



Office of
the Schools
Adjudicator

Determination

Case reference: ADA4203

Objector: Worcestershire County Council

Admission authority: The Spire Church of England Learning Trust, on behalf of Witton Middle School, Worcestershire

Date of decision: 6 October 2023

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 2024 determined by The Spire Church of England Learning Trust for Witton Middle School, Worcestershire.

I have also considered the arrangements in accordance with section 88I(5) and find there are 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 2023.

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 Worcestershire County Council (the local authority), about the admission arrangements for September 2024 (the arrangements) for Witton Middle School (the school), an academy school for children aged nine to 12. The objection is to the reduction of the school's Year 5 Published Admission Number (PAN) from 180 to 150.

2. The school is situated in the local authority area of Worcestershire. The parties to the objection are the local authority, the admission authority and the school.

Jurisdiction

3. The terms of the academy agreement between the admission authority 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. The arrangements were determined by the school's local governing board, on behalf of the admission authority, on that basis. The local authority submitted its objection to the determined arrangements on 12 May 2023. 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. I have also used my power under section 88I of the Act to consider the arrangements as a whole.

Procedure

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

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

- a. a copy of the minutes of the meeting of the school's local governing board at which the arrangements were determined;
- b. a copy of the determined arrangements;
- c. the local authority's form of objection dated 12 May 2023 and further correspondence;
- d. the admission authority's response to the objection and the other matters I have raised, along with supporting documents;
- e. the school's response to the objection and the other matters I have raised, along with supporting documents; and
- f. the websites of the school, the admission authority, the local authority, Ofsted and the Department for Education (including the Get Information About Schools (GIAS) pages).

The Objection

6. The matter for my consideration is the local authority's assertion that the reduction in the school's Year 5 PAN from 180 to 150 will result in a shortfall of school places in Droitwich Spa and, as a result, render the local authority unable to fulfil its duty set out at

sections 13 and 14 of the Education Act 1996 to ensure sufficient school places in the local authority area.

7. I consider the following aspects of the Code are relevant to my consideration of the objection, and it is against these requirements that I will assess the Year 5 PAN reduction:

- a. Paragraph 1.2 - “As part of determining their admission arrangements, all admission authorities must set an admission number for each ‘relevant age group’”;
- b. Paragraph 1.3 – “All admission authorities must consult in accordance with paragraph 1.42 below where they propose a decrease to the PAN”; and
- c. Paragraph 14 – “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”.

Other Matters

8. In addition to my consideration of the objection, I reviewed the arrangements as a whole and was concerned that there were a number of matters that appeared not to conform with the requirements for admission arrangements. These matters are set out in detail below, along with the comments of the school and my decision on whether or not there is conformity. However, in summary, they relate to: a lack of clarity in relation to which year group(s) the PAN relates to; the absence of a map of the catchment area or a link to such a map; lack of transparency about feeder schools; and an absence of information about how to make an application to the school outside of the normal age group.

Background

9. The school is a co-educational middle school for children aged nine to 12. It is situated in Droitwich Spa, an historic spa town in the north of Worcestershire. GIAS reports that it has capacity for 540 pupils and has 422 pupils on roll. It is located in the Droitwich planning area of the local authority.

10. There are both two-tier and three-tier education systems in operation in Worcestershire. The local authority has explained that “In areas which operate a two-tier model, children enter primary school at reception before transferring to a secondary school at the start of year 7. In areas which operate a three-tier model, children enter first school at reception, transfer to a middle school at the start of year 5 or 6 depending on the age range of the middle school, and then transfer again to high school at the start of year 8 or 9 depending on the age range of the high school”. The local authority has added that the Droitwich and Pershore planning areas operate a “Three-tier model B” system which involves first schools (with an age range of Reception Year to Year 4), middle schools (with an age range of Year 5 to Year 7) and high schools (with an age range of Year 8 to Year 13). Three other planning areas operate a three-tier system but following slightly different

models (Bromsgrove, Redditch and Evesham planning areas). The remaining 11 planning areas operate a two-tier system of primary and secondary schools.

