



Determination

Case reference:	ADA3970
Objector:	A parent
Admission authority:	The governing board of Goldington Academy, Bedfordshire
Date of decision:	27 October 2022

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements for September 2023 determined by the governing board of Goldington Academy, Bedfordshire.

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.

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 a parent (the objector), about the admission arrangements (the arrangements) for Goldington Academy (the school), a secondary school for 11 to 16 year olds for September 2023. The school is run by the Goldington Academy Trust (the trust) which is a single academy trust.
2. The objector raises concerns about the fact that, due to the number of primary schools listed as feeders, in the event of oversubscription other children in the area may not get the chance of a place at the school.

3. The local authority (LA) for the area in which the school is located is Bedfordshire. The LA is a party to this objection. Other parties to the objection are the objector and the school.

Jurisdiction

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

5. The objector submitted her objection to these determined arrangements on 14 May 2022. The objector has asked to have her identity kept from the other parties and has met the requirement of Regulation 24 of the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 by providing details of her name and address to me. I am satisfied the objection has been properly referred to me in accordance with section 88H of the Act and it is within my jurisdiction.

6. 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, 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 appear to meet the requirements. I will refer to my findings in that regard in the sections of the determination headed 'Other Matters'.

Procedure

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

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

- a. a copy of the minutes of the meeting of the governing board at which the arrangements were determined;
- b. a copy of the determined arrangements;
- c. the objector's form of objection dated 14 May 2022 and other documents;
- d. the response by the school to the objection and to the other matters raised;
- e. the response by the LA to the objection; and
- f. information available on the websites of the school, of the 'traditional feeder schools' (listed under oversubscription criterion 3 of the arrangements – see below) and of other relevant secondary schools in close proximity to the school, the Department for Education (DfE) and Ofsted.

The Objection

9. The objector considers the number of ‘traditional feeder schools’ listed under oversubscription criterion 3 in the school’s arrangements for 2023/24 to be excessive. The objector is concerned that the large number of schools on that list will mean that other children that live in the area, who go to different primary schools, will not have a chance of a place at the school. In particular, this objection was prompted by the school adding an eighth school to the list for admissions in 2023/24 (Edith Cavell Primary School).

10. The objector references the following part of paragraph 1.8 of the Code in her objection: “Oversubscription criteria **must** be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation.” I have considered also whether the arrangements in relation to feeder schools meet the requirement of paragraph 1.15 of the Code that the “selection of a feeder school or schools as an oversubscription criterion **must** be transparent and made on reasonable grounds” and whether the arrangements in relation to feeder schools are fair as required by paragraph 14.

Other Matters

11. 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 in relation to the following: the use of out-of-date terminology; the lack of a description of tie-break in the section of that name; and in respect of the date at which the trust ceases to maintain a waiting list.

12. These matters are detailed towards the end of this determination. I have raised these matters with the governing board of the school.

Background

13. The school is a co-educational, non-selective secondary school for 11 to 16 year olds. The trust is the admission authority for the school. Ofsted rated the school as ‘Good’ in February 2022. According to the Government’s ‘Get Information About Schools’ (GIAS) website, the number of children at the school is 837. The school has a capacity of 750. The Published Admission Number (PAN) for the school is 150. The school became an academy in 2011, and changed its age range from that of a middle to that of a secondary school from 2015. The PAN has been 150 since 2020.

14. In the event of oversubscription, after the admission of children with Education, Health and Care Plans (EHCPs) which name the school, places will be prioritised according to the school’s oversubscription criteria, summarised as follows:

- 1 Looked after and previously looked after children.
- 2 Children with siblings at the school.

3 Children from eight 'traditional feeder schools' (these are listed below).

4 Any other children.

Distance from the school is used in tie-break situations.

15. The arrangements for 2023/24 were determined by the governing board on 10 February 2022.

Consideration of Case

16. The objector states:

"The oversubscription criteria [sic] number 3, for Goldington Academy is that, 'Children from our traditional feeder schools: Brickhill Primary School, Castle Newnham School, Edith Cavell [Primary School], Goldington Green Academy, Hazeldene School and The Hills Academy, Putnoe Primary School, Scott Primary School.'

Please see approximate amounts of year 6 pupils each of the feeder schools have below:

- Brickhill Primary School: 60
- Castle Newnham School: 90
- Edith Cavell School: 45
- Goldington Green Academy: 90
- Hazeldene School: 60
- The Hills Academy: 60
- Putnoe Primary: 90
- Scott Primary School: 60

This is a total of 550 pupils [I note it is in fact 555 pupils], who have priority over, oversubscription criteria number 4. 'Any Other Children'. For the Published Admission Number (PAN) in YEAR 7 is 150.

An eighth feeder school, Edith Cavell, was added to their admissions list of 2023-2024, this school and two other listed are not in close proximity close to Goldington Academy, they are between 1.6-2 miles away from it.

[...] Eight feeder schools is excessive, making the process, unreasonable and not procedurally fair, as it will not give other children that live in the area, who may go to another school, i.e. a religious school, like St. John Rigby' Catholic Primary School, located across the road, from Goldington Academy, a chance of a place in the admissions process."

17. I note that Paragraph 1.15 of the Code is relevant to oversubscription criterion 3. Paragraph 1.15 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 can see that the school clearly names the eight ‘traditional feeder schools’ it uses to prioritise places under oversubscription criterion 3, and in that regard meets the requirements of the first part of paragraph 1.15.

