



Determination

Case reference: VAR2389

Admission authority: The Governing Board of Wilby Church of England Primary School, Wilby, Northamptonshire

Date of decision: 19 February 2024

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 board of Wilby Church of England Primary School for September 2024.

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. The governing board of Wilby Church of England Primary School (the governing board) has referred a proposal for a variation to the admission arrangements for September 2024 (the arrangements) for Wilby Church of England Primary School (the school) to the adjudicator. The school is a small, mixed voluntary-aided school for children aged four to eleven in Wilby. Wilby lies in the county of Northamptonshire; the local authority for the part of Northamptonshire in which the school is located is North Northamptonshire (the local authority). The school has a Church of England religious character and its religious authority is the Diocese of Peterborough (the Diocese).

2. The proposed variation is to substitute the school's oversubscription criteria for admission year 2024/25 with new oversubscription criteria to reflect the planned relocation of the school to a new site some 2.4 miles from the existing site in September 2024.

Jurisdiction and procedure

3. The referral was made to me in accordance with section 88E of the School Standards and Framework Act 1998 (the Act) which deals with variations to determined arrangements. Paragraphs 3.6 and 3.7 of the School Admissions Code (the Code) say:

“3.6 Once admission arrangements have been determined for a particular school year, they cannot be revised by the admission authority unless such revision is necessary to give effect to a mandatory requirement of this Code, admissions law, a determination of the Adjudicator or any misprint in the admission arrangements. Admission authorities may propose other variations where they consider such changes to be necessary in view of a major change in circumstances. Such proposals **must** be referred to the Schools Adjudicator for approval, and the appropriate bodies notified. Where the local authority is the admission authority for a community or voluntary controlled school, it must consult the governing body of the school before making any reference.

3.7 Admission authorities **must** notify the appropriate bodies of all variations.”

4. The governing body has confirmed that the appropriate bodies have been notified of the proposed variation. I have seen a copy of the letter that was sent to schools in its area on 19 November 2023. I find that the appropriate procedures were followed, and I am also satisfied that the proposed variation is within my jurisdiction. In considering this matter I have had regard to all relevant legislation, and the Code. The governing board, the local authority and the Diocese are parties to this matter.

5. I have also used my power under section 88I of the Act to consider the arrangements as a whole as when they came to my attention it appeared to me that they did not or may not conform with the requirements relating to admissions.

6. The information I have considered in reaching my decisions includes:

- a. the referral from the governing board dated 23 November 2023, supporting documents and further information provided at my request, including documents relating to the statutory consultation on the proposal to relocate the school;
- b. the determined arrangements for 2024;
- c. the arrangements as proposed to be varied; and
- d. information available on the websites of the school, the local authority and the Department for Education; and
- e. information provided to me at a Microsoft Teams meeting I convened on 16 February 2024 which was attended by the school’s Chair of Governors, and officers of the Diocese and the local authority.

The proposed variation

7. The proposed variation is to substitute the current oversubscription criteria of the school with new oversubscription criteria that take account of the move of the school to a new, larger site which is due to take place in September 2024. The arrangements for the school for 2024/25 were determined by the governing board on 19 January 2023.

8. Paragraph 3.6 of the Code (as above) requires that admission arrangements, once determined, may only be revised, that is changed or varied, if there is a major change of circumstance or in certain other limited and specified circumstances. I will consider below whether the variation requested is justified by the change in circumstances.

Background

9. As mentioned above, the proposed variation is prompted by a move of the school to a new site. The school is currently located in the ecclesiastical parish of St Mary the Virgin in the village of Wilby, on the edge of Wellingborough. The local authority determined on 16 November 2023 that the school should be relocated to a new school building that has been built to serve the Glenvale Park development. The governing board has provided, by way of background to the proposed variation to the arrangements, copies of documents relating to a statutory proposal to make a prescribed variation to the school. The decision on the statutory proposal was properly a matter for the local authority.

10. The local authority describes the change in circumstances in the following way:

“The Glenvale Park Development is in Wellingborough and once complete, there will be circa 3,000 homes. As part of the infrastructure and Section 106 (S106) proposals for the Sustainable Urban Extension (SUE), a 2-form entry, [a] 60 place per year group primary school was built to meet increased demand and to serve the local community. However, as part of the annual strategic Pupil Place Planning exercise undertaken in January 2023, it became clear that due to demographic changes there would be insufficient demand to support the school opening until September 2025 or beyond. Based on this position, work was undertaken to assess the options for the new school to ensure that the local community had access to sufficient school places.

Three options were identified and considered: 1. Mothball the new school building until demand for places increases 2. Repurpose the school building to meet an existing educational need 3. Relocate a local school into the newly built school at the Glenvale Park Development. The preference was to progress Option 3.

The expressions of interest initiative was developed and local primary schools were invited to express their interest in relocating to the brand-new school building at the Glenvale Park site. As part of the expressions of interest application process, applicants were required to clearly set out how the relocation would support the

existing school community as well as those living in the new Glenvale Park development. Two expressions of interest were received, and a robust interview took place led by a panel of representatives. A formal 30-day public consultation was undertaken in September 2023, following the panel's recommendation that Wilby CEVA Primary should be the school that relocates to the Glenvale site."

11. The local authority's assessment of the way in which the proposed relocation of the school would raise educational standards and improve parental choice was as follows:

- “• To make effective and efficient use of the educational estate to meet the needs of all pupils
- To support children and young people and their families to access high quality, sustainable education facilities that enable the achievement of the best outcomes
- To ensure the delivery of sufficient suitable school places that meet the needs of the community now and in the future
- The relocation of Wilby CEVA Primary School will bring with it all year groups from Reception to Year 6, rather than filling up from Reception upwards, which will meet a broader need created by the new development.”