11. The school has a Year 5 PAN of 150 pupils.
12. The oversubscription criteria can be summarised as:
 - a. Looked after and previously looked after children;
 - b. Children with a sibling at the school;
 - c. Children living in the Droitwich Spa catchment area;
 - d. Children attending a named feeder school;
 - e. Children of staff; and
 - f. Children living nearest to the school.
13. In the event that applicants live equidistance from the school, random selection supervised by someone independent of the school is employed as a final tie-breaker.

Consideration of Case

14. My consideration of this objection has focused on whether (with relevant paragraphs of the Code shown in brackets):
 - a. the admission authority has published a Year 5 PAN for September 2024 (paragraph 1.2 of the Code);
 - b. the admission authority has held an appropriate consultation before reducing its Year 5 PAN (paragraphs 1.3 and 15(b) of the Code); and
 - c. the reduction in the school's Year 5 PAN from 180 pupils to 150 pupils causes a shortfall of Year 5 school places in Droitwich Spa and, if so, whether the effect of that insufficiency means that the arrangements fail to meet the requirement of fairness (paragraph 14 of the Code).

Has the admission authority published a Year 5 PAN for September 2024? (paragraph 1.2 of the Code)

15. The arrangements state that "There are 150 places available in each of the three year groups". This implies that there is a PAN of 150 in Year 5, 150 in Year 6 and 150 in Year 7. This is incorrect. Section 88D of the Act requires each admission authority to include in its admission arrangements a PAN for each "relevant age group". Section 142 of the Act defines "relevant age group" as the "age group in which pupils are normally admitted [...] to the school". Therefore, for the school, this means Year 5. There is no PAN that applies for any other year groups. Paragraph 1.4 of the Code explains that "the PAN only applies to the relevant age group. This means that admission authorities may not

refuse admission to other age groups on the grounds that they have already reached their PAN. They may, however, refuse admission where the admission of another child would prejudice the provision of efficient education or efficient use of resources”.

16. I am concerned that the statement implying that there is a PAN of 150 places in each year group is unclear and have dealt with this concern separately below, under ‘Other Matters’. However, despite the potential confusion caused by the implication that the PAN of 150 applies to Years 6 and 7 at the school (which it does not), I am satisfied that anyone reading the arrangements would conclude that a PAN of 150 applies to Year 5 (which, of course, it does). On that basis, I am satisfied that the admission authority has published a Year 5 PAN as required.

Has the admission authority held an appropriate consultation before reducing its Year 5 PAN? (paragraph 1.3 of the Code)

17. I note that the admission authority held a consultation between 10 October 2022 and 28 November 2022 on its proposal to reduce its Year 5 PAN from 180 to 150 for September 2024. That timescale meets the requirements set out at paragraph 15(b) of the Code that the consultation must be for a minimum of six weeks and must take place between 1 October and 31 January of the school year before those arrangements are to apply. No procedural irregularities have been brought to my attention and I therefore find, on the balance of probabilities, that the admission authority held an appropriate consultation before reducing its Year 5 PAN. I have no evidence upon which to reach a contrary conclusion.

Does the reduction in the school’s Year 5 PAN cause a shortfall in the Year 5 school places available in Droitwich Spa? And, if so, does this render the arrangements unfair? (paragraph 14 of the Code)

Information from the local authority

18. The local authority has told me that the Year 5 PAN reduction at the school for September 2024 will cause a shortfall of Year 5 places in the Droitwich planning area. It is concerned that this will render the local authority unable to meet its duty under sections 13 and 14 of the Education Act 1996 to ensure sufficient school places in the local authority area.

