



Office of
the Schools
Adjudicator

Determination

Case reference: ADA4313

Objector: Devon County Council

Admission authority: Ted Wragg Trust for Queen Elizabeth's School, Crediton

Date of decision: 23 July 2024

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements for September 2025 determined by the Ted Wragg Trust for Queen Elizabeth's School, Crediton, Devon.

By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of the date of the determination.

The referral

1. Under section 88H(2) of the School Standards and Framework Act 1998 (the Act), an objection has been referred to the adjudicator by Devon County Council (the objector, the LA), to the admission arrangements (the arrangements) for Queen Elizabeth's School (the school, Queen Elizabeth's, QE), a non-selective secondary academy school for children aged 11-18 for September 2025. The arrangements for the school were determined by the Ted Wragg Trust (the trust).
2. The objection is to whether the published admission number (PAN) of 150, a reduction of 60 places from 2024, will meet the needs of the local community. Additionally, whether the PAN of 150 will negatively impact on the LA's ability to meet its statutory duty under section 14 of the Education Act 1996 to provide sufficient school places.
3. The LA for the area in which the school is located is Devon County Council. The LA is the objector in this case. Other parties to the objection are the school and the trust.

Jurisdiction

4. The terms of the academy agreement between the multi-academy trust and the Secretary of State for Education require that the admissions policy and arrangements for the academy school are in accordance with admissions law as it applies to maintained schools. These arrangements were determined by the trust, which is the admission authority for the school, on that basis on 21 February 2024. The objector submitted their objection to these determined arrangements on 22 April 2024. 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.

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. a copy of the minutes of the meeting of the trust governing body of 21 February 2024 at which the arrangements were determined;
- b. a copy of the determined arrangements;
- c. the objector's form of objection dated 22 April 2024, supporting documents and additional information provided in response to my enquiries;
- d. the trust's response to the objection, supporting documents and additional information provided in response to my enquiries; and
- e. maps of the area identifying relevant schools and where some cohorts of children live.

7. I have also taken account of information received during a meeting I convened on 16 July 2024 at the school attended by representatives of the LA, the trust and the school. I thank all parties for their time and positive engagement with the process.

The Objection

8. The objection is to whether the PAN of 150, a reduction of 60 places from 2024, will meet the needs of the local community, as defined by the school's catchment area and evidence from previous admissions rounds; whether a reduction in the school's PAN to 150 will impair the LA's ability to meet its statutory duty under section 14 of the Education Act 1996 to provide sufficient school places to meet the needs of the population of its area; and whether the PAN reduction will have a disproportionately negative effect on particular groups of children.

Background

9. Queen Elizabeth's became an academy in April 2011. It joined the Ted Wragg Multi-Academy Trust in February 2021. The school has capacity for 1,650 pupils as set out in the school's funding agreement and as shown on the GOV.uk website 'Get Information about Schools'. In November 2023, there were 1215 pupils on roll including 138 in the sixth-form.

10. The school is located in Crediton, a historic market town seven miles north-west of the city of Exeter. Many of the children who attend Queen Elizabeth's come from its rural hinterland.

11. The school is based on two separate campuses: Western Road Campus and Barnfield Campus. Pupils in Years 7 and 8 are currently taught at the Barnfield Campus site. Pupils in Years 9 to 13 are taught at the Western Road Campus site. The school previously had state boarding provision on the Western Road Campus, but this was closed in 2019.

12. The school was judged to be a good school by Ofsted in May 2022.

13. The Ted Wragg Trust was established in 2013 with the aim of "local schools working together to be the best that they can be". The trust currently has 16 schools across Exeter, Plymouth, Crediton and East Devon and educates more than 12,000 children aged between two and 18 years.

14. In summary, the school's oversubscription criteria are:

- a) looked after children and children who were previously looked after;
- b) children who have an exceptional social or medical need (or whose parents have such a need);
- c) children living within the catchment area who are siblings of pupils at the school;
- d) other children living within the catchment area, on roll at a named linked school;
- e) other children living within the catchment area;
- f) children living outside the catchment area who are siblings of pupils at the school;
- g) other children living outside the catchment area, on roll at a named linked school;
- h) children of members of staff who have been employed at the school for more than two years or recruited within the past two years to fill a vacancy for which there was a skills shortage;
- i) other children.

A child whose Education, Health and Care Plan names the school will be admitted without regard for these criteria.

15. The trust contracts with the LA to support the setting of admissions arrangements for all the schools in the trust. This includes ensuring that the arrangements meet the

requirements of the Code and an annual consultation process. Both the trust and the LA have provided evidence that the most recent consultation process was completed in a timely manner and met all the requirements of the Code.

16. The consultation, which included consulting on reducing the PAN for the school, took place between 1 November 2023 and 6 January 2024. This is a period of over nine weeks and met the requirements of paragraph 1.46 of the Code. Throughout the process of the trust's determining the school's admission arrangements for 2025, the LA made clear its objection to the reduced PAN.

17. The LA are concerned that the reduced PAN will result in a long-term reduction in capacity as they "cannot require QE to increase its PAN again either during an admission round – in response to high demand - or in future years". This is accurate in that once the PAN has been set for an academy for a particular year then no person or body can object if that PAN remains the same in subsequent years.

18. Admission arrangements, including the PAN, must be determined each year. Paragraph 3.3 of the Code sets out that while any person or body who considers that any state funded school's arrangements are unlawful, or not in compliance with the Code, can make an objection to the Schools Adjudicator some types of objections cannot be brought. One such prohibited objection is to an own admission authority determining to keep the same PAN. In the case of this school, the LA can object (as it has done) to the decision to reduce the PAN for 2025. If I do not uphold the objection and the PAN remains at 150 for 2025 and is set again at that level for 2026 then the LA would not be able to make an objection to the 2026 arrangements.