18. That which the objector focusses upon, however, is relevant to the second part of paragraph 1.15 and to paragraph 1.8. It is asserted that the inclusion of eight ‘traditional feeder schools’ makes the arrangements ‘unreasonable and not procedurally fair’. When considering the reasonableness and procedural fairness of this aspect of the school’s arrangements, I will adopt a two stage approach which can generally be described as follows. First, I will assess whether the criterion in question is reasonable. If I find that it is unreasonable, the criterion would be non-compliant with the Code and I would not need to proceed to the second stage. If the criterion is found to be reasonable, I will go on to look whether the effect of the criterion is procedurally fair. Fairness is a concept, not unlike being ‘reasonable’, that is used in the Code but is not defined. Fairness can be described as a ‘protean concept’, in that it cannot be defined in universal terms, but its requirements will depend on the circumstances. Fairness is focussed on the effect of the arrangements on any relevant group. The term ‘procedurally fair’ is only used once in the Code (in paragraph 1.8) and is also not defined. Nevertheless, it can be delimited as that part ‘being fair’ that relates to the ‘due process’ of the arrangements – a key principle of just decision-making, based on regularity, predictability and certainty.

19. Turning to look at ‘reasonableness’ first, the Code uses the term ‘reasonable’ but does not define it. An everyday definition is of having sound judgement; being sensible and rational. It is the requirement of public bodies, including admission authorities, that they must act reasonably in adopting any policy or making any decision. The test I will apply to reach a conclusion on this aspect of the objection, therefore, is whether the choice of ‘traditional feeder schools’ is one which a reasonable admission authority acting rationally and taking into account all relevant factors and no irrelevant factors would choose. This is an objective test. It will be necessary to consider the rationale for their choice (part 1 of the test) and the effect of the practical operation (part 2).

20. I pause before considering part 1 of the reasonableness test to reflect on some issues pertinent to the matter raised by the objector. First, I think it important to note that by definition the oversubscription criteria in admission arrangements must give some children an advantage when applying for a school and disadvantage others. It follows, therefore, that if arrangements give one group of children higher priority for a place at the school, then another group will be given lower priority.

21. Secondly, there are issues which can arise for families who wish to apply to a secondary school where priority is given on the basis of where the child goes to primary school rather than on where they live. There are reasons why an admission authority might decide that priority based on feeder schools was the appropriate way to prioritise school places that could be considered reasonable. One example, in situations such as existed in this area before 2015 (when the school was a middle school and then converted to a secondary school), is where the age at which children transferred between schools was

different to that in neighbouring areas (such as having three tiers of schooling reduced to two). In that situation, giving priority to children who attend schools where they cannot continue their education into the next year, say Year 6, over children who attend schools where they could continue into Year 6 could potentially be a reasonable approach.

22. However, it is also important to reflect on the potential negative consequences for some families who would like a place at a school which uses feeder schools to prioritise admissions. Seven years before applying for a secondary school, parents may have placed their child at a primary school which is not a feeder school for their preferred secondary school. This may have been for valid reasons, for example, proximity to home or the availability of after-school care provision, the quality of academic or pastoral support or the wish to attend a school with a religious character. Some of these reasons are understandably more relevant when choosing a primary school as compared to choosing a secondary school. That decision may place such families at a disadvantage when it comes to the secondary school admission process where a feeder school system operates. There can also be issues for families moving into the area if, when they arrive, all the feeder schools are full for all the secondary schools within a reasonable distance of their new home.

23. I turn now to part 1 of the reasonableness test. I asked the school for the rationale underpinning the naming of eight 'traditional feeder schools'. It told me that:

"Between 1976 and 2015 Goldington Academy (previously Goldington Middle) was a middle school. In 2015 due to many other local schools changing their age range, governors at Goldington, having consulted widely, decided to become an 11-16 secondary school.

Goldington Academy is in a highly competitive marketplace with five other state secondary schools within 3 miles of our school (Mark Rutherford [School], St Thomas More [Catholic School], Castle Newnham [School] [*], Bedford Free School and Biddenham Upper [School] [**]). In addition, we also compete with the private schools of Bedford Modern School, Bedford Girls' School, Bedford Boys' School and Bedford Greenacre Independent School for pupils. Essentially within a 3.3 mile radius there are ten competing secondary schools."

* Castle Newnham School (secondary) has the same name as Castle Newnham School (primary) as both are constituent parts of a developing all-through provision.

** Biddenham Upper School is now a secondary school for 11 to 18 year olds known as the Biddenham International School and Sports College.

24. In respect of the first seven of the eight 'traditional feeder schools', the school told me that:

"When we transitioned to becoming a secondary school in September 2017 we continued to work with the schools we had always traditionally taken pupils from (Castle Newnham [School], The Hills Academy, Hazeldene [School] and Goldington Green [Academy]). In addition, the last five years has seen us develop links with

Putnoe Primary [School], Brickhill [Primary School] and Scott Primary [School] and hence they are also on our criteria list.”

25. The school also told me:

“Other local schools have got different admissions criteria, but we note that Mark Rutherford [School] (probably our main competitor secondary school) have [sic] 11 named primary schools on their criteria. One of the challenges for us as a school is, if we go for a simple “close to the school” criteria. it will mean that in all our traditional feeder schools there will be some children in the same Year 6 class who will get a place and some that will not due to their distance from school. By operating the admissions policy in the way we always have it gives the best opportunity for all the children in that class to attend the same school.”