19. In its response to me dated 21 August 2023, the local authority has provided two different figures for projected demand for Year 5 places at the school in September 2024 and has not explained why these differ. In response to my request for data about projected demand for Year 5 entry to the school for the next two years, the local authority indicated that it projected demand for 132 Year 5 places at the school for September 2024. In response to my request for data for all schools in the relevant planning area, including projected demand for places at the schools for the next two years, the local authority indicated projected demand for 145 Year 5 places at the school for September 2024. Beneath the table that included the 145 figure, there was a note stating “Forecasts for Middle schools include additional pupils from approved housing [...] and including an

average trend of 6% of Droitwich Primary school year 5 pupils transferring to middle schools". I note that both projections - of demand for 132 and for 145 Year 5 places at the school for September 2024 - are less than the school's reduced PAN of 150.

20. I was interested in whether the previous years' admissions data might indicate a trend of demand for more than 150 Year 5 places at the school. Therefore, I asked the local authority for the number of Year 5 places that remained available at the school (if any) after the initial round of offers had been made in each of the last three years. The local authority provided the following information:

Year	Number of vacancies as at National Offer Day
2021	26
2022	82
2023	90

21. This data indicates that in each of the past three years, there have been a considerable number of Year 5 places available at the school as at National Offer Day. The school has been undersubscribed in that sense. The number of vacancies has increased over time and for September 2023 entry, it was 90 places.

22. The local authority has provided me with details of all new housing developments that might impact on the demand for Year 5 places at the school in September 2024. It identified four developments that were expected to complete a combined 170 dwellings within 2024, creating a forecast demand for an additional nine Year 5 school places locally. The local authority confirmed, however, that none of those developments had yet received planning approval.

23. I asked the local authority for data to help me understand the potential availability of Year 5 places across the Droitwich Spa planning area in order to understand what the options available might be for a local child moving into Year 5 should they be unable to obtain a place at the school in September 2024. Specifically, I asked for details of the number of children on roll at the three primary schools in the Droitwich Spa planning area, which each admit children up to the end of Year 6. The table below sets out pupil numbers information taken from the School Census May 2023, together with the net capacity figures for each school taken from GIAS.

	Net Capacity	Reception	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Total
Cutnall Green CE Primary School	150	30	21	27	25	17	13	4	137
St Joseph's Catholic Primary School	210	22	30	31	30	21	30	30	194
Sytchampton Endowed Primary School	105	9	12	14	13	15	14	12	89

24. Each of the three schools appears to have spare capacity, in that their numbers of pupils on roll are less than their net capacity figure. Cutnall Green CE Primary School has 137 pupils and a net capacity of 150 (space for a further 13 pupils), St Joseph's Catholic Primary School has 194 pupils and a net capacity of 210 (space for a further 16 pupils), and Sytchampton Endowed Primary School has 89 pupils and a net capacity of 105 (space for a further 16 pupils). This information indicates that, unless the total numbers on roll change significantly in the intervening period, each of the three schools would appear to have capacity to admit pupils into Year 5 in September 2024. As no PAN applies to Year 5 at these schools, because it is not a "relevant age group" for the purposes of admissions, any applicant for a Year 5 place at one of these schools would be admitted unless that school could show that the admission would prejudice the provision of efficient education or efficient use of resources. Such a judgment would be fact-specific in every case, but I note that the relevant cohort (current Year 4) at Cutnall Green CE Primary School is comprised of 17 pupils, below the mean average year group size across the whole school (20 pupils), and well below the mean average year group size in the years below Year 4 (26 pupils). I also note that the current Year 4 at St Joseph's Catholic Primary School is comprised of 21 pupils, below the mean average year group size across the whole school (28 pupils). The figures show a different picture for Year 4 at Sytchampton Endowed Primary School. The Year 4 cohort at that school is 15 pupils, slightly higher than the mean average year group size of 13 pupils across that school as a whole.

