction.

5. I have also used my power under section 88I of the Act to consider the arrangements as a whole, because they have come to my attention by way of the objection, and to determine whether they conform to the requirements relating to admissions and if not in what ways they do not so conform. When I considered the arrangements, I identified a number of matters which did not meet the requirements. I will refer to my findings in that regard in the sections of the determination headed 'Other Matters'.

## Procedure

6. In considering the objection and other matters I have had regard to all relevant legislation and the School Admissions Code (the Code).

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

- a. a copy of the minutes of the meeting of the trust board at which the arrangements were determined;
- b. a copy of the determined arrangements;
- c. the objector's form of objection dated 13 May 2022 and supporting documents;
- d. the trust's response to the objection and supporting documents;
- e. confirmation of when consultation on the arrangements last took place and details of the nature of the consultation and responses to it;
- f. information available on the websites of the school, LA, the Department for Education (DfE) and Ofsted;
- g. Google Maps of Northamptonshire; and
- h. Northamptonshire County Council's (NCC) 'School Organisation Plan 2018-23' \*.

\* I note that NCC was dissolved on 1 April 2021 to create North Northamptonshire Council (the objector) and West Northamptonshire Council, but that this document is still in force.

## The Objection

8. The objector asserts that the reduction in PAN at the school from 260 to 225 will directly impact upon its ability, as the LA, to comply with its statutory obligation of providing a sufficiency of secondary school places in the area from 2023/24.

## Other Matters

9. In a number of respects the arrangements appeared to me to lack the clarity required by the Code and / or not to include all the information that the Code requires to be provided in arrangements. The areas of specific concern to me are: the lack of a clear definition of looked after and previously looked after children; the combination of tie-break and distance calculation explanations rendering both unclear; how the home address would be determined for children who lived for some of the time with one parent and some with another; how the distance of the home address from the school is calculated; how the random allocation process will work; what the in-year admission process is; and the arrangements for entry into the sixth form. I raised these matters with the trust board.

## Background

10. The school is a secondary academy for 11 to 18 year olds situated on a split site in Wellingborough (Years 7, 8 and the sixth form are educated on the London Road site and Years 9 to 11 on the Doddington Road site, with separate sports' facilities at the Roseacre Playing Fields site). The school converted to academy status in 2013. It is an all-ability, co-educational school. Ofsted rated the school as 'Good' in 2018. According to the 'Get Information About Schools' (GIAS) website, the number of students at the school is 1304 out of a capacity of 1632. The Published Admission Number (PAN) for the school is 225 from September 2023 (reducing from 260 in September 2022). In September 2022, the LA reported that all pupils expressing a preference for the school were allocated a place. According to the GIAS website, there are three other secondary schools within three miles of the school's location, one of which is also a member of the same trust (Weavers Academy). The other two schools are the Sir Christopher Hatton Academy and Wollaston School. These four schools form the LA's Wellingborough Secondary Planning Area (the planning area).

11. Although the objection does not refer to the oversubscription criteria, the other matters I have raised with the school do. I summarise those criteria as follows (the numbering is as it is in the arrangements):

3.2.0 Looked after children and previously looked after children.

3.2.1. Siblings of students expected to be a member of the school when the applicant expects to be admitted.

3.2.2 Pupils from eleven named 'traditional feeder schools'.

3.2.3 Children of school employees.

### 3.2.4 All other students.

In the event of a 'tie', allocation of places is decided by the proximity of the student's home to the school, with those living nearer accorded the higher priority.

12. The arrangements for 2023 were determined by the trust board on 3 February 2022.

## Consideration of Case

13. The objector provided the following explanation for its objection to the reduction in PAN at the school for September 2023:

"NNC's pupil projection forecasts are based upon birth data, the number of pupils currently attending an area primary school and three-year trend data, they do not include the anticipated pupil yield from new housing development that will be completed within forthcoming academic years. As such, the projections provided within the accompanying document can be considered to be conservative.

