



Office of
the Schools
Adjudicator

Determination

Case references: VAR2287-2296

Admission authorities: The Governing Boards of Swimbridge Church of England Primary School and South Molton United Church of England Primary School, Devon County Council for South Molton Community Primary School, the Governing Board of The Woodland Federation for Kings Nympton Community Primary School and the Governing Board of The Devon Moors Federation for Filleigh Community Primary School

Date of decision: 18 May 2023

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by The Governing Boards of Swimbridge Church of England Primary School and South Molton United Church of England Primary School, Devon County Council for South Molton Community Primary School, the Governing Board of The Woodland Federation for Kings Nympton Community Primary School and the Governing Board of The Devon Moors Federation for Filleigh Community Primary School, for September 2022 and September 2023.

I determine that the admission arrangements for each of the five schools shall include the described extended catchment area which includes an area which prior to 2022 was part of the catchment area of Chittlehampton Church of England Primary School.

The referral

1. Devon County Council (the local authority, the LA) has referred a proposal for a variation to the admission arrangements for September 2022 and September 2023 for the following schools to the Office of the Schools Adjudicator. For the four schools which are either Foundation or Voluntary Aided schools, and therefore their own admission authority, it did so on behalf of the relevant body, with their approval.

Name of school	Type of maintained school	Reference numbers (for 2022 and 2023 respectively)
Swimbridge Church of England Primary School	Voluntary Aided	VAR2287 - VAR2288
South Molton United Church of England Primary School	Voluntary Aided	VAR2289 - VAR2290
South Molton Community Primary School	Community	VAR2291 - VAR2292
Kings Nympton Community Primary School	Foundation	VAR2293 - VAR2294
Filleigh Community Primary School	Foundation	VAR2295 - VAR2296

2. The proposed variation in each case is that the catchment area for the school should be extended to include a part of the former catchment area for Chittlehampton Church of England Primary School.

Jurisdiction

3. The referral was made to me in accordance with section 88E of the School Standards and Framework Act 1998 (the Act) which states that:

“where an admission authority (a) have in accordance with section 88C determined the admission arrangements which are to apply for a particular school year, but (b) at any time before the end of that year consider that the arrangements should be varied in view of a major change in circumstances occurring since they were so determined, the authority must [except in a case where the authority’s proposed variations fall within any description of variations prescribed for the purposes of this section] (a) refer their proposed variations to the adjudicator, and (b) notify the appropriate bodies of the proposed variations”.

4. I am satisfied that the proposed variation is within my jurisdiction.

Procedure

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

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

- a. the referral from the local authority (on its own behalf for the school for which it is the admission authority, and on behalf of the admission authorities for the schools which are their own admission authority) dated 15 November 2022 and supporting documents;

- b. for each of the schools, the determined arrangements for 2022 and 2023 and evidence of the determination of those arrangements;
- c. a copy of the local authority's booklet for parents seeking admission to schools in the area in September 2022 and 2023;
- d. for South Molton Community Primary School, evidence that the governing board for the school has been consulted by the local authority;
- e. for each of the schools which are their own admission authority, confirmation that the variation as described by the local authority has been approved by the admission authority for the school;
- f. maps showing the location of each of the schools and their existing and proposed catchment areas;
- g. for each of the schools, copies of the letters notifying the appropriate bodies about the proposed variations, and
- h. the statutory proposal for the closure of Chittlehampton C of E Primary School published in April 2022 by the LA.

The proposed variation

7. The notification letters concerning the proposed variations sent to the relevant bodies provided the following background:

“Chittlehampton Church of England Primary School closed at the end of the 2021-22 academic year. The school's catchment area was removed from Devon's network of primary school catchment areas. The LA invited 7 surrounding schools to extend their own catchments or to reintroduce a catchment area so that residents in the former Chittlehampton catchment would continue to have admissions priority to a primary school.

Five maintained schools agreed to increase their areas and one academy agreed to reintroduce and extend its former catchment area. One academy has chosen not to reintroduce a catchment area.”

