



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2427

Admission authority: The governing body of John Keble Church of England Primary School in Dursley, Winchester

Date of decision: 27 June 2024

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variations to the admission arrangements determined by the governing body of John Keble Church of England Primary School for September 2024 and September 2025.

I determine that the catchment area of John Keble Church of England Primary School shall be expanded to include the catchment area for Ampfield Church of England Primary School.

I have also considered the arrangements under section 88I(5) of the Act and find that they do not comply with 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 body for John Keble Church of England Primary School (the governing body) has referred a proposal for variations to the admission arrangements for September 2024 and September 2025 (the arrangements) for John Keble Church of England Primary School (the school) to the adjudicator. The school is a Church of England voluntary aided school for children aged four to eleven in Dursley in Hampshire. Hampshire County Council is the local authority (LA) and the Diocese of Winchester (diocese) is the religious authority.

2. The proposed variation is that the catchment area for the school be expanded to include the catchment area for Ampfield Church of England Primary School which is due to close on 31 August 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 (in so far as relevant here):

“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 provided me with confirmation that the appropriate bodies have been notified. I find that the appropriate procedures were followed, and I am satisfied that the proposed variations are within my jurisdiction. I am also satisfied that it is within my jurisdiction to consider the determined arrangements in accordance with my power under section 88I of the Act as they have come to my attention and determine whether or not they conform with the requirements relating to admissions and, if not, in what ways they do not so conform.

5. In considering these matters, I have had regard to all relevant legislation, and the Code.

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

- a. the referral from governing body dated 14 May 2024, supporting documents and further information provided at my request;
- b. the determined arrangements for 2024 and 2025 and the proposed variations to those arrangements;
- c. a map showing the current catchment area and proposed expansion;
- d. comments on the proposed variations from the school, LA and diocese;

- e. the Hampshire County Council decision report of 19 January 2024 on 'The Future of Ampfield Church of England Primary School';
- f. a map showing the location of the school and other relevant schools; and
- g. information available on the websites of the local authority, the school and the Department for Education (DfE) including the guidance documents accessible on the following link: [Summer born children: advice for parents - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/summer-born-children-advice-for-parents).

The proposed variations

7. The proposed variations are that the catchment area for the school be expanded to include the catchment area for Ampfield Church of England Primary School (Ampfield), which is due to close on 31 August 2024. This will ensure that children living within the Ampfield catchment area will have catchment priority at another local Hampshire school.

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 certain other limited and specified circumstances. I will consider below whether the variations requested are justified by the change in circumstances.

Consideration of proposed variations

9. As the admissions authority for the school, the governing body are seeking the proposed variations due to the impending closure of Ampfield. The closure is due to take place on 31 August 2024. The two schools are in a hard federation, which means that the schools share a single governing body and a single executive headteacher. Both schools are rural and are 2.7 miles apart by road.

10. As a voluntary aided school, the admission authority for the school is the governing body. Ampfield is a voluntary controlled school, so its admission authority is the LA. Both schools are in the Hampshire local authority area, meaning that the LA is the admission authority for Ampfield.

11. The religious authority for both schools is the Diocese of Winchester, which has a joint Diocesan Board of Education with the Diocese of Portsmouth, meaning that responses in relation to the variation request come from the joint board.

12. Both schools are currently rated as 'Good' by Ofsted.

13. The school has a published admission number (PAN) of 30 and a net capacity (the number of children that a school can accommodate as calculated using a DfE national formula) of 210 but currently only has 144 children on roll. Ampfield has a PAN of 12, a net capacity of 84 and currently has 19 children on roll.

14. In the referral for the proposed variations, the school has set out the circumstances leading to the request as follows:

“The decision has been taken to close Ampfield Church of England Primary School which is federated with another school within the same area, John Keble CE Primary School, with effect from 31 August 2024. Therefore, it is proposed that the catchment area for both schools are merged....