26. It is possible that this approach may reduce the stress of the process of transition from primary to secondary school, where parents of children in the same Year 6 class are applying for places at the school, to know that their child(ren) could be transferring with other children they know or who they are friends with. Although a potential benefit, I am not of the view that this could be considered a reason in and of itself for the inclusion of the schools on the list. Indeed, as I show later in part 2 of the reasonableness test, the small size of the PAN relative to the weight of potential applicants from Year 6 would militate against this benefit in any event. Additionally, the school is in close proximity to the other secondary schools mentioned in its response above and a number of the schools on the ‘traditional feeder school’ list are also listed on the oversubscription criteria of those schools. This means that the primary schools act as feeders for more than one secondary school, so a further reason why the children from the primary schools will not all be moving to the same secondary school. By way of illustrating this point, information on the secondary schools naming the same primary feeder schools as the school (taken from GIAS and the schools’ arrangements) is as follows:

- Castle Newnham School is 0.34 miles from the school. It names only Castle Newnham School (primary) and Hazeldene School as feeder schools (both are on the list of ‘traditional feeder schools’ for the school).
- Mark Rutherford School is 1.08 miles from the school. Out of its 11 named feeder schools, Brickhill Primary School, Goldington Green Academy, Putnoe Primary School, Scott Primary School and The Hills Academy are listed as feeders for the school.

Other local schools, Bedford Free School, Biddenham International School and Sports College and St Thomas More Catholic School, either do not name any of the same primary feeder schools as the school or do not name feeder schools at all in their arrangements.

27. In my view, the rationale given for the original four of the named ‘traditional feeder schools’ on the list under oversubscription criterion 3 (that is Castle Newnham School, The Hills Academy, Hazeldene School and Goldington Green Academy) meets the first part of the test of reasonableness in that they were in fact feeder schools when the school was a

middle school. In that sense, they can rightly be regarded as ‘traditional feeder schools’ in that they always have been, and the context of the change of the school to a secondary school means they have continued to be so for good reason. The school has added to the list since then Putnoe Primary School, Brickhill Primary School and Scott Primary School. The LA confirmed that these three schools were originally feeder schools when the school was a middle school under LA control up to 2011. For that reason, the rationale for them being considered ‘traditional feeder schools’ would not be considered ‘unreasonable’.

28. In my original letter to the school, I asked why Edith Cavell Primary School had been added to the list as the eighth of the ‘traditional feeder schools’ (from 2023/24) when it was the furthest away of the ten schools closest to the school (1.42 miles away according to GIAS) and there were other primary schools that were closer (specifically St John Rigby Catholic Primary School, Livingstone Primary School and Priory Primary School). The school responded that:

“At the Full Governors meeting of Thursday 21 October 2021 it was decided to add Edith Cavell [Primary School] to our oversubscription criteria [sic] 3 “Children from our traditional feeder schools”. This decision was taken as we had been seeing an increase in numbers from the school with regard to applications in Year 6. [...]

During a period of significant change in Bedford over the last ten+ years [essentially the town has gone from a 3 tier (lower, middle and upper) system to a 2 tier (primary, secondary)] established relationships between primary and lower schools and some secondary schools have often remained. Hence, both Livingstone Primary [School] and Priory [Primary School] (named in your letter) have continued to work mainly with Biddenham Upper School and have not wanted to further develop links with Goldington Academy for the quite understandable reasons that very few pupils have traditionally applied to come to our school.

The situation with St John Rigby [Catholic Primary School] (0.2 miles away) is different. We have good relationships with St Thomas More secondary school and have not wanted to disrupt their long-established Catholic school pyramid. It is important that we work with, and maintain good relationships with, the other secondary schools that are close by to us.”

29. Whether to add Edith Cavell Primary School to the list of ‘traditional feeder schools’ was the focus of the consultation run by the school between 22 November 2021 and 3 January 2022. Although, the consultation is not subject to the objection, I have considered what the school said about the consultation as part of my assessment of its rationale for including Edith Cavell Primary School under oversubscription criterion 3. The school told me that it had seen an increase in the numbers of parents of children at Edith Cavell Primary School applying for places at the school and that, as a consequence: “[...] it would be beneficial for both schools to include them on the traditional feeder school list”. I look at this in more depth below.

30. Turning now to Part 2 of the test of reasonableness, I intend to look at the effect of the practical operation of the arrangements in respect of the concern raised by the objector;

that the number of places given to those children from the feeder schools on the list means other children that live in the area, who go to another school, are unreasonably denied a chance of a place at the school.

31. I look first specifically at Edith Cavell Primary School to follow on from where I left at the end of part 1 of the reasonableness test. It is important to note that this primary school is not part of the arrangements until 2023/24 and so it will only be possible to look at the potential effect it will have on admissions through this part of the reasonableness test.

32. I requested from the school evidence of the increase in numbers of parents of children at Edith Cavell Primary School applying for places at the school. It provided me with the numbers admitted, rather than the numbers applying, though that data in and of itself is a useful indicator. I have put that data into Table 1.