25. The local authority has acknowledged that any shortfall of Year 5 places within the Droitwich planning area might, in theory, be addressed by allocating children without school places to schools in neighbouring planning areas. However, it has stated that only two of the neighbouring planning areas – Bromsgrove and Pershore – have Year 5 as a normal year of entry. It has explained that the nearest middle school in the Bromsgrove planning area is situated approximately 6 miles from the school, and there are currently insufficient school places in that planning area for those children living within the planning area. It has explained that the nearest middle school in the Pershore planning area is situated approximately 9 miles from the school and the Pershore planning area is currently consulting on moving to a two-tier education system from 2027.

26. I asked the local authority for its forecasted surplus or deficit of Year 5 places across the local authority area, broken down by planning area. The local authority provided the following information:

Planning area	“Forecast [numbers on roll]”	“PAN expected for Sept 2024” *	Surplus
Alvechurch	113	110	-3
Bewdley	131	155	24
Bromsgrove	581	570	-11
Droitwich	337	405	68
Evesham East	282	315	33
Evesham North	127	195	68
Evesham South	138	181	43
Hagley	183	188	5
Kidderminster North	159	180	21
Kiddersminster East	291	305	14
Kidderminster West	245	300	55
Malvern North	246	310	64
Malvern South	119	158	39
Martley	182	169	-13
Pershore	276	443	167
Redditch South West	288	313	25
Redditch North West	484	460	-24
Redditch East	248	240	-8
Rubery	136	150	14
Stourport	233	275	42
Tenbury	40	45	5
Upton	162	173	11
Worcester North	648	710	62
Worcester South	340	360	20
Worcester West	247	285	38
Wythall	118	135	17
Total	6323	7130	807

27. * I am not certain what the local authority means by “PAN expected for Sept 2024” because not all schools in the various planning areas will have Year 5 as a normal year of entry for September 2024. I have worked on the basis that the figures given in this column are the local authority’s projected available Year 5 school places, because that would fit with the nature of the information that I had requested. It would also provide the contrast with “Forecast [numbers on roll]”, which I am taking to mean the local authority’s projected demand for Year 5 school places, in order to provide the relevant surplus or deficit figures.

28. The data in the table shows that, overall across the local authority area, there is an expected surplus of 807 Year 5 places. There are pockets, however, of deficits. These are identified in the following planning areas: Alvechurch, Bromsgrove, Martley, Redditch North West, and Redditch East. Notably, the Droitwich planning area is listed as forecasting a surplus of 68 Year 5 places in total.

29. I asked the local authority whether there were any important obstacles to travel to middle schools in the local authority area that I ought to take into account. It stated that there are currently no school transport arrangements running from Droitwich to Bromsgrove, but that there are some public transport services. In relation to Droitwich to Pershore, it stated that there are no public transport services and that the available school transport arrangements are insufficient in their current configuration. The local authority asserted that if it were to “move children from Droitwich to either Bromsgrove or Pershore this would incur costly new transport provision to be tendered for”.

Information from the admission authority

30. The admission authority confined its comments on the objection to directing me to the comments provided by the school.

Information from the school

31. I asked the school what its rationale was for reducing its Year 5 PAN from 180 to 150 for September 2024. In summary, the school’s stated reasons were as follows:

- a. The school’s Year 5 intake numbers have been “stable and significantly consistently below our previous PAN (180) since at least 2011 (as far back as our records go). In fact numbers have only exceeded 150 once in the last eight years (September 2021, intake 152)”;
- b. One of the school’s two largest feeder schools, Chawson First School, “reduced its Reception Year PAN from 90 to 60 (without objection from the [local authority]) which has had a knock-on effect on the pupils coming through the three tier systems, limiting the number of pupils progressing to Witton from Chawson”;
- c. Census data provided by the local authority indicates that the number of Year 5 children expected to need a place at a middle school in the Droitwich planning area in September 2024 is 300, and the other middle school in the planning area (Westacre Middle School) has a Year 5 PAN of 150 for September 2024;
- d. The school’s physical learning spaces and net capacity mean that it would not be able to safely accommodate 180 pupils in each of its three year groups; and
- e. The school could increase its Year 5 PAN in future years if demand for Year 5 places in the planning area increased above 300.