Ampfield Church of England Primary School is a small 84-place rural school for pupils aged 4-11. The school had 26 pupils on roll as of September 2023, two of whom live in the Ampfield catchment area. The school is currently operating a KS1 class of 7 pupils and a KS2 class of 19 pupils.

Following a request from the governing body, on 14 July 2023 a pre-publication consultation of the future of Ampfield Church of England Primary School was approved by the Director of Children’s Services and the Executive Lead Member for Children’s Services. This consultation ran from 29 September 2023 until 3 November 2023. Public meetings were held at Ampfield Church of England Primary School on 9 October 2023 and John Keble Church of England Primary School, on 10 October 2023. Ampfield CE Primary and John Keble CE Primary Schools are Federated. On 19 January 2024, Councillor Edward Heron agreed to proceed with the closure of Ampfield Church of England Primary School with effect from 31 August 2024. Due to the closure of Ampfield Church of England Primary School, the local authority has a responsibility to ensure any potential impact for children and their home addresses is mitigated. The proposal is that John Keble CE Primary School’s catchment area is expanded to incorporate Ampfield Church of England Primary School’s former catchment area with effect from 1 September 2024.

The closure of Ampfield Church of England Primary School will result in Hampshire addresses not having a catchment school and therefore those homes would not have priority at a Hampshire school. It is proposed that John Keble CE Primary School expand their catchment area to cover these addresses and provide children living within this part of Hampshire priority at another local school.

John Keble CE Primary School has been chosen as it is federated with Ampfield Church of England Primary School and another rural school with a designated religious charter, within reasonable distance of Ampfield.”

15. In relation to catchment areas, the Code says at paragraph 1.14:

“Catchment areas **must** be designed so that they are reasonable and clearly defined. Catchment areas do not prevent parents who live outside the catchment of a particular school from expressing a preference for the school.”

16. The oversubscription criteria for the school for 2023, 2024 and 2025 are as follows:

- 1) “Looked after children or children who were previously looked after (see definition i)
- 2) Children of families with an exceptional medical and/or social need (see definition ii).
- 3) Children of staff (see definition vi).
- 4) Children living **in** the catchment area of (see definition iii) of John Keble Church of England Primary School who at the time of application have a sibling (see definition iv) on the roll of the school who will still be on the roll at the time of admission.
- 5) Children living in the catchment area of John Keble Church of England Primary School.
- 6) Children living out of the catchment area who at the time of application have a sibling (see definition iv) on the roll of the school who will still be on the roll at the time of admission. (Where a sibling was allocated a place at the school in the normal admission round in a previous year because the child was displaced (see definition v) from the catchment school for their address, the application will be considered under criteria [sic] 3 above, subject to the siblings still living in the catchment area for the school from which they were displaced.)
- 7) Children living out of catchment area for John Keble Church of England Primary School.”

17. The oversubscription criteria for the school show that children living in the catchment area of the school will have priority for admission under criteria four and five, and children living outside the catchment area have priority under criteria six and seven.

18. It would therefore be advantageous for pupils living in the current Ampfield catchment area if the school’s catchment area were to be expanded to include the Ampfield catchment area. This will mean that those children living in the Ampfield catchment area can be considered for admission under whichever of oversubscription criteria four or five applies to them.

19. Table 1 below shows the number of children admitted to the school for the last three years and forecast to be admitted for the next two years.

PAN	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026
30	11	15	17	16	17

This clearly shows that there has been surplus capacity at the school in the last three years and that this level of surplus places is forecast to continue.