Table 1: Number of children admitted from Edith Cavell Primary School between 2019 and 2022

	2019	2020	2021	2022
Numbers admitted from Edith Cavell Primary School	5	10	6	3

33. Looking at the data shown in Table 1, it is clear that at the point the consultation was conducted (in late 2021), the numbers admitted were relatively small. Using PAN and admission data provided by the school in Table 5 below, in 2019 the number admitted from Edith Cavell Primary School was 8.3 per cent of the PAN (60 in that year) and 6.4 per cent of the number admitted (as this was higher than PAN at 78). In 2020, although the number had risen, so had the PAN (at 150) and number admitted (174 – again, above PAN). This meant the number admitted from Edith Cavell Primary School was 6.7 per cent of the PAN and only 5.74 per cent of the number admitted. Although the number admitted had reduced in 2021 (to four per cent of PAN (again 150) and 3.2 per cent of admissions (186)), the numbers show a very slight increase over the three year period if a linear trendline line is applied. However, the trend of the proportion of the PAN / admissions of the number of parents applying from children at Edith Cavell Primary School is clearly downwards.

34. The school, of course, would not have taken into account 2022 data when making its decision to include Edith Cavell Primary School on its list of ‘traditional feeder schools’ after the consultation period. However, having the benefit of that data being available to me, I can see that there was a decline in the number admitted (the lowest admission number in the four year period). The proportion of PAN / admissions of the numbers of children admitted from Edith Cavell Primary School declined to two per cent of the PAN (again 150) and 1.5 per cent of admissions (199 – again above PAN).

35. The data show that the impact on admissions to the school of the addition of Edith Cavell Primary School to the list of ‘traditional feeder schools’ has been decreasing over time. It does not, therefore, appear to me when viewed in isolation, that admissions of children from Edith Cavell Primary School would have the impact that so concerns the objector. However, it will also be important to consider the possible combined effect of the

admissions of children from Edith Cavell Primary School in the context of all eight of the 'traditional feeder schools' on the list under oversubscription criterion 3 from 2023/24. It is to that I now turn, first by looking at the situation in respect of the seven primary schools currently listed on the 'traditional feeder schools' list (that is for the 2022/23 arrangements) and then by looking at the potential impact of the addition of Edith Cavell Primary School to that list from 2023/24.

36. Tables 2 and 3 show data provided by the LA at my request. Table 2 contains data relating to the PANs, net capacity and numbers of children at each of the seven schools currently on the 'traditional feeder school' list under oversubscription criterion 3 (prior to the end of the summer term in 2022). Table 3 contains data relating to the numbers applying for places at the school in 2022 from each of the seven schools and the number who were offered places for 2022 on National Offer Day (NOD).

Table 2: Data on the seven primary schools currently on the 'traditional feeder schools' list (2022)

Feeder School Name	PAN	Net Capacity	Number on Roll	Number in Year 6
Brickhill Primary School	60	420	257	51
Castle Newnham School	90	630	664	90
Goldington Green Academy	90	630	652	85
Hazeldene School	60	420	436	59
Putnoe Primary School	90	630	516	91
Scott Primary School	60	420	512	58
The Hills Academy	60	420	443	61
Totals	510 *	3570	3480	495 **

* I refer to this as the 'true potential' number of applicants for 2022. ** I refer to this as the 'potential' number of applicants for 2022.

Table 3: Numbers of children applying from the seven primary schools currently on the 'traditional feeder schools' list for places at the school in 2022 compared to the numbers offered places on NOD

Feeder School Name	Number in Year 6	Number Applying for a Place at the School	Diff *	Number Offered a Place at the School	Diff **
Brickhill Primary School	51	15	-36	15	0
Castle Newnham School	90	19	-71	19	0
Goldington Green Academy	85	52	-33	52	0
Hazeldene School	59	33	-26	28	-5
Putnoe Primary School	91	14	-77	14	0
Scott Primary School	58	16	-42	11	-5

Feeder School Name	Number in Year 6	Number Applying for a Place at the School	Diff *	Number Offered a Place at the School	Diff **
The Hills Academy	61	36	-25	34	-2
Totals	495	185	-310	173	-12

Diff * is the difference between the number in Year 6 and the number applying for a place at the school. Diff ** is the difference between the number applying for a place at the school and the number offered a place at the school.

37. The data in Table 2 show that a family moving into the area served by the school would be able to find a place for their child at two of the feeder schools (Brickhill Primary School and Putnoe Primary School) because those feeder schools appear to have vacant places. Therefore, in practice, a family moving into the area would not be unfairly disadvantaged when applying for places at the school. However, the total number of children in Year 6 in this group of seven current 'traditional feeder schools' means that there were 495 applicants who could potentially have applied for places under oversubscription criterion 3 in 2022. The school has a PAN of 150. Although, as the data in Table 5 show below, the school has consistently admitted above PAN, it could never be the case that all of the children in Year 6 in this list of 'traditional feeder schools' could have been offered a place at the school for 2022/23. As I have set out above, of course, children from some of these schools also have a high priority for one or more other local school. It is also the case that for Livingstone and Priory Primary Schools, the school is not the closest secondary school to them (Bedford Free, Biddenham and Castle Newnham are all nearer). It is far from the case that the school is the only local secondary school in the area, as I now go to explain in more detail.

38. The LA informed me that as well as the school, children from the seven current 'traditional feeder schools' are offered places at 10 other secondary schools. I have put that data in Table 4.