NNC's pupil projection forecasts indicate that there will be a deficit of 19 and 24 Year 7 places in the 'Wellingborough Secondary' planning area in the 23/24 and 24/25 academic years respectively, should the proposed reduction in PAN of 35 places at Wrenn School proceed.

A deficit of secondary capacity in these academic years would necessitate both capital and revenue expenditure to re-provide the capacity 'lost' via the reduction in PAN at Wrenn School at another area school. This could not be considered to be an effective and efficient use of public money.

In addition to the 'Wellingborough Secondary' area district pupil projections, the school level projections for Wrenn School indicate that anticipated pupil numbers at the school would be significantly higher than its proposed reduced PAN of 225, inclusive of the 23/24 – 24/25 academic years. As such, there does not appear to be any pressing reason for the school to progress such a significant PAN reduction from September 2023.

It is acknowledged that the pupil projection forecasts show a decreased number of students starting a Wellingborough area secondary school from September 2025 onwards and NNC would be happy to engage with the school over a possible reduction in PAN when appropriate, from this point in time onwards.

NNC would however like to emphasise that there are two large scale new housing developments currently being delivered to the North and North-East of Wellingborough town. The Glenvale Park development of 3,000 new dwellings and Stanton Cross SUE of 3,500 new dwellings are expected to generate approximately 1,300 new secondary aged students once they have reached maturity. This level of new housing development will clearly necessitate additional capacity being required in the area moving forwards. This new capacity is likely to take the form of

temporary, bulge capacity being added to existing schools in the short-term and a brand-new secondary school in the longer term.

The rate of housing occupations on each of the developments detailed above will dictate if a PAN reduction at Wrenn School can be accommodated in future academic years.

It is for the reasons stated above and the clear and immediate risk that the proposed reduction in PAN at Wrenn School would pose to NNC’s ability to provide a sufficiency of school places in this area of North Northants, as to why NNC must formally oppose the proposal at the current time.”

14. The objector provided data for the planning area and for the school up to 2030/31. I have put that data, starting in 2022/23 into Tables 1 and 2. The data in those two tables does not include the projected figures for the pupil numbers arising from the two large scale new housing developments currently being delivered to the North and North-East of Wellingborough – I will deal with how that might affect pupil place planning in due course.

Table 1: Pupil number data for the planning area – 2022/23 to 2030/31

School Year	2022 /23	2023 /24	2024 /25	2025 /26	2026 /27	2027 /28	2028 /29	2029 /30	2030 /31
<b>Sum of PANs (260 at Wrenn)</b>	986	986	986	986	986	986	986	986	986
<b>Sum of PANs (225 at Wrenn)</b>	986	951	951	951	951	951	951	951	951
<b>Y7</b>	(1015)	<u>(970)</u>	<u>(975)</u>	890	886	901	857	843	826
<b>Y8</b>	924	(1011)	<u>(966)</u>	<u>(971)</u>	886	882	897	853	839
<b>Y9</b>	943	913	(1000)	<u>(955)</u>	<u>(960)</u>	875	871	886	842
<b>Y10</b>	987	943	913	(1000)	<u>(955)</u>	<u>(960)</u>	875	871	886
<b>Y11</b>	876	981	937	907	(994)	949	<u>(954)</u>	869	865
<b>Y12</b>	365	370	411	396	387	420	396	404	368
<b>Y13</b>	342	337	342	381	366	358	389	367	374
<b>Total Y7 to 11</b>	4745	4818	4791	4723	4681	4567	4454	4322	4258
<b>Total Y12 and 13</b>	707	707	753	777	753	778	785	771	742
<b>Total Roll</b>	5452	5525	5544	5500	5434	5345	5239	5093	5000

Figures in brackets indicate where the numbers of pupils in the planning area exceed the number of places. Where figures are both in brackets and underlined, this indicates where the pupils in the planning area exceed the number of places because the PAN of the school

has been reduced to 225 (and the overall combined PANs of schools in the planning area would then be 951).