20. The number of children in each year group at the school for September 2024 is set out in Table 2 below.

Year Group	Number of Children
YR	14
Y1	17
Y2	11
Y3	12
Y4	21
Y5	25
Y6	30
Total	130

21. Table 3 below shows the number of children in each year group at Ampfield for the last four years.

	2020/21	2021/22	2022/23	2023/24
YR	7	2	2	3
Y1	1	12	2	3
Y2	5	2	8	1
Y3	4	5	2	6
Y4	6	8	5	2
Y5	4	6	11	9
Y6	10	5	7	9
Total	37	40	37	26

22. I note that the number of children at Ampfield has now decreased to 19.

23. The LA's decision report of 19 January 2024 on 'The Future of Ampfield Church of England Primary School' says the following at point ten:

"Of the primary age pupils currently living in Ampfield, only two children attend Ampfield Church of England Primary. This indicates that many parents are already choosing a school other than Ampfield Church of England Primary for their children. It has historically been the case that for the school to be full it has needed to attract

children from out of its catchment area. Of the primary age children currently living within the Ampfield catchment area, eight chose to attend Cupernham Junior and five to attend John Keble Church of England Primary School.”

24. This indicates that there are already a number of parents in the Ampfield catchment area who choose to send their children to the school. It would, therefore, be beneficial for such parents if the school’s catchment area is expanded to include the Ampfield catchment area, enabling them to be allocated a place against a higher criterion should the school be oversubscribed.

25. I note that a greater number of parents from the Ampfield catchment area choose to send their children to Cupernham Junior School (Cupernham) rather than the school. This school is 3.2 miles from Ampfield and is a community school rather than a Church of England school. It is a large school, with a net capacity of 360 and with 340 children on roll according to the DfE website, ‘Get Information About Schools’. It is also judged as ‘Good’ by Ofsted.

26. The proposed change of catchment area is unlikely to have any negative impact on the number of pupils attending Cupernham, given that eight children from the Ampfield catchment area have already been able to secure places there without living in Cupernham’s catchment area.

27. I note that there is sufficient capacity at John Keble to accommodate any children from the Ampfield catchment area who wish to attend it without disadvantaging parents in the school’s current catchment area.

28. It seems reasonable to me that the catchment area of the school be expanded rather than that of Cupernham, given that the school and Ampfield are in a hard federation, both have a Church of England foundation, and a significant number of parents in the Ampfield catchment area already choose to send their children to the school (albeit fewer than to Cupernham). The school is also closer to Ampfield than Cupernham.

29. The proposed variation, and indeed the closure of Ampfield, may cause an increase in the number of children at the school. Given the significant number of surplus places currently at the school (apart from in Y6 for 2024), any increase in numbers would be beneficial to the school in terms of funding, given that funding is largely based on a per pupil sum. The admission of additional pupils would make the current seven class structure at the school more financially sustainable.

30. I note that the proposed variations have the support of the LA and the diocese.

31. I find that the proposed variation addresses the issue of parents within the current Ampfield catchment area being left without a catchment area for any local school once Ampfield closes. The variation will prevent those parents from being disadvantaged when seeking a place at a local school where children of parents living in a school’s catchment

area are more likely to gain a place than those living outside the catchment area, should the school be oversubscribed.

32. Given the timescale for the closure of Ampfield, it is reasonable to approve the variation to the current 2024-2025 arrangements to support parents of children currently attending Ampfield and looking for an alternative place for their child. Given that the arrangements for the 2025-2026 were determined before the closure of Ampfield, it is also reasonable to approve the variations to enable parents from within the current Ampfield catchment area to seek a place under a higher oversubscription criterion should the school be oversubscribed.

33. The variation for the 2025-2026 arrangements will form the baseline for the following year's arrangements. Given that there will have been no consultation on this change, so parents and other consultees will have had no opportunity to respond to the consultation or raise an objection to the adjudicator, I have given careful consideration to the request for the proposed variations and have determined to approve them notwithstanding the lack of consultation. My view is that it is reasonable in the circumstances to give children living in the catchment area of Ampfield priority at the school and therefore the school's catchment area needs to be expanded to include this additional area.

34. I therefore find that the variations are justified by the circumstances and approve the proposed variations.

Consideration of the arrangements

35. Having considered the arrangements as a whole it appeared to me that the following matters may not conform with requirements of the Code and so I brought them to the attention of the governing body. I have listed these matters below setting out the relevant paragraphs of the Code and where the arrangements did not conform to requirements.