Table 4: Secondary school offers for children from the current seven ‘traditional feeder schools’ for places in 2022

Feeder Schools / Destinations	Brickhill Primary School	Castle Newnham School	Goldington Green Academy	Hazeldene School	Putnoe Primary School	Scott Primary School	The Hills Academy	Totals
The school	15	19	52	28	14	11	34	173
Bedford Academy	0	0	0	0	0	0	2	2
Bedford Free School	1	1	1	1	0	1	0	5
Biddenham International School and Sports College	0	0	0	0	0	1	0	1
Castle Newnham School	0	69	6	16	1	2	7	101
Daubeney Academy	0	0	0	0	1	0	0	1
Lincroft Academy	1	0	0	2	0	2	1	6
Mark Rutherford School	17	0	22	8	69	25	11	152
Sharnbrook Academy	1	0	0	0	1	0	0	2
St Thomas More Catholic School	16	0	2	3	3	15	1	40
Wixams Academy	0	0	1	0	0	0	0	1
Totals	51	89	84	58	89	57	56	484

39. It is not the case that parents of every child who is in Year 6 at the seven current ‘traditional feeder schools’ list wanted their child(ren) to transfer to the school. Tables 3 and 4 show that the number of applicants for places from the seven schools is only 37.4 per cent of the total number of children in Year 6. Even with this smaller number of applicants, however, it was the case that not all applicants could be offered places in 2022 (93.5 per cent were offered places). The LA told me that all but one of the applicants was a first preference (that one being a second preference). This meant that 6.5 per cent of those applying did not get a place offered, and the LA told me that all of those not being offered a place were first preference applicants. I note that in order to reach the 93.5 per cent of places offered, the school has had to offer above its PAN. Had it only admitted to its PAN (150), this would have meant only 81.1 per cent of the number applying being offered a place and it is reasonable to assume that for the majority of these the school would have been their highest preference.

40. The school provided data at my request. This is shown in Tables 5 and 6. This data show the numbers offered places / admitted between 2019 and 2022. Table 5 shows the number of children with ECHPs and under each of the oversubscription criteria admitted in that time period. Table 6 breaks down the places offered on NOD into each of the originating feeder schools.

Table 5: Number of children with EHCPs and under each of the oversubscription criteria admitted between 2019 and 2022

Criteria	2019	2020	2021	2022
EHCP	0	0	0	0
Oversubscription Criterion 1	0	2	0	0
Oversubscription Criterion 2	11	44	63	62
Oversubscription Criterion 3	0	105	120	120
Oversubscription Criterion 4	67	23	3	0
Total admitted / offered	78	174	186	199 *
PAN	60	150	150	150

* 17 children were admitted on appeal.

Table 6: Number of children from each of the seven current feeder schools offered places on NOD

Numbers offered from each feeder school at NOD	2019	2020	2021	2022
Brickhill Primary School	3	12	14	15
Castle Newnham School	0	15	7	20
Goldington Green Academy	24	55	65	53
Hazeldene School	3	12	26	29
Putnoe Primary School	6	6	16	14
Scott Primary School	1	15	8	11
The Hills Academy	15	29	37	34
Total offered	52	144	173	176

41. The data in Tables 5 and 6 need to be understood in the context of the following:

- In 2019, the school was in the final stages of the process of transitioning from a middle to a secondary school and had a lower PAN in that year of entry. In that year, the school did not admit any children under a criterion which named feeder schools. The school told me: “In September 2019, and for only one year, we had a reduced Admission intake of 90 for those parents who had wanted to keep their child in the existing emerging primary schools for two extra years, but who still wanted to send their child to Goldington for secondary school. These two intakes (September 2017 and September 2019) gave us a full Year 7 intake in September 2019.”
- The total numbers offered places on NOD from each of the primary schools represents those offered under all relevant criteria (for example, some offers will be for siblings). (That is why the numbers are higher in Table 6 than for oversubscription criterion 3 in Table 5).
- The school has consistently admitted over its PAN. The school told me that this was: “[...] because we need to have the financial income to make the school

successful and because we have been very popular and we have wanted to support the wishes of the local community when they have wanted to send their child to Goldington.”

- There will be some discrepancies between the datasets, given they are snapshots at different points in the admissions process. This will also be the case for data in many of the tables in this determination. This is taken into account in the analysis.

42. The data in Table 5 show that number of children admitted under oversubscription criterion 2 (siblings) has been increasing over time, though appears to be plateauing. In 2022, 62 children were admitted under criterion 2. As no children were admitted with EHCPs or under criterion 1, this meant there were only 88 places then to be allocated for those children who would be prioritised for places under oversubscription criterion 3, which is 407 places short of the potential number of applicants and 97 places short of the actual number of applicants from the seven schools in 2022 (though some would have been prioritised for places under criterion 2).

43. The data in Table 5 also show that the number of children admitted under oversubscription criterion 3 has been increasing over time (though has also plateaued as with criterion 2), whilst the number of children admitted under oversubscription criterion 4 has been decreasing over the same period to the point where, in 2022, no children were admitted under that criterion. It appears that parents applying for place at the school whose children are at Livingstone Primary School, Priory Primary School and St John Rigby Catholic Primary School (and who would be admitted under oversubscription criterion 4) could now be at a disadvantage as a consequence of the rise in / high numbers admitted from the seven current ‘traditional feeder schools’. However, I note that this disadvantage is mitigated by Livingstone Primary School and Priory Primary School being closer to other secondary schools than to the school. The LA provided data relating to the number of applications / offers made from these three schools at my request, and which is shown in Table 7.