12. I note in passing that the outcome of the consultation demonstrated broad support for the relocation of the school.

13. Because the decision to relocate the school – which followed the statutory process outlined above – was made after the admission arrangements had been determined for September 2024, the school understandably wishes to vary those admission arrangements so that they can reflect the new expanded geographic area to be served by the school.

Consideration of proposed variation

14. The governing board states the issue in the following terms:

“Following a period of public consultation, North Northamptonshire Council agreed, on 16.11.23, to the relocation of Wilby CE Primary into the newly built school located on the Glenvale Park estate in Wellingborough, Northamptonshire. The move will be in time for the start of the 2024/2025 academic year. The current PAN [published admission number] is 13 but relocating to the new (larger) site means the PAN can be increased to ‘grow’ the school with Wilby children along with the demand from the new housing development.

The new school site is some distance from the current school site. The existing admissions criteria gives no priority to those living in the housing development surrounding the new school site.

[The main proposed changes to the] ... criteria applying to admissions in September 2024 ... are:

- Promotion of sibling criterion.
- Removal of faith criteria based on attendance at the church within Wilby Parish (faith criteria of attending a church associated with Churches Together in England has been kept).
- Addition of children living in the development known as Glenvale Park (where the new school building is located)."

15. The governing body articulated the reasons for the proposed changes to the oversubscription criteria as follows:

- "Ensures a fairer set of admission arrangements in relation to the new location of the school.
- Adds priority to children living within the new housing estate where the school is located.
- Gives increased priority to siblings of those already attending the school, prior to its relocation."

16. The school has informed me that as part of the relocation, it will increase its PAN for reception class from 13 to 30 with effect from September 2024. This variation to its admission arrangements is not one that requires my consideration or approval.

17. I am satisfied on the evidence provided by the governing body that the relocation of the school to a new site that is outside the parish in which it is currently situated and will serve a substantial new housing development as well as the village of Wilby, is a major change of circumstances justifying a variation of the arrangements.

18. I approve the proposed variation to change and expand the catchment area of the school.

Consideration of the arrangements

19. The proposed arrangements when referred to me included the following oversubscription criteria in this order (in summary):

- 19.1. Looked after and previously looked after children;
- 19.2. Children who have a sibling at the school at the time of application;
- 19.3. Children resident in the parish of St Mary the Virgin, Wilby;
- 19.4. Children resident in the Glenvale Park estate, Wellingborough;
- 19.5. Children of worshipping members of any church that is a member of Churches Together (there is a supplementary information form (SIF));

19.6. Other children.

The arrangements provided that within each oversubscription category, priority would be given on the basis of home to school distance and if the two final applicants lived equidistant from the school, random allocation would be used to decide on the allocation of the place.

20. The arrangements also, so far as is relevant to my findings:

20.1. provided maps of the Glenvale Park estate and of the ecclesiastical parish;

20.2. stated that the SIF was available from the school;

20.3. defined “Children of worshipping members” as follows:

“For parents/ carers to be worshipping members, at least one of the parents/carers of the child needs to be regarded by the priest/minister/ worship leader as being part of the worshipping community at the church/ worship centre. This would not necessarily mean that the parent/carer is a “Member” in the technical sense (eg through baptism, confirmation or electoral roll) but would imply a pattern of attendance at worship (on Sunday or at other times) that is more than occasional and has been sustained for more than a short very recent period of time.”;

20.4. provided that parents could request that their child’s entry be deferred until later in the same school year until they reached compulsory school age or the beginning of the summer term.

21. When I reviewed the proposed arrangements, I was concerned that certain aspects did not conform with the requirements relating to admission. These were:

21.1. the maps were not clear enough to allow parents to see whether or not they lived within the areas. The maps of the Glenvale Park estate I consider to be the clearest currently available, given the site is under development. The map of the ecclesiastical parish is not sufficiently clear. For this reason, the arrangements do not meet the requirement of paragraph 1.14 of the Code that catchment areas must be clearly defined;

21.2. the SIF is part of the arrangements and must be available on the school’s website. The oversubscription criteria part of the arrangements states that it is available from the school. In fact, part A of the SIF is available on the school’s website as well. Part B must also be published on the school’s website and in order for the arrangements to be clear, the oversubscription criteria need to state accurately where the SIF can be found. As they stand the arrangements are not clear and are therefore in breach of paragraph 14 of the Code;

21.3. the definition of “Children of Worshipping members” appeared to me to be unclear and subjective and thus in breach of paragraph 1.8 of the Code which

requires oversubscription criteria to be clear and objective. It also appeared not to conform with the requirement at paragraph 1.37 of the Code that “Admission authorities **must** ensure that parents can easily understand how any faith-based criteria will be reasonably satisfied.” Terms such as “more than occasional” and “more than a short very recent period of time” are not clear and would be likely to be interpreted differently by different people; and

- 21.4. the arrangements stated that the parents of a child below compulsory school age parents could request deferred entry until the child reached compulsory school age or, in the case of a summer born child, until the beginning of the summer term. In fact, deferred entry on this basis is a right or entitlement; it is not something that may be requested with the connotation that such a request may be refused. The use of the word “request” in this context makes the arrangements misleading and thus unclear and in breach of paragraph 14 of the Code.

22. I raised these matters in correspondence and at the meeting I convened. The school was quick to respond constructively to the need to make changes in order to ensure compliance with the Code. The Diocese and local authority were also supportive and helpful. The admission authority is required by the Code to change the arrangements in order to address the breaches of the Code described above.

Determination

23. 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 board for Wilby Church of England Primary School for September 2024.

24. 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.

25. 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: 19 February 2024

Signed:

Schools adjudicator: Shan Scott