Table 2: Pupil number data for the school – 2022/23 to 2030/31

School Year	2022 /23	2023 /24	2024 /25	2025 /26	2026 /27	2027 /28	2028 /29	2029 /30	2030 /31
Y7	260	<u>260</u>	<u>256</u>	<u>234</u>	<u>236</u>	<u>232</u>	223	<u>230</u>	222
Y8	262	<u>267</u>	<u>267</u>	<u>263</u>	<u>241</u>	<u>243</u>	<u>239</u>	<u>230</u>	<u>237</u>
Y9	253	<u>260</u>	<u>265</u>	<u>265</u>	<u>261</u>	<u>239</u>	<u>241</u>	<u>237</u>	<u>228</u>
Y10	263	<u>255</u>	<u>262</u>	<u>267</u>	<u>267</u>	<u>263</u>	<u>241</u>	<u>243</u>	<u>239</u>
Y11	186	<u>257</u>	<u>249</u>	<u>256</u>	<u>261</u>	<u>261</u>	<u>257</u>	<u>235</u>	<u>237</u>
Y12	67	64	88	85	88	90	90	88	81
Y13	63	64	61	84	81	84	86	86	84
<b>Total Y7 to 11</b>	1224	1299	1299	1285	1266	1238	1201	1175	1163
<b>Total Y12 and 13</b>	130	128	149	169	169	174	176	174	165
<b>Total Roll</b>	1354	1427	1448	1454	1435	1412	1377	1349	1328

Those figures underlined indicate where the projected pupil numbers for the school exceed the number of places as a result of the PAN of the school being reduced to 225 from September 2023.

15. Table 3 shows the projected shortfall of places at the school against the local authority’s projected demand from 2023/24 to 2030/31 based on the PAN having been reduced to 225.

Table 3: Projected shortage of places at the school from 2023/24

School Year	2023 /24	2024 /25	2025 /26	2026 /27	2027 /28	2028 /29	2029 /30	2030 /31
<b>Shortage (-) / surplus (+) of places</b>	-35	-31	-9	-11	-7	+2	-5	+3

16. Although my jurisdiction is primarily for Year 7 (indicated in the Y7 row in both Tables 1 and 2) in 2023/24, I must also take into account the effect of the reduction in PAN at the school on the sufficiency of pupil places in the planning area beyond 2023/24. Table 1 shows there will be a spike in the number of pupils entering schools in the planning area in September 2022, but that was the only time the number of places in the area would not meet demand in the period the data covers (if the PAN at the school had remained at 260). It is important to note at this point the reasons for the increase in pupil numbers as set out in the NCC ‘School Organisation Plan 2018-23’:

“[...] the number of children entering Reception classes in September 2015 is 8,946 compared with 8,027 in September 2010. This has been a result of the increased birth rate, in-migration to the county and housing development. Although the birth rate is expected to drop in the period of this plan, the impact of additional housing will continue to affect many areas of the county.

The overall numbers of Primary school children will continue to grow until September 2018, as larger year groups work their way through, then overall numbers will begin to stabilise for the year groups entering Reception from September 2019 onwards although, again, in some areas the impact of new housing will offset this.

Overall numbers in secondary schools will grow from September 2015 onwards as larger cohorts transfer from primary schools, expecting to peak in September 2025 to correspond with the Reception peak seven years earlier, but numbers may then plateau.”

17. Taking into account the school reducing its PAN to 225, the shortage of places in the planning area is extended into 2023/24 and 2024/25. Table 2 shows that if the PAN had remained at 260 the school itself would not be projected to have a shortfall of places against demand in the period covered by the data. Reducing the PAN means that there is now projected to be a shortfall of places from 2023/24 through to 2027/28 and in 2029/30. Table 3 shows that the largest shortfall of places is in 2023/24 and 2024/25 (amounting to over the equivalent of a class in each year), although the data show that the shortage decreases over time. Indeed, on that point, in later correspondence the objector conceded that:

“According to the latest projections, from Sept 2025 a reduction at Wrenn may be accommodated by the other Wellingborough secondaries. Therefore North Northamptonshire Council will be able to review its position in 2024.”