Table 7: Data in respect of applications / offers for children from Livingstone Primary School, Priory Primary School and St John Rigby Catholic Primary School for 2022

Primary schools close to the school and which are not on the ‘traditional feeder schools’ list	Number in Year 6	Number Applying for a Place at the School	Diff ***	Number Offered a Place at the School	Diff ****
Livingstone Primary School	60	6	-54	2	-4
Priory Primary School	59	10	-49	2	-8
St John Rigby Catholic Primary School	27	2	-25	0	-2
Totals	146	18	-128	4	-14

Diff *** is the different between the number in Year 6 at each of the three primary schools and the number applying for a place at the school. Diff **** is the difference between the number applying for a place at the school and the number offered a place at the school.

44. The data in Table 7 show that there is an application rate of 12.3 per cent from the parents of children in Year 6 at these three schools. Only 22.2 per cent of those applying for a place are offered a place at the school (out of which the LA provided data to show that 88.9 per cent expressed a first preference and 11.1 per cent a second preference for the school). Out of the 14 who did not receive an offer of a place, 50 per cent appealed (and were subsequently successful in being admitted). Out of the four who were offered a place, all had expressed a first preference. The LA informed me that as well as the school, children from the three schools listed in Table 7 were offered places at six other secondary schools. I have put that data in Table 8.

Table 8: Secondary school offers for children from Livingstone Primary School, Priory Primary School and St John Rigby Catholic Primary School for places in 2022

Schools / Destinations	Distance from the school	Livingstone Primary School	Priory Primary School	St John Rigby Catholic Primary School	Totals
The school	-	2	2	0	4
Bedford Academy	1.28 miles	0	1	0	1
Biddenham International School and Sports College	2.3 miles	1	0	0	1
Castle Newnham School	0.34 miles	1	1	0	2
Kempston Academy	3.66 miles	1	0	0	1
Mark Rutherford School	1.08 miles	1	0	2	3
St Thomas More Catholic School	1.43 miles	0	6	0	6
Totals	-	6	10	2	18

45. The data in Table 8 show that all but one of the children who did not get a place at the school were offered places that are less than three miles from the school. I do not consider this disadvantage therefore to be unreasonable.

46. As I pointed out earlier, the school has consistently been admitting above its PAN. In 2022, the school admitted the highest number of children above its PAN in that period (49 more than PAN). Some of these higher numbers are the result of successful appeals. For 2022, the LA told me that 16 appeals were upheld for entry to the school (a seventeenth was withdrawn), made up of nine appeals from parents of children in Year 6 from the seven current 'traditional feeder schools' and seven from the three local schools close to the school who are not on the feeder list (Livingstone Primary School, Priory Primary School and St John Rigby Catholic Primary School). (I note the more recent data from the school

for 2022 in Table 5 show that 17 children have been admitted on appeal). The LA data indicate that: out of the parents of children at the seven current ‘traditional feeder schools’ applying for places at the school but not offered a place, there is such a desire for their child(ren) to go to the school that there is a high rate of appeals (the data in Table 3 records there were 12 applicants not offered a place and so the rate of appeal from that group was 75 per cent); that there were applicants from parents of children from the three local schools close to the school who are not on the feeder list; and that there were applicants who did not get offered places from those schools who had to make appeals to get in.

47. I now turn to look at the impact of adding another school to the list of ‘traditional feeder schools’ in 2023/24. I note in the most recent correspondence from the school, it was stated that:

“Due to the extreme competitive nature of school places within Bedford [...] and groups of schools forming formal/informal alliances and changing views and requirements of parents/guardians our feeder list has expanded to ensure we were able to secure the intake numbers we needed to be a successful school.”

48. Adding the Edith Cavell Primary School to the list of ‘traditional feeder schools’ under oversubscription criterion 3 adds a further 45 true potential applicants to the 510 from the current seven schools, creating the potential for there to be 555 applicants for places at the school regardless of whether that be with EHCPs or under oversubscription criteria 1 to 3.

49. DfE spring census data (published June 2022) gives an insight into the potential number of applicants for places at the school under oversubscription criterion 3 from 2023/24. Table 9 shows the numbers of children in each of Reception (YR) to Year 5 who, in January 2022, were attending each of the eight primary schools on the 2023/24 ‘traditional feeder schools’ list and the overall total at that time. Year 5 children (at that time, though are now in Year 6) will be admitted to the school as Year 7 in September 2023.