8. The LA has since informed me that the two academy schools are High Bickington Church of England Primary School and Umberleigh Primary School and that they are part of the same multi-academy trust. For Umberleigh Primary School it has been determined that its “share” of the former catchment area of Chittlehampton Primary School will be part of its determined catchment area for admissions in September 2024. There has been no similar determination for the area putatively assigned to High Bickington C of E Primary School. The LA has told me that there are only 12 residences in that area and that no former pupils of Chittlehampton Primary School live there. The “areas” relating to both schools will be recognised for transport entitlement purposes for any pupils living there from now onwards. The requested variations for the five maintained schools which I am considering effectively re-assign the remaining former catchment area for Chittlehampton Church of England Primary School by adding part of it to the existing catchment area of each school.

9. Paragraph 3.6 of the Code requires that admission arrangements, once determined, may only be changed, that is varied, if there is a major change of circumstance or certain

other limited and specified circumstances. The closure of Chittlehampton Church of England Primary School was agreed by the LA in June 2022 when it determined the proposal set out in a statutory notice which it had published, and therefore after the determination of admission arrangements by the relevant authorities for admissions in September 2022 and September 2023. Its closure undoubtedly constitutes a major change in circumstances.

10. Paragraph 3.6 of the Code also requires that relevant parties be notified of a proposed variation. The local authority has provided me with a copy of its notification on the proposed variation and the list of schools and other bodies to which it was sent for each of the five schools. I am satisfied that all relevant bodies have been notified and that views expressed have been taken into consideration. I find that the appropriate procedures were followed.