18. I requested the planning area and school data to see how the two large scale new housing developments impacted on the projected demand for places in the area. The objector was not able to put this into the same format and told me that school-level projections are not available. However, the objector did provide data which showed the projected cumulative additional pupil yield for the planning area of the new housing developments from 2022/23 to 2030/31. I have put that data into Table 4.

Table 4: Projected cumulative additional pupil yield \* (Y7 to 13) for the planning area of the new housing developments 2022/23 to 2030/31

School Year	2022 /23	2023 /24	2024 /25	2025 /26	2026 /27	2027 /28	2028 /29	2029 /30	2030 /31
<b>Total Places</b>	5880	5880	5880	5880	5880	5880	5880	5880	5880
<b>Forecast</b>	5452	5525	5544	5500	5434	5345	5239	5093	5000
<b>Additional pupil yield (cumulative)</b>	135	306	488	634	792	925	1004	1086	1168

<b>Total pupils</b>	5587	5831	6032	6134	6226	6270	6243	6179	6168
<b>Places remaining (Y7 to 13)</b>	293	49	-152	-254	-346	-390	-363	-299	-288
<b>Places remaining (Y7 to 11 only)</b>	93	-97	-195	-227	-293	-270	-211	-135	-127

\* The objector pointed out the following caveats in respect of this data:

- These are based on projected housing completions, including pupil yield from all sites listed in the Joint Core Strategy for 2011-2031 in Wellingborough district.
- Pupil yield has been calculated using an average of 0.13 secondary aged children and 0.06 sixth form pupils per dwelling (based on 3 bedroom dwellings).
- The additional pupil yield should be viewed with caution as completions in recent years will already show in the intake and cohort progression trends of the pupil projections and may have resulted in double counting.

19. Looking at the final row in Table 4, it is clear to see that there is the potential for pressure on places in the planning area as a result of the new housing developments, beginning in 2023/24, and adding to the shortage of places already highlighted in Tables 1 to 3. This continues to grow until it peaks in 2026/27 (and 2029/30 for sixth form when 'places remaining' is projected to be -164). For 2023/24 and 2024/25, the objector argues that by keeping the school's PAN at 260, it can meet the pupil place need as projected for the planning area and as shown on Tables 1 to 3.

20. I turn now to look at what the trust have said were the reasons for the decision to reduce the school's PAN. The trust consulted on its then-proposal (as is required for PAN reductions under paragraph 1.45 of the Code) between 2 December 2021 and 28 January 2022 (in accordance with paragraph 1.46). The objector has not raised any matters in respect of the consultation itself, only about the decision taken by the trust as a result of it. Consequently, I do not intend to evaluate the way the consultation was conducted, though I will refer to the rationale presented during that exercise.

21. As part of its response to my requests for information, the trust provided me with the following documentation from, or referring to, its consultation which contain the reasons for the proposal for the reduction in PAN: the 'context statement' provided to local councillors and the LA; the minutes of the trust board meeting from December 2021; and the letter, sent to stakeholders and relevant parties about the consultation exercise, dated 2 December 2021. Using the trust's responses and documents, I have identified the primary reasons the trust proffered for reducing the PAN, putting aside those aspects of the rationale which appear to be perceived and secondary beneficial effects on the school of implementing the reduction. I identified the following three reasons:

21.1. The projected reduction in the number of pupils in the area.



In its 'context statement' it was recorded that:

"The school organisational plan 2018-2023 shows that there is a decline of an average of 180-200 year 6 students coming through from primary from 2024-2029. This mirrors the picture within the birth rate projections for Wrenn provided by the LA where numbers in Year 7 are forecast to decrease by 28-40 students each year from 2024."

21.2. A 'significant decline' in first preferences for the school.

In its 'context statement', it was recorded that:

"The rate of first preferences for secondary school places fell in 2018 to 76.5% from 82%, the 3-year trend for Wrenn shows our first-choice preferences to be between 165-185. Reducing our PAN to 225 will not impact on the % allocation of first choice places for parents."