Table 9: Numbers of children in the 2023/24 ‘traditional feeder schools’ according to the data from the spring census 2022

List of ‘Traditional feeder schools’ from 2023/24	2023/24 (Year 5)	2024/25 (Year 4)	2025/26 (Year 3)	2026/27 (Year 2)	2027/28 (Year 1)	2028/29 (YR)
Brickhill Primary School	60	30	28	30	29	28
Castle Newnham School	83	90	89	90	90	90
Goldington Green Academy	90	87	85	71	72	83
Hazeldene School	57	60	60	60	51	53
Putnoe Primary School	71	90	77	52	72	54
Scott Primary School	60	89	63	85	54	57
The Hills Academy	58	59	59	59	59	57

List of 'Traditional feeder schools' from 2023/24	2023/24 (Year 5)	2024/25 (Year 4)	2025/26 (Year 3)	2026/27 (Year 2)	2027/28 (Year 1)	2028/29 (YR)
Sub-totals	479	505	461	447	427	422
Edith Cavell Primary School	36	37	30	25	43	32
Totals	515	542	491	472	470	454

50. Table 9 shows that the total number of children who could potentially apply for places at the school for 2023/24, including those from the Edith Cavell Primary School, is an increase of 20 children on the total number of children in Year 6 (prior to the end of the summer term in 2022) in the current list of seven 'traditional feeder schools' as shown in Table 2. The numbers peak in Year 4 at 542, then numbers of Year 3 to YR children sharply fall. Applying a linear trendline to the totals in Table 9 indicates an overall decline through this period, in line with the reported national drop in the number of primary-aged children. The potential number of applicants, including those from Edith Cavell Primary School, decreases from its highest point in 2024/25 to the lowest point in 2028/29 by 88 children (which is 101 children less than the true potential of 555).

51. I note that in 2023/24, without the 36 children from Edith Cavell Primary School, the number of children from the seven current 'traditional feeder schools' on this list has reduced from the number in Year 6 in 2022 in Table 2 by 16. Looking to 2028/29 and taking away the 32 children in Edith Cavell Primary School, the number from the seven current 'traditional feeder schools' would be 422, 73 children less than were in Year 6 in those schools in 2022 (a reduction of 14.7 per cent) and is 133 children less than the true potential of the total of the PANs from those schools (and, therefore, 23.9 per cent less). It is clear that the potential number of applicants is going to decrease considerably over the entirety of this period, with or without applicants from Edith Cavell Primary School.

52. It is clear from the data shown in Table 6 that the actual number applying for places at the school in 2022 was not anywhere near the number that could potentially have applied under oversubscription criterion 3. In fact, the number offered places for 2022 at NOD was only 35.6 per cent of the potential. Looking forward, I have used that percentage to convert the potential number of applicants (shown as totals for each of the years in Table 9) to make an estimate of what the number offered places could look like in the next six years. I show that data in Table 10 both for the seven current 'traditional feeder schools' and including Edith Cavell Primary School.

Table 10: Estimated actual offers for places at the school between 2023/24 and 2028/29

	2023/24 (Year 5)	2024/25 (Year 4)	2025/26 (Year 3)	2026/27 (Year 2)	2027/28 (Year 1)	2028/29 (YR)
Estimated number of actual offers (seven current 'traditional feeder schools')	171	180	164	159	152	150
Estimated number of actual offers (including Edith Cavell Primary School)	183	193	175	168	167	162

53. The data in Table 10 show that there is likely to be a small increase in the number of children being made offers up to 2024/25. By 2028/29 the estimated number of offers has reduced by 30 for the seven current 'traditional feeder schools' from its peak in 2024/25, and by 31 when Edith Cavell Primary School is included in the data. It is also clear from this data that the estimated number of actual offers made is likely to decrease more markedly than they will rise in the first two years over the entirety of this period, with or without applicants from Edith Cavell Primary School. The number is always at or over the school's PAN, but the estimated number of actual applicants by the end of this period (including children from Edith Cavell Primary School) is 20 children less than the number admitted in 2022 (and 37 children less than the total with those admitted on appeal). Table 10 shows that, in 2025/26, an estimated 193 offers could be made for places. This is still six below the number of admissions (after appeal) for 2022/23.

54. Overall, the data show that the number of children who could potentially apply for places at the school has been increasing and will continue to do so by 2024/25. The number will then reduce more sharply than the increase prior to that point. The school's rationale for the inclusion of Edith Cavell Primary School on the list of 'traditional feeder schools' under oversubscription criterion 3 from 2023/24 (considered in part 1 of the reasonableness test) was to ensure, going forward, the viability of the school in a highly competitive local education environment. There is evidence to support the need to do that in the long term. In the short term, whilst numbers are set to rise, the school has said it will take in all who appeal. I note from Table 1 that the numbers admitted from Edith Cavell Primary School have been decreasing and so the impact that adding the school to the list under oversubscription criterion 3 is likely to have on numbers will not be high (though, there might be a 'bump-up' in the number of applications as a result of the school being added to the 'traditional feeder schools' list). In respect of it addressing the longer term reduction in numbers, the school should be commended for its 'horizon-gazing' and for putting into place that which it believes will secure its viability, whilst having a short-term plan for the higher admissions. Weighing up all of the evidence presented thus far, I conclude that the addition of Edith Cavell Primary School to the list of 'traditional feeder schools' from 2023/24 meets the reasonableness test and therefore conforms to those

parts of paragraphs 14, 1.8 and 1.14 of the Code which require the relevant parts of the arrangements to be reasonable.

55. I have found the arrangements, by way of the addition of a further school to the list of 'traditional feeder schools' under oversubscription criterion 3, to be reasonable, and therefore now go on to consider the second stage – the procedural fairness of this part of the arrangements. As I stated earlier, the term 'procedurally fair' refers to the adherence of the arrangements to the Code. I have already considered that the school had followed the Code insofar as it carried out a consultation in the appropriate period prior to determining its arrangements in line with the deadline set out in the Code (paragraph 15 b)). It has enacted its right in the Code, under paragraph 1.15, to name feeder schools in its arrangements. It has also provided to me a transparent explanation of the selection of the schools on the 'traditional feeder schools' list under oversubscription criterion 3 and I have found that selection to have been made on reasonable grounds.