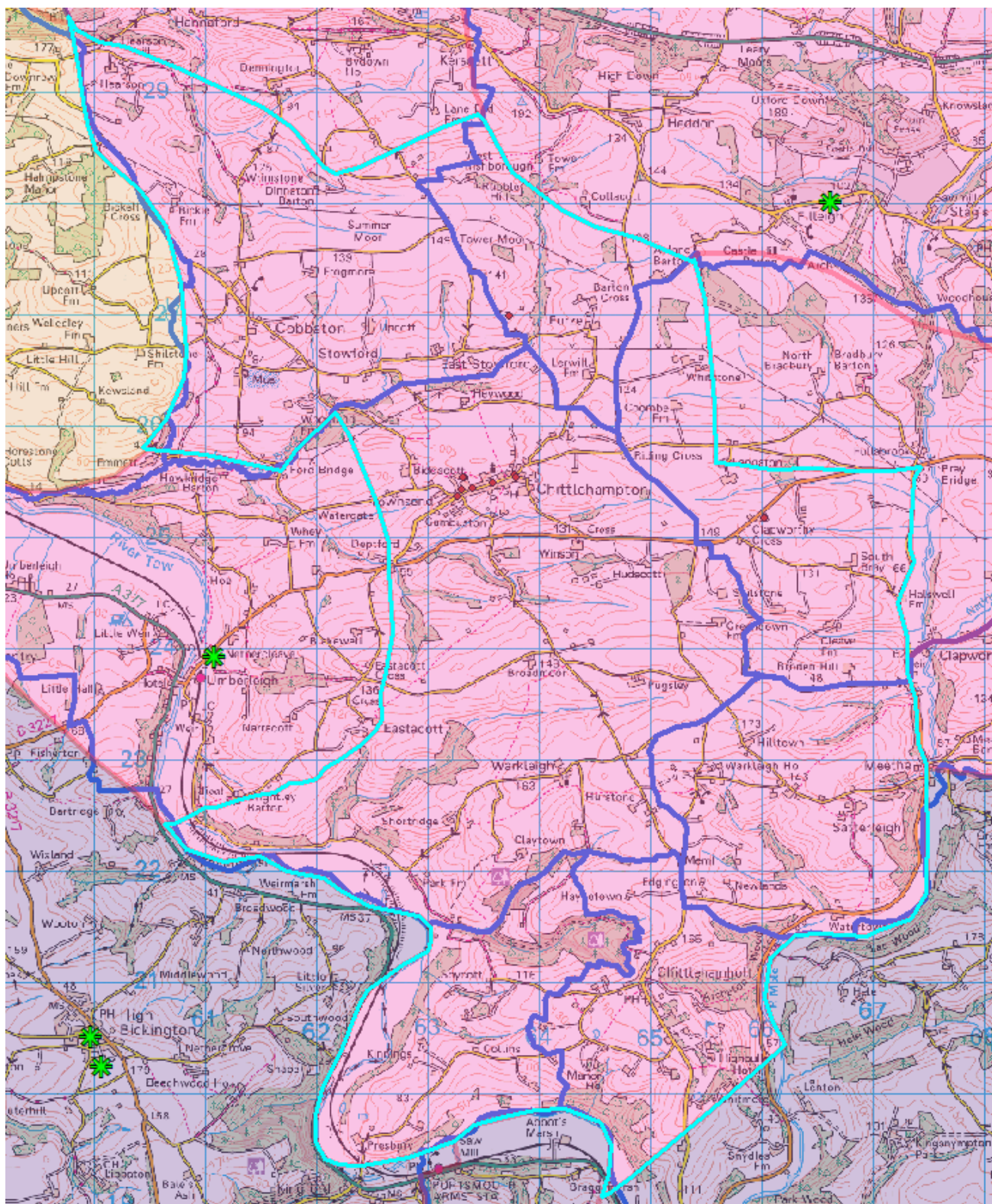
Consideration of proposed variations

11. The area of Devon County Council is almost entirely divided into geographical areas each served by a designated primary school, and children living in the area are provided with free transport if they attend the school and it is located at a greater distance from their home than the relevant maximum distance which a child can be expected to walk to school, as set out in the Education Act 1996. These areas therefore serve both to provide priority for admission to schools where used by the relevant admission authority in a school's oversubscription criteria, and for the purpose of providing access to free home to school transport. Children are also provided with free transport if they attend a school which is not their designated school and it is their nearest school and at a greater distance than the relevant "walking distance".

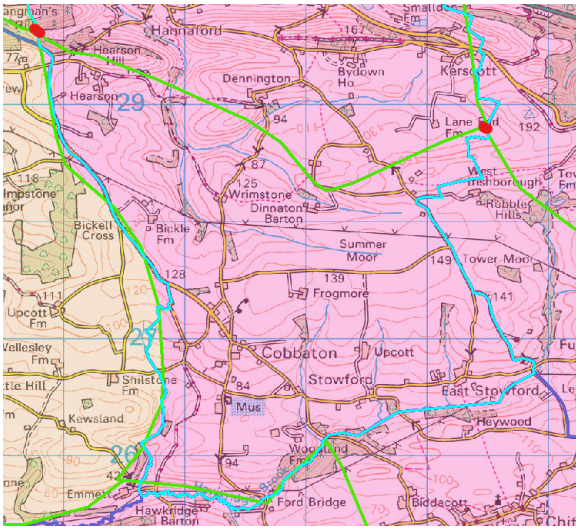
12. Each of the five schools uses its designated area as a catchment area within its oversubscription criteria, for both 2022 and 2023. The area of Devon in which the former Chittlehampton Church of England Primary School was located is rural in nature, as is the great majority of the county. As a result, the definitions of school designated areas and catchment areas in the county cannot practically be set out in written descriptions, but rely entirely on detailed mapping. The variation requests which I am considering here have therefore also been made in the form of detailed maps.

13. The catchment area which was part of the admission arrangements of Chittlehampton Church of England Primary School before its closure is shown below.

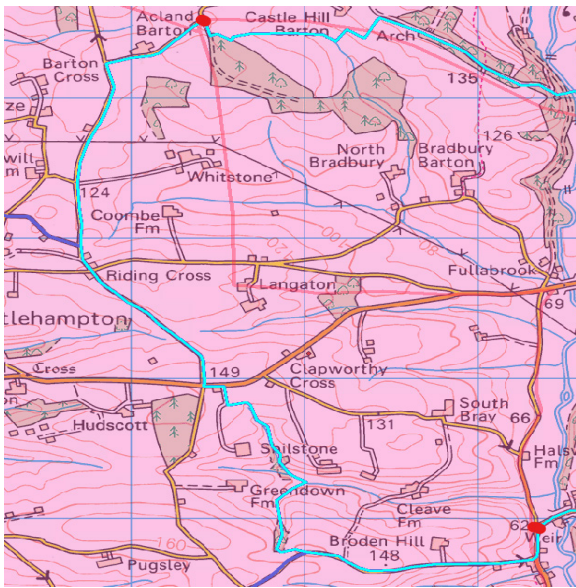
Map 1. The catchment area of the former Chittlehampton C of E Primary School shown in light blue with putative extended boundaries of surrounding schools in dark blue.