The trust board recorded in the minutes of its meeting in December 2021, that:

"Based on the applications for Y7 2021/2022 there has been a significant decline in first choice applications, as a result of local demographic changes."

21.3. A reduction in pupil numbers due to new schools being established to serve new local housing developments.

In its response to my request for information, the trust stated:

"North Northamptonshire Council, building a new school with 1500 places from September 2023 in Corby and a further 1100 places for September 2024 in Kettering. West Northamptonshire Council, building a new school with 1000 places near Northampton. These three schools may help to alleviate any additional pressures on numbers which may have been created through additional housing in the local authority."

In the 'context statement' it was also recorded that:

"The plan to build an 8-form secondary school with 1500 secondary places will meet the pupil yield from housing developments at Upper Redhill and Stanton Cross. This would create an additional 240 pupil places, this combined with the surplus projections 2023 onwards would support shows capacity within the secondary school allocation. This would place pressure on Wrenn to continue to fill a PAN allocation of 260."

22. It is difficult to see, from anything the trust have provided in respect of the reduction in pupil numbers, a justification for the reduction in PAN specifically for the school year beginning in September 2023. The trust itself presented information during its consultation that indicated that the decline is from 2024/25 onwards. The data provided by the objector

show that 2024/25 will be marginally less problematic than 2023/24, but the impact of the reduction of pupils in the planning area will largely be felt from 2025/26 onwards (putting aside that this might be offset by the influx of pupils as a result of the two new housing developments).

23. The trust provided data for the school at my request, which I have put into Tables 5, 6 and 7 below.

Table 5: Number of pupils admitted 2010 to 2021 and offered places for 2022

<b>Year</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
<b>Total admitted / offered</b>	231	250	255	255

Table 6: Number of pupils in the school (as of 10 June 2022)

<b>Year Group</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>
<b>Number of pupils</b>	258	257	262	192	196	66	79

Table 7: Preference numbers for places at the school from 2019 to 2022

<b>Year</b>	<b>First Preference</b>	<b>Second Preference</b>	<b>Third Preference</b>	<b>Total</b>
<b>2019</b>	189	35	2	226
<b>2020</b>	178	134	4	316
<b>2021</b>	197	50	6	253
<b>2022</b>	173	67	7	247

24. Pupil numbers change almost on a daily basis due to a variety of pupil mobility and other factors. For example, I note that the LA website for admissions to schools in the area in September 2022 records that all 260 places have been offered at the school and there are no spare places, whereas the data in Table 5 records 255 places have been offered – this is likely to be a symptom of taking data snapshots at different points. Nevertheless, the data show that the number of pupils admitted to the school has been increasing over time. This is apparent from Table 5 which shows that the numbers admitted to Year 7 between 2019 and 2022 has risen each year, commensurate with the increase in the number of pupils in the planning area. This is again reflected in the numbers in each of the year groups in June 2022 in Table 6, particularly comparing Years 7 to 9 with Years 10 and 11, the latter having been admitted when there were reported to be fewer pupils in the planning area (I do not compare the sixth form figures as this is non-compulsory education and is therefore not comparable). When comparing the numbers admitted between 2019 and 2021 from Table 5 with the numbers in the school currently from Table 6, it can be seen that there are more pupils in Year 7 (entry in 2021) to Year 9 (entry in 2019) in June 2022 than were originally admitted in each year groups’ entry point to the school. This shows that, for the last three years at least, there have been a number of in-year admissions. There is,

therefore, likely to be more of a demand for places than the projected pupil number data indicates.

25. The trust claimed that there has been a 'significant decline' in the number of first preferences in 2022. Table 7 shows that there were 24 fewer first preferences than in 2021. It is clear the number of first preferences over time has fluctuated. Although the number of first preferences was lowest for 2022 out of the period covered by the data, it is only five lower than in 2020. In any event, it is not the case that schools cater only for those expressing a first preference. A second or third preference is still a preference for the school and for the child whose higher preference cannot be met, it is important. In the context of rising pupil numbers, to reduce the PAN on the basis that first preferences have reduced when there is clearly an increasing need for school places, would have the effect of frustrating parental preference and leave some children, according to the data in Table 2 for at least the five years from the implementation of the PAN reduction, without a local secondary school place.