32. The school provided me with a breakdown of its current pupil numbers, and those of the previous three years for comparison, as follows:

	September 2023	September 2022	September 2021	September 2020
Year 5	95	148	151	133
Year 6	150	156	146	113
Year 7	158	137	122	134
Total	403	441	419	380

33. This data shows that in the current academic year (2023), the school has admitted 95 children into Year 5 and these form part of a whole school population of 403 pupils. The data also shows that the numbers admitted to Year 5 in the last four years has fluctuated between 95 and 151, with a dramatic drop between 2022 and 2023 of 53 pupils (from 148 pupils to 95 pupils).

34. The school also provided me with its own projections for its pupil numbers in the next three years, as follows:

	September 2024	September 2025	September 2026
Year 5	142	143	131
Year 6	95	142	143
Year 7	150	95	142
Total	387	380	416

35. This indicates that the school's projected demand for Year 5 places for September 2024 is 143 pupils.

36. I asked the school what its net capacity is. The school responded that the previous net capacity assessment (which I assume is that quoted on the GIAS website as 540 pupils) is now "obsolete" because it contains some inaccuracies (for example, "Spaces such as that of an understairs area housing a photocopier were incorrectly counted as suitable for teaching") and because since the relevant assessment "layout and usage of rooms have changed". The school told me that it believed the school's current net capacity is 450 pupils – 90 less than the GIAS figure. The school added that the recently discovered presence of RAAC concrete in some "key communal and teaching areas" may also limit the usability of those spaces if remedial work is required in the near future.

37. I asked the school what consideration it had given to the local authority's concerns about insufficiency of Year 5 school places.

38. First, the school complained that the local authority's opposition to the reduction in the school's Year 5 PAN had come late, only made clear to the school after the deadline for responses to its consultation on the matter. The school shared the correspondence between the school and the local authority on this matter which indicated that the local authority had indeed only raised the concern after the closure of the school's consultation and had had to resubmit its response once the school queried the accuracy of certain key figures, which the local authority later accepted were incorrect and needed to be revised.

39. Second, the school stated that the actual number of pupils admitted to Year 5 at the school in September 2023 was lower than the local authority had forecast.

40. Third, the school stressed that, on the basis of the figures that have been provided to it, there appears to be sufficient Year 5 places available in the Droitwich planning area for "at least the next 4 years". The school invited me to read the local authority's document titled 'Mainstream School Sufficiency Report 2022'. The school stated that, based on the

figures included in that report, if the school were to continue to have a 41 per cent 'market share' of the available Year 5 pupils within the Droitwich planning area (after accounting for those attending a primary school) – 41 per cent being the average of its share over the past five years – then the forecast demand for Year 5 places at the school in September 2024 should be 146 pupils.

41. Fourth, the school drew my attention to deficiencies it asserted existed within the local authority's 'school transport plan' for Droitwich Spa, which it said "diverts the majority of pupils requiring transport to the other Middle School in the town". The point that I think the school was getting at was that the existing transport plan makes the school less attractive not more attractive to families who would have further to travel to get their child to the school and, therefore, makes it less likely that demand for Year 5 places will rise beyond current trends.

42. Fifth, the school also drew my attention to the local authority's power – should it need to resort to it in the case of 'hard to place' children – to convene a Fair Access Admissions Panel.

43. Sixth, the school explained that, although there are only two middle schools in the Droitwich planning area (the school and Westacre Middle School), there are other schools that have Year 5 provision and may well have spaces available in their Year 5 cohorts. These are Cutnall Green CofE Primary School, St Joseph's Catholic Primary School and Sytchampton Endowed Primary School. The school implied that when calculating sufficiency of Year 5 spaces in the Droitwich planning area, the local authority may have erroneously overlooked the available Year 5 places at these three primary schools.