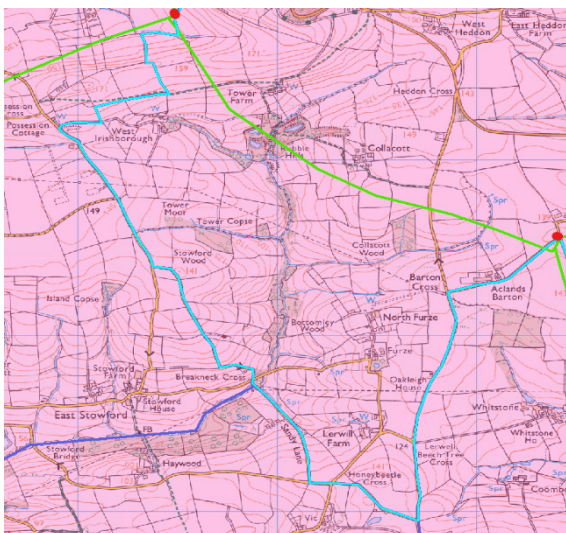
14. Shown below are maps which describe the extensions to the catchment areas for the five schools for which the variation requests have been made.



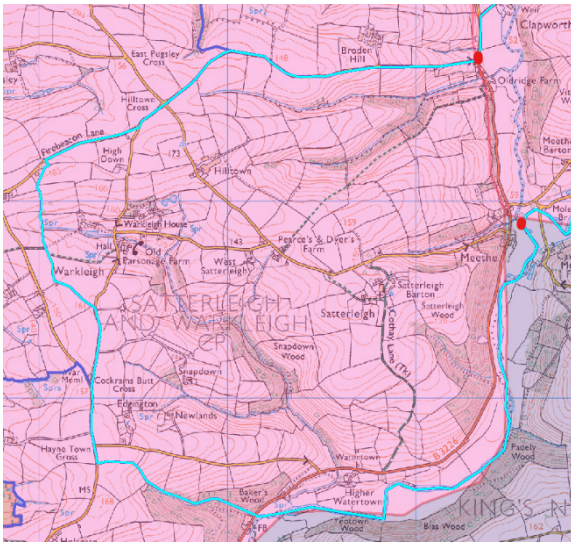
Map 2: Requested extension of catchment area for Swimbridge C of E Primary School.
Area outlined in light blue between the red dots.



Map 3: Requested extension of catchment area for South Molton Community Primary School
Area outlined in light blue between the red dots.

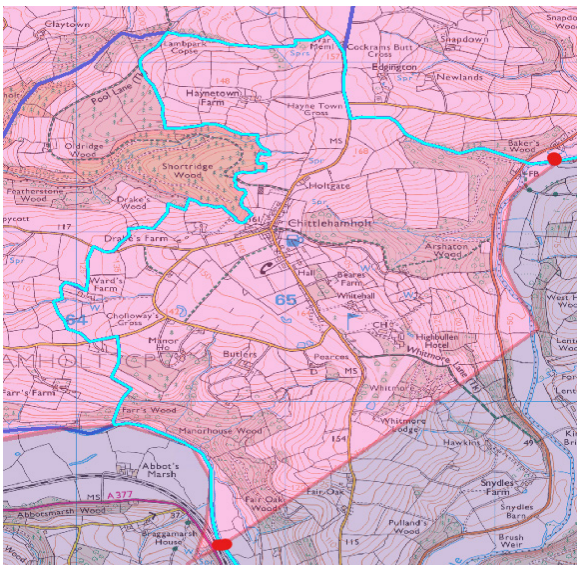


Map 4: Requested extension of catchment area for Filleigh Community Primary School
Area Outlined in light blue between the red dots



Map 5: Requested extension of catchment area for South Molton United Church of England Primary School.