26. Finally, the trust is of the view that the provision of new schools in the county will build the capacity required by new housing developments and reduce the need for places at the school. The trust cited that new schools are being opened in Kettering, Northampton and Corby and that these 'may help to alleviate any additional pressures on numbers which may have been created through additional housing in the local authority'. Google Maps shows that from the centre of Wellingborough: the centre of Kettering is 6.61 miles (straight line distance) and 8.4 miles (by the most direct road route); the centre of Northampton is 9.56 miles (straight line distance) and 12.1 miles (by the most direct road route); and the centre of Corby is 13.04 miles (straight line distance) and 17.6 miles (by the most direct road route). Given these distances, it is unlikely (with that unlikelihood increasing with the increasing distances between these settlements) that pupils will travel to schools located so far away, particularly when there are good schools available locally. In any event, it would almost certainly be unlikely that it would happen in the numbers that would make up for the deficits in places shown on Table 3.

27. The trust asserted, during its consultation, that a new secondary school is to be built in the town of Wellingborough, adding 240 places and justifying the school not having to maintain a PAN of 260. In this regard, the objector has confirmed that a new secondary school is been considered beyond 2025. The objector told me that:

"We negotiate S106 agreements and generally these agreements state that New Schools must be built based on the number of occupations achieved. Therefore if a Developer slows there [sic] development for any reason i.e. planning issues, unforeseen construction issues or financing, these can all impact on the speed of construction and the school open dates. In this situation the Developer has been delayed in the planning stages. We understand that all reserved matters will be submitted in 2023. So we are looking at 2025+ for a new school to open."

28. In the short-term however, the objector is seeking to deliver capacity temporarily through existing schools. Any new school will clearly not have an effect on the pupil place deficit in 2023/24 and 2024/25 caused by the reduction in the PAN at the school.

29. Through its responses and documentary evidence, the trust has not provided any reasons why it specifically needed to reduce the PAN at the school from 2023/24. It is concerning that the trust made this decision in the context of increasing pupil numbers at the school and when data for the planning area show that there will be a clear need for 260 places at the school until at least 2025/26. The trust should be commended for its 'horizon-gazing' and for taking the steps necessary to avoid problems that may be caused for the school by the longer-term reduction in pupil numbers. However, in my view it has made its 'course correction' too early, either ignoring or by failing to see the shortfall in places it will cause in the short-term or the wider role and responsibility of the school as part of a group of schools in the planning area. The reduction in PAN at the school will create problems to both parents and to the objector in 2023/24 and 2024/25. For parents, their children might not get a place at the school or in a school in the planning area in those two years. For the objector, its ability to fulfil its duty to ensure a sufficiency of places in the area will be frustrated. With a PAN of 225 at the school, the objector will have to secure more school place capacity elsewhere, using up scarce public funding when the capacity already exists in the school. The trust has not suggested that the school could not physically accommodate an intake of 260 in 2023/24 or in 2024/25, nor would such an argument hold. I note that the trust have offered to the LA that it would admit above the reduced PAN by 15 places to assist. At 240 places, this would still not provide enough capacity to allow the objector to meet its obligation to provide enough secondary places in the planning area and, in my view, betrays a lack of understanding by the trust of the role of the school in this regard.

30. I raise one other matter which arose as part of my consideration of the arrangements as a whole and which I believe has some bearing on the matter raised by the objector. I asked the trust for further information in respect of oversubscription criterion 3.2.2 (pupils from eleven named 'traditional feeder schools'). Paragraph 1.15 of the Code states: "Admission authorities may wish to name a primary or middle school as a feeder school. The selection of a feeder school or schools as an oversubscription criterion **must** be transparent and made on reasonable grounds." I specifically asked why the word 'traditional' is specified prior to 'feeder schools', as it is not clear what this means. I also asked why these schools in particular are named in the arrangements.