35.1 At point 6) of the oversubscription criteria it is stated that "Where a sibling was allocated a place at the school in the normal admission round in a previous year because the child was displaced...from the catchment school for their address, the application will be considered under criteria 3 above." This should in fact refer to criterion 4 (criterion 3 refers to children of staff rather than siblings).

35.2 Under the section relating to waiting lists, the arrangements refer to 'criteria' and this should, for clarity, refer to 'oversubscription criteria' as per paragraph 1.8 of the Code.

35.3 Under the starting school section, the arrangements refer in two places to 'decelerated admission'. This is not wording used either in the Code or in the DfE guidance and its meaning was unclear to me and therefore appeared contrary to paragraph 14 of the Code.

36. The diocese responded on behalf of the governing body and has told me that the governing body will address the first two matters, as permitted by paragraph 3.6 of the Code, which is welcomed. As the governing body has accepted that changes are required, I will not discuss them further other than to make clear that the Code requires that the arrangements be amended to address the points set out here.

37. In relation to the third matter, the diocese has helpfully explained that the term 'decelerated admission' is defined in the arrangements and has also provided me with a copy of the diocese's model arrangements from which this is taken. This term refers to what the Code calls admission outside the child's normal year group. Although, in my view, inadvisable to use terminology different to that in the Code, it is open to admission authorities to do so provided the term is defined clearly and the arrangements comply with the relevant requirements.

38. Paragraph 2.18 of the Code says:

"Parents may seek a place for their child outside of their normal age group, for example, if the child is gifted and talented or has experienced problems such as ill health. In addition, the parents of a summer born child may choose not to send that child to school until the September following their fifth birthday and may request that they are admitted out of their normal age group – to reception rather than year 1. Admission authorities **must** make clear in their admission arrangements the process for requesting admission out of the normal year group."

39. The arrangements state in the section titled 'starting school':

"Parents of summer born children (those born between 1 April and 31 August) who are particularly concerned about their child's readiness for school can request to delay their child's entry to Year R for an entire school year until September 2025. This is called decelerated admission. In making a request, parents would be expected to state clearly why they felt decelerated admission to Year R was in their child's best interest. It is recommended that parents considering such a request contact the school in the autumn term 2023 to ensure that an informed decision is made."

40. The diocese has acknowledged that further clarity could be achieved by including a link to guidance on decelerated admission for summer born children, including how to make a request for admission outside the normal age group, which is available on the LA website at www.hants.gov.uk/ad-summerborn.

41. I am grateful to the diocese for providing an explanation of the meaning of the terminology and for agreeing to include a link which is intended to be helpful to parents.

42. However, my difficulty with this is twofold. The Code provides that parents may request that their child be admitted to a higher year group, for example if the child is gifted and talented and that admission outside the normal year group does not apply exclusively

to summer born children. Furthermore, there is extensive guidance produced by the DfE on summer born children starting school and requests for admission out of the normal age group. I attach the relevant link above. The procedures which admission authorities are expected to follow are set out in this guidance as well as the process for decision-making which should be followed. In my view, it is this documentation which provides parents with the information they need.

43. Although the admission arrangements go some way towards setting out the procedure for making an application for admission out of the normal year group, because they are also misleading and insufficiently clear to the extent required by paragraphs 2.18 and 14 of the Code, they are not compliant with the requirements of the Code and will need to be revised.

Determination

44. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variations to the admission arrangements determined by the governing body of John Keble Church of England Primary School for September 2024 and September 2025.

45. I determine that the catchment area of John Keble Church of England Primary School shall be expanded to include the former catchment area for Ampfield Church of England Primary School.

46. I have also considered the arrangements under section 88I(5) of the Act and find that they do not comply with requirements relating to admission arrangements in the ways set out in this determination.

47. 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 June 2024

Signed:

Schools adjudicator: Mrs Tess Gale