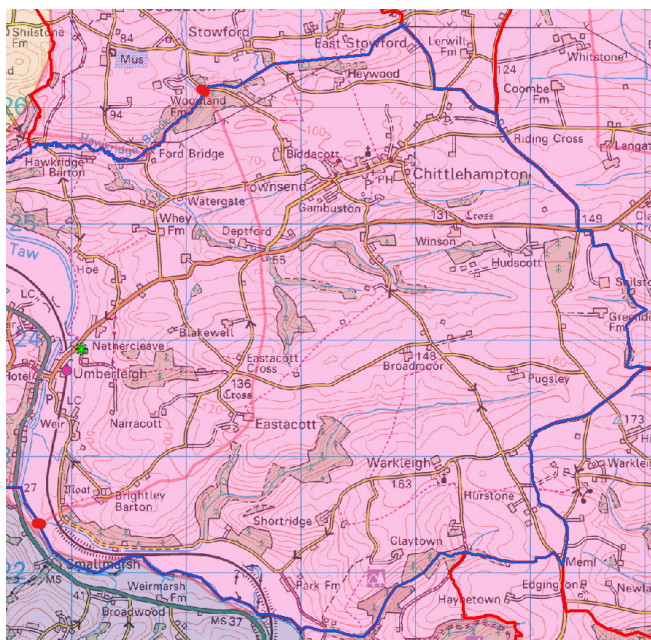
Area outlined in light blue between the red dots.



Map 6: Requested extension of catchment area for Kings Nympton Community Primary School.

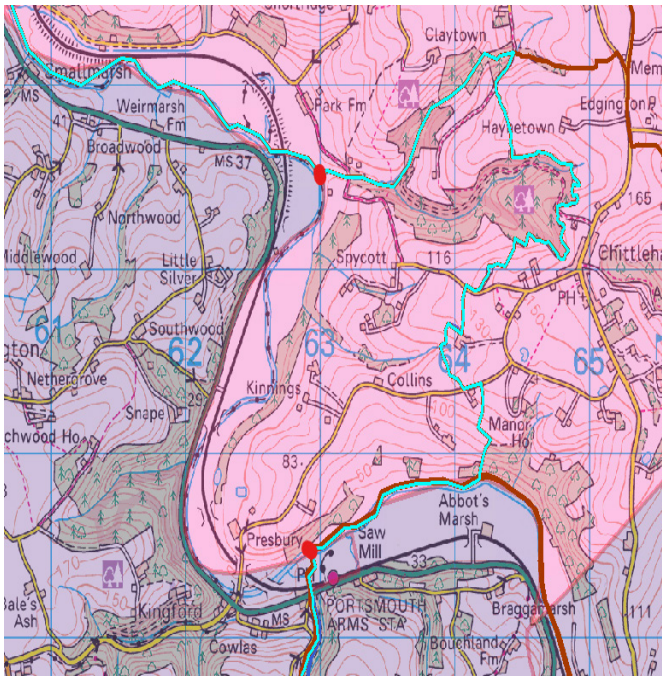
Area outlined in light blue between the red dots.

15. The remaining parts of the former catchment area are those which relate to the two academy schools, Umberleigh Primary School and High Bickington Primary School, as described above. For completeness, maps for each of these areas are also shown below.



Map 7: Umberleigh Primary School extended catchment area 2024

Area outlined in dark blue



Map 8: High Bickington Church of England Primary School: additional area to be used for school place planning only.

Area outlined in light blue between the red dots.

16. The statutory proposal for the closure of Chittlehampton C of E Primary School referred to above gave full details of the relationship between the school and its surrounding area in terms of the number of pupils attending at the time of closure and the anticipated future need for school places. It said the following:

“Chittlehampton C of E Primary school is a small, rural primary school for children aged 3-11 and historically operates as a two class school due to the number on roll. The school has a published admission number of 8 with a capacity for 56 pupils. The school has been under-subscribed for a number of years and pupil numbers fall significantly short of the school’s published admission number. The school currently has only 15 pupils on roll. Five of the fifteen pupils are in Year 6 and will be leaving the school in July. There is only one first preference for admission to the school in September 2022.”