31. The trust told me that the first ten of the named schools (All Saints Primary School, Croyland Junior School, Earls Barton Junior School, Freemans Primary School, Little Harrowden Primary School, Our Lady's Junior School, Park Junior School, Redwell Junior School, Wilby C of E Primary School, and Warwick Primary School) have been named in this criterion for a number of years 'in line with LA practice'. (I note that the 'Our Lady's Junior School' as named in the arrangements is actually the Our Lady's Catholic Primary School and East Barton is in fact a primary school – the trust should update the list in the arrangements with the correct names of the schools). Data provided by the trust showed

that, in 2021, 160 pupils were admitted from these ten schools. For September 2022, 166 pupils from these schools have been offered places.

32. An eleventh primary school, the 'Mears Ashby Primary School' (which is actually named 'Mears Ashby Church of England Primary School') has been added to the arrangements for 2023. The trust said that the suggestion to add Mears Ashby Church of England Primary School was made by a member of staff as part of the consultation on the reduction in PAN. By adding primary schools to the 'traditional feeder school' list under oversubscription criterion 3.2.2, it would potentially draw more pupils and address the longer term issue of lower pupil numbers. This suggestion was agreed and implemented by the trust board. The trust said the school has historically received a very small number of students from the school. It has been working on some transition projects and hopes that yearly admission numbers may increase slightly. The trust concedes that those admission numbers are likely to remain below five.

33. I note that the trust intends to remove the word 'traditional' from the descriptor of this criterion given that the reason for the addition of this additional feeder school is not in keeping with the reason for the other ten. I do not see anything else that would place the addition of Mears Ashby Church of England Primary School as a feeder school in breach of paragraph 1.15 of the Code. It is a decision born of the trust's desire to address the longer-term issue of reducing pupil numbers. However, it is difficult to see how the trust could justify adding a primary school to the school's feeder school list (thereby intending to increase the need for school places) at the same time as reducing its PAN. I consider this contradiction to be further evidence that the trust has not been able to see the short-term need to maintain the school's current PAN of 260 until at least 2025/26 when making its decision to reduce it.

34. On the basis of the evidence given to me, I am confident that more than 225 places will be needed at the school for Year 7 in 2023/24 and I uphold the objection to the setting of the PAN at 225.

35. This determination does not prevent the trust consulting on a PAN reduction for future arrangements beyond 2023/24. Should the trust wish to pursue such a reduction, I would urge it to work with the objector in order to find the appropriate point at which to do so – in order that both organisations can discharge their obligations in that regard – and so that further objections on this course of action can be avoided.

## Other Matters

36. Having considered the arrangements as a whole it appeared to me that the following matters do not conform with requirements of the Code and so I brought them to the attention of the trust. These matters are (paragraphs of the Code are indicated where relevant):

- 36.1. The reference to, and definition of, previously looked after children in oversubscription criterion 3.2.0 does not meet the requirement set out in the

revised Code which came into force on 1 September 2021. It is now a requirement to extend the same level of priority for looked after and previously looked after children to children who appear (to the admission authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted. All admission authorities were required to vary their admission arrangements accordingly by 1 September 2021 (this could be done without requesting a variation from the adjudicator). There appears to be no reference to this requirement in the arrangements. (Paragraph 1.7 of the Code, and also see separate guidance entitled 'Admissions priority for children adopted from state care outside of England: Guidance for admission authorities and local authorities – July 2021').