56. The issue with procedural fairness, as asserted by the objector, is that by adding an additional school leads to an 'excessive' list of 'traditional feeder schools' under oversubscription criterion 3 and will not give other children that live in the area the chance of being offered a place at the school. I stress here, as I did earlier, that oversubscription criteria create advantage for some applicants and disadvantage to others. I found earlier, when considering the reasonableness of the arrangements, that there were some indicators of disadvantage. However, the school and LA have provided data which show that the school has consistently admitted above its PAN (as is it permitted to do so under paragraph 1.4 of the Code). In its most recent correspondence with me, the school also told me that it will continue to take all those who appeal (by this I take the school to be telling me it will not attempt to: "[...] refuse admission where the admission of another child would prejudice the provision of efficient education or efficient use of resources", as laid out under paragraph 1.4, as it would have to take those that an independent appeal committee has determined should be admitted). In response to this, the objector told me that: "Then, that is fair enough, as long as they continue to do so". The data in Table 5 show that the school has demonstrated through its actions that it has already been doing so and I have not been given any reason to believe that it will now suddenly not admit over its PAN or argue that those who appeal should not be let in; this does not sit with its rationale for future viability and as a result I do not find oversubscription criterion 3 to contain an 'excessive' list of feeder schools. I find that the arrangements are procedurally fair. As I have found the arrangements in this regard to be reasonable and procedurally fair, I therefore do not uphold the objection.

57. I will, however, make three points that the school should consider:

57.1. According to GIAS, the school already has 87 more children than its capacity (837 children with a capacity for 750). Given the higher numbers coming into the school over the next two years, it should consider how sustainably it can continue to admit above its PAN during this short term period.

57.2. The school should consider that, although parents who have appealed have had their appeals upheld and the school says it will take all those who appeal

in the future, that this is not an ideal way for parents to secure places for their children. The current situation effectively adds a stage to the admission process and causes an unnecessary period of uncertainty and stress for parents. This situation has begged the question of the school as to why it has not increased its PAN. I have not pursued this, on the basis that the school would be entirely within their rights to do so without recourse to the adjudicator (though they are required to inform the LA). This right is set out under paragraphs 1.3 and 3.6 of the Code.

- 57.3. The addition of Edith Cavell Primary School undermines the use of the word 'traditional' to describe the schools on the list. It is unlikely to meet the requirement for clarity under paragraphs 1.4 and 1.8 of the Code, or to be transparent under paragraph 1.15, as this descriptor does not now accurately reflect the reasons for all of the schools being on the list. I note that this is simply a matter of how this group of schools is named in the list of oversubscription criteria. This is easily rectified by the school.

Other matters

58. It appeared to me that there are matters in the arrangements that do not conform with requirements. Primarily, these are issues arising from compliance with paragraphs 1.4 and 1.8 of the Code. Paragraph 1.4 states: "In drawing up their admission arrangements, admission authorities **must** ensure that the practices and the criteria used to decide the allocation of school places are fair, clear, and objective. Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated." Paragraph 1.8 states: "Oversubscription criteria **must** be [...] clear [...] and comply with all relevant legislation [...]". Other paragraphs of the Code are identified where relevant.

59. The arrangements refer to 'statements of special educational needs'. This term is no longer used. Using obsolete terms renders the arrangements unclear.

60. The arrangements are unclear in the 'Tiebreaker' section. This section describes the allocation of children by distance from the school to places under each of the oversubscription criteria. This does not describe a tie-break situation. Tie-breaks are described in the Code under paragraph 1.8 which, as well as that laid out above, also states: "Admission arrangements **must** include an effective, clear, and fair tie-breaker to decide between two applications that cannot otherwise be separated." In this situation, a tie-breaker might be used where two children lived equal distances from the school, but it is not clear for parents when being used to describe how places are allocated by distance.

61. Paragraph 2.15 of the Code states: "Each admission authority **must** maintain a clear, fair, and objective waiting list until at least 31 December of each school year of admission...". The arrangements say the list will be kept until the end of the 'Autumn Term'. Parents may believe that this means the day that children finish school prior to Christmas and not the official end to the Autumn Term (31 December) and is therefore unclear.

62. The school has told me that it intends to address these matters, which is welcomed.

Summary of Findings

63. I do not uphold the objection to the addition of Edith Cavell Primary School to the list of feeder schools under oversubscription criterion 3 of the school's arrangements from 2023/24 and, therefore, do not find that the list of 'traditional feeder schools' is excessive. The rationale and the data demonstrating the (potential) practical operation of the arrangements meets the reasonableness test and I have found the arrangements in this regard to be procedurally fair. The arrangements in respect of the area subject to the objection meet the requirements under paragraph 14, 1.8 and 1.15 of the Code.

64. I have found a small number of other matters in respect of the way that the school's arrangements do not meet the requirements of the Code and have detailed these in the 'Other Matters' sections of this determination. The school has said it will address them and it must do so in the timescale set out in this determination.

Determination

65. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements for September 2023 determined by the governing board of Goldington Academy, Bedfordshire.

66. 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.

67. 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.

Dated: 27 October 2022

Signed:

Schools Adjudicator: Dr Robert Cawley