“A review of area health authority data which provides the number of 0-4 year olds living in the school’s catchment area shows very low numbers of pre-school aged children. There is a small increase in the number of pre-school aged children living in the catchment area who would be due to start school in 2025, however, parental preference for admission to the school has been low in recent years. In the District Council’s Local Housing Plan, there is an allocated site for development at Chittlehampton but this is only for 20 dwellings. A development of 20 family dwellings would be expected to generate approximately 5 primary aged pupils.”

“There is sufficient capacity in local schools to accommodate the children from Chittlehampton C of E Primary School. The nearest school to Chittlehampton C of E Primary School is Umberleigh Primary School (1.8 miles, as the crow flies). The next nearest school is Filleigh Primary School (2.4 miles, as the crow flies). Filleigh Primary School is in the same Federation as Chittlehampton C of E Primary School and is proposing to move to a four class school and can accommodate all of the children from Chittlehampton C of E Primary School.”

17. The statutory proposal also set out the following information concerning the current number on roll at the nearest schools, to which I have added the school capacity as shown by the DfE website for “get information about schools” for the schools for which the variation request has been made.

School	Type	PAN	YR	Y1	Y2	Y3	Y4	Y5	Y6	Total	Capacity
Filleigh Primary	Foundation	15	7	5	8	10	14	13	16	73	105
Umberleigh Primary	Academy	8	11	11	7	10	6	7	1	53	n/a
High Bickington C of E	Academy	10	12	7	11	11	17	12	11	81	n/a
Kings Nympton Primary	Foundation	10	4	1	6	6	6	6	3	32	56
South Molton C of E United	VA	30	30	26	46	27	31	28	17	205	240
South Molton Primary	Community	30	31	24	37	35	32	40	53	252	240
Swimbridge C of E Primary	VA	15	12	14	13	13	17	13	13	95	105

18. The most recent information from “get information about schools” about the number on roll for each of the five schools for which the variation request has been made is:

School	Capacity	Number on roll	Date
Swimbridge C of E Primary	105	96	May 2023
South Molton United C of E Primary	240	212	July 2022
South Molton Primary	240	248	April 2023
Kings Nympton Primary	56	33	February 2023
Filleigh Primary	105	87	April 2023

19. The requirement of the Code concerning catchment areas is set out in paragraph 1.14, which says:

“Catchment areas **must** be designed so that they are reasonable and clearly defined.”

20. I am content that the information set out in the statutory proposal for the closure of Chittlehampton C of E Primary School that there is sufficient capacity in the neighbouring schools to accommodate the pupils who would have attended it had it remained open is borne out by the picture that has emerged since its closure, and that the prediction of the

future need for places as set out there is also likely to be accurate. This means that the catchment areas which have been proposed are, taken together, reasonable in the sense that they are not likely to give priority to more children than there are places at the schools. The definition of the revised catchment areas in the maps which I have included above are in my view as clear as it is possible to make them, given the rural nature of the area concerned. Parents will be able to visit the clearly set out mapping provided by the LA on its website in order to determine the status of any relevant place of residence. I am happy that the requested variations result in the five schools having enlarged catchment areas which satisfy the requirements of paragraph 1.14 of the Code.

21. I approve the requested variations to the admission arrangements of the five schools for which they have been requested for 2022 and 2023.

Determination

22. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by The Governing Boards of Swimbridge Church of England Primary School and South Molton United Church of England Primary School, Devon County Council for South Molton Community Primary School, the Governing Board of The Woodland Federation for Kings Nympton Community Primary School and the Governing Board of The Devon Moors Federation for Filleigh Community Primary School for September 2022 and September 2023.

23. I determine that the admission arrangements for each of the five schools shall include the described extended catchment area which includes an area which prior to 2022 was part of the catchment area of Chittlehampton Church of England Primary School.

Dated: 18 May 2023

Signed:

Schools Adjudicator: Dr Bryan Slater