- 36.2. The arrangements are unclear in that Section 3.3 describes the allocation of pupils by distance from the school to places under the oversubscription criteria. This is preceded by the statement "In the event of a 'tie'". This section does not describe a tie-break situation until the last sentence. Tie-breaks are described in the Code under paragraph 1.8, which states "Admission arrangements **must** include an effective, clear, and fair tie-breaker to decide between two applications that cannot otherwise be separated." This section combines two explanations and is therefore unclear. (Paragraphs 1.4 and 1.8).
- 36.3. Section 3.3 states that the "allocation of a place will be decided by the proximity of the student's home to the school, with those living nearer accorded the higher priority". Paragraph 1.13 of the Code states that: "Admission authorities **must** clearly set out how distance from home to the school and/or any nodal points used in the arrangements will be measured. This **must** include making clear how the 'home' address will be determined and the point(s) in the school or nodal points from which all distances will be measured. This should include provision for cases where parents have shared responsibility for a child following the breakdown of their relationship and the child lives for part of the week with each parent." This section of the arrangements:
- 36.3.1 does not clearly set out how the home address will be determined;
- 36.3.2 states: "Distances used will be those provided by the North Northamptonshire Council." This does not set out how distance from home to the school will be measured;
- 36.3.3 does not include provision for cases where parents have shared responsibility for a child following the breakdown of their relationship and the child lives for part of the week with each parent.
- 36.4. Section 3.3 also states that: "In the event of distances being equal, the priority will be decided randomly." Paragraph 1.34 of the Code states: "Admission authorities that decide to use random allocation when schools are oversubscribed **must** set out clearly how this will operate, ensuring that

arrangements are transparent, and that looked after children and previously looked after children are prioritised.” Paragraph 1.35 additionally states: “The random allocation process **must** be supervised by someone independent of the school”. The arrangements do not make clear how the random allocation process will work.

36.5. Paragraph 2.18 of the Code states: “Admission authorities **must** make clear in their admission arrangements the process for requesting admission out of the normal age group.” The arrangements do not include this information.

36.6. Paragraph 2.6 of the Code states: “As with other points of entry to schools, highest priority in oversubscription criteria for sixth form places **must** be given to looked after children and previously looked after children who meet the academic entry criteria.” Whilst section 5.2 of the arrangements makes clear that the oversubscription criteria in section 3.2 of the arrangements will also be applied to sixth form applications, it does not make clear that will be dependent on meeting the academic entry requirements as laid out in section 5.3 of the arrangements.

36.7. Section 5.2 of the arrangements states: “There will be an agreed number of places available to students applying from other schools” (in respect of the Sixth Form). It is not clear what ‘an agreed number of places’ means. How is the number of places determined? Who sets the number of places and with whom they are agreed? Does this number change each year? How do parents find out what places are available for external candidates? (Paragraphs 14 and 1.8).

37. The trust has told me that it intends to address these matters which is welcomed. It has provided me with a copy of the arrangements it has updated to address the matters raised. However, as the copy provided is not the determined arrangements and is not within my jurisdiction, I have not looked any further at them.

## Summary of Findings

38. The trust has set the PAN for the school at 225 from 2023/24. This is a reduction of 35 places from the current PAN of 260. The trust proffered three reasons for doing so: the reduction in pupil numbers in the area from 2024; the ‘significant decline’ in the number of first preferences in 2022; and the opening of a number of new schools in the county which would reduce the need for the school to have a PAN of 260. The school has capacity for a PAN of 260.

39. The evidence presented to me shows that if the PAN for the school was to be reduced to 225 in 2023/24 there would be insufficient school places in the planning area for the pupils requiring them and this would also be the case for 2024/25. I therefore uphold the objection to the reduction in the PAN from 260 to 225.

40. I have also found that other areas of the arrangements do not comply with the Code and have brought those matters to the school's attention.

41. The school must address my findings in the timescale set out in this determination.

## **Determination**

42. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements for September 2022 determined by the governing board of Creative Education Trust for Wrenn School, Wellingborough.

43. I have also considered the arrangements in accordance with section 88I(5) and find there are other matters which do not conform with the requirements relating to admission arrangements in the ways set out in this determination.

44. By virtue of section 88K(2), the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of the date of the determination unless an alternative timescale is specified by the adjudicator. In this case I determine that the arrangements must be revised by 31 October 2022.

Dated: 31 August 2022

Signed:

Schools Adjudicator: Dr Robert Cawley