Analysis and Decision

44. I have considered what the information provided to me indicates about the likely demand for Year 5 places at the school in September 2024 and the sufficiency of Year 5 places in the Droitwich planning area.

45. Although the local authority has stated that the school's reduced PAN of 150 for Year 5 for September 2024 will result in an insufficiency of Year 5 places in the Droitwich planning area, the data that it has provided does not support that position. The two figures provided by the local authority for projected demand for Year 5 places at the school in September 2024 were 132 and 145 pupils. I note that the school's own figure for projected demand for Year 5 places in September 2024 is 143 pupils and I note, and accept, the school's analysis (based upon a 41 per cent share of the available Year 5 pupil numbers set out in the 'Mainstream School Sufficiency Report 2022') that its projected demand for Year 5 places in September 2024 would be 146 pupils. The mean average of the number of pupils actually admitted to Year 5 at the school over the past four years (95, 148, 151 and 133) is 132 pupils. All of these figures – 132 pupils, 145 pupils, 143 pupils, 146 pupils and 132 pupils – are lower than the school's Year 5 PAN for September 2024 of 150 pupils. Therefore, it is unclear to me why the local authority considers that the school having a Year 5 PAN of 150 rather than 180 will have a detrimental effect on the sufficiency of school places within the Droitwich planning area.

46. The data provided by the local authority as to projected demand and availability of Year 5 places across the local authority area provided a clear indication that the local authority expects a large surplus of places in total – 807 places. Furthermore, it does not expect a deficit of Year 5 places in the Droitwich planning area. Rather, it expects a surplus of 68 places. This is directly at odds with the local authority’s position in bringing the objection.

47. The potential impact of new housing developments on the demand for Year 5 school places at the school in the coming years is uncertain but there is little support in the information provided by the local authority that it will have any substantial effect in 2024. The new housing developments that the local authority says might increase demand for Year 5 places at the school in September 2024 have not yet received planning approval. Therefore, there is no certainty that those developments will go ahead and be completed in time to create any additional demand for school places. Furthermore, given that it is now late 2023, and approval has not yet been given to those developments, it seems even less likely that they will reach completion in time to affect the need for school places as soon as September 2024.

48. The data provided by the local authority in relation to local primary schools within the Droitwich planning area indicates that there is considerable capacity within those schools to admit Year 5 pupils should any applicants be unable to obtain a Year 5 place at the school and preferring to remain at a school within the planning area (for example, for reasons of travelling distance).

49. I note and accept the local authority’s explanations that expecting any shortfall in the Droitwich planning area to be accommodated in the neighbouring planning areas of Bromsgrove or Pershore would be undesirable, given the long distances that children would need to travel and the shortage of places in Bromsgrove. However, I do not consider the consultation within the Pershore planning area for a move to a two-tier system of education from 2027 to be directly relevant for two reasons. First, it is a consultation and so the outcome is uncertain. Second, this determination is considering demand for Year 5 places for September 2024 and that year only. Any child attending Year 5 from September 2024 would be entering Year 8 in September 2027, so they would have completed their middle school education (because Pershore currently follows the “Three-tier model B” approach) before any new two-tier system would be put in place. Having said all of this, the thought is completely academic since it does not appear likely that there will be a deficiency of Year 5 places in the Droitwich planning area in September 2024 such that there will be any need to look for places beyond the planning area.

50. I am not persuaded that the school’s Year 5 PAN of 150 pupils for September 2024 will result in an insufficiency of Year 5 places either in the Droitwich planning area or across the wider local authority area such that the local authority will be unable to meet its duty under sections 13 and 14 of the Education Act 1996 to provide sufficient school places in the local authority area. The figures provided by the local authority do not support such a conclusion. In fact, the data indicates that there will be a significant surplus of Year 5 places both in the Droitwich planning area and across the local authority as a whole. As I have

found that the PAN reduction is unlikely to cause an insufficiency of school places in the Droitwich planning area, it is not necessary for me to consider the issue of potential unfairness arising from an insufficiency of school places.

51. For the reasons set out above, I do not uphold this aspect, or any aspect, of the objection.

Other Matters

52. In addition to my consideration of the objection, I reviewed the arrangements as a whole and was concerned that there were a number of matters that appeared not to conform with the requirements for admission arrangements:

- a. From the information available on the GIAS web pages, it appeared that the school's normal year of entry is Year 5. Paragraph 1.2 of the Code requires that admission authorities must set a PAN for each 'relevant age group' – that is, each normal year of entry. Furthermore, paragraph 14 of the Code requires clarity. I noted that the arrangements state "There are 150 places available in each of the three year groups". I was concerned that this statement might render the arrangements unclear as to which is the normal year of entry for the school, whether the arrangements set a PAN for that year of entry and what the PAN is.

The school responded that it had taken my feedback on board and that the arrangements could be revised.

On reflection, I am satisfied that a parent reading the arrangements would understand that the school has a PAN of 150 pupils for Year 5. However, I continue to have a concern that the arrangements may give the impression that there is also a PAN of 150 pupils for Years 6 and 7, which is not the case. I am grateful to the school for its indication that it is willing to revise this aspect of the arrangements to make sure that it is clear.

- b. Oversubscription criterion 3 is "From the area designated as the 'catchment area' within Droitwich Spa". Paragraph 1.14 of the Code provides that "Catchment areas must be designed so that they are reasonable and clearly defined". Furthermore, paragraph 14 of the Code provides that "Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated". Without a map of the catchment area, or any information as to how to access a map of the catchment area, I was concerned that this aspect of the arrangements does not conform with the parts of the Code referenced.

The school responded that its catchment area, which was agreed with other schools in 2005, has remained unchanged since that date. It explained that the map is available on the school's website. However, taking on board my concern the school offered to include a hyperlink to the catchment area map in its

arrangements. I am grateful to the school for its indication that it is willing to revise this aspect of the arrangements.

- c. Oversubscription criterion 4 states “Our named feeder schools are:” and then lists four schools’ names. I had two concerns here. First, the oversubscription criterion just names the feeder schools. It does not state what the applicant’s connection with a feeder school must be – for example, it does not state “Attendance at a named feeder school”. Second, the feeder schools are listed only by name and no other descriptor. I was concerned that without their addresses or at least post codes, it may not be clear to some parents which schools those listed actually are. For those reasons, I was concerned that this aspect of the arrangements may not conform with the requirement for transparency of feeder schools set out at paragraph 1.15 of the Code, and the requirement for clarity of oversubscription criteria set out at paragraph 1.8 of the Code.

The school responded that “as the geographical area is quite small, we were unaware of the need to include postcodes”. The school stated that it was content to amend the arrangements to include postcodes and the sentence “Attendance at a named feeder school”. I should say that there is no discrete requirement in the Code to include the postcodes of named feeder schools. The requirement is simply that the identity of the named feeder schools is clear and transparent. I am grateful to the school for its indication that it is willing to revise this aspect of the arrangements.

- d. Paragraph 2.18 of the Code provides that “Admission authorities must make clear in their admission arrangements the process for requesting admission out of the normal age group”. I was concerned that there is no information in the relevant part of the arrangements as to how a parent is to go about making such a request.

The school responded that where this situation has arisen, it has referred applicants to the local authority’s relevant information booklet. However, the school indicated that it was willing to amend its arrangements to “insert a paragraph explaining the process in more detail”. I am grateful to the school for its indication that it is willing to revise this aspect of the arrangements.

Determination

53. 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 2024 determined by The Spire Church of England Learning Trust for Witton Middle School, Worcestershire.

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

55. 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 2023.

Dated: 6 October 2023

Signed:

Schools Adjudicator: Jane Kilgannon