19. The reason for the trust reducing the PAN is summarised in the objection as follows:

"[The trust] believes that it is obliged to reduce its physical capacity due to the operational and building issues of a split site and therefore intends to close one of their sites known as Barnfield Campus. All pupils are to be educated on its Western Road Campus from September 2025."

20. The trust has provided me with detailed documents about the poor condition of the school's buildings on each of its two sites and its plans to address the most urgent issues. In their responses to my enquiries, the trust states:

"[The] proposal to reduce PAN arises from an absolute imperative to address the financial sustainability of the school, including the costs of operating across several sites (two main campuses with remote playing fields), and to address the long-standing poor condition of school buildings.

Both sites have considerable issues on their estates as outlined in the condition survey... The condition survey report notes that there has been a circa. 20-years' worth of neglect, lack of preventative maintenance and capital investment... Estates that are in a high level of disrepair create risk to health and to safety and therefore a liability.

We have committed to spend over £3m to improve the site. However, this must ensure all children are on one site or it will not be financially viable. In part, the additional funding/investment we are making must reduce recurrent costs.”

21. The trust estimates that by moving to one site, there will be an annual saving of approximately £600k. The trust states that this saving is necessary to help the school become financially self-sustaining.

22. The trust has confirmed that they are intending to continue to use both the Barnfield Campus and Western Road Campus sites during the academic year 2024/25. The trust then plans to close the Barnfield Road Campus at the start of academic year 2025/26 and educate all pupils on the Western Road Campus.

23. The intention of these plans is that there will be a significant increase in the number of pupils being educated on the Western Road Campus from September 2025. Pupil numbers on this site will increase from approximately 675 to 1200, including the sixth form. The trust has established a programme of building work which will take place over a number of years, starting in 2024. The trust state that they cannot plan for a PAN of 210 due to the building works and insufficient safe accommodations as outlined in the condition survey.

Consideration of Case

24. I will first consider whether a PAN of 150 will meet the needs of the local community, as defined by the school’s catchment area and evidence from previous admissions rounds, or whether it will lead to a possible frustration of parental preference.

25. Table 1 shows the number of children in each cohort who are known to live in the catchment area of Queen Elizabeth’s and the current number on roll. Approximately 70 per cent of secondary age children who live in the catchment area attend the school.

Table 1: Basic Need - the number of children living in the Queen Elizabeth’s School catchment area by year (data provided 22 April 2024)

Y7 intake in	19/20	20/21	21/22	22/23	23/24	24/25	25/26	26/27
Current year group (2023-24)	Y11	Y10	Y9	Y8	Y7	Y6	Y5	Y4
Number of children living in QE catchment area	285	281	308	330	299	273	267	250
Current number attending QE (NoR)	197	198	218	238	208	190*		
Proportion of NoR compared to the number of children living in QE catchment area	69%	70%	71%	72%	70%	70%		
QE PAN	210	210	240	240	270	210	150	-

* Places offered for September 2024

26. From table 1, there are 267 children living in the catchment area who would be eligible for a place in Y7 in September 2025. The average proportion of children living in the catchment area who attend QE is 70 per cent. If the same proportion were to apply for a place in 2025, the expectation would be that 187 applicants would attend the school. However, with a PAN of 150, only 56 per cent of the cohort would actually be able to secure a place at the school, considerably less than the average proportion of 70 per cent. The LA's forecast data predict a similar picture until at least 2030.

27. As shown in table 2, the great majority of pupils join Queen Elizabeth's from what are described in the oversubscription criteria as "named linked schools". These are the 13 state funded primary schools located in the school's catchment area. The catchment area includes Crediton and several surrounding villages. The proportion of the cohort joining Queen Elizabeth's from a named linked school has increased over time although the number of children overall has reduced.

Table 2: Children joining Queen Elizabeth's in Year 7 (data provided 12 June 2024)

Year	No. of Offers	Children who attend/ed a named linked school	Children who attend/ed a named linked school	Children who attend/ed another educational setting	Children who attend/ed another educational setting
		Number	Proportion of cohort	Number	Proportion of cohort
2024	190	177	93%	13	7%
2023	210	196	93%	14	7%
2022	254	233	92%	21	8%
2021	223	199	89%	24	11%

28. The LA believes that the increase in the proportion of the cohort joining Queen Elizabeth's from a named linked school may be due to recent developments at the school and the school's improved Ofsted inspection outcome in 2022 when the school was judged to be 'good'. It states:

"The LA notes the progress there has been and continues to be at QE as a member of the Ted Wragg Trust. The LA can anticipate that strong, positive leadership and the improvement in the quality of education at QE will be reflected in enhanced parental perception of the school within its community and, from that, a higher take up of local children being admitted to the school."

29. Table 2 also shows that, each year, there are a number of children who join the school from other settings. Although the proportion of children joining from another educational setting has fallen a little over time, it is reasonable to assume that each year, in addition to children attending the linked schools, there will be other applicants applying for places at the school.

30. Forecast data for children currently in Years 4 and 5 at the named linked schools are shown in table 3. I have included data for the current Year 6 (Y6) cohort for comparison purposes. Obviously, the data for 2025/26 and 2026/27 are less certain and I have made some assumptions; these are in boxes shaded grey. I have assumed that 72 per cent, the average proportion of the linked school cohort who have applied for places historically, will apply for a place at Queen Elizabeth's in 2025 and 2026. I have also assumed that a further 7 per cent of applications will come from the families of children attending another education setting, in line with data from 2023 and 2024. Based on these assumptions for admission in September 2025, 26 children who would previously have been offered a place will not secure a place at Queen Elizabeth's with a PAN of 150.

Table 3: Forecast data for entry to Queen Elizabeth's from named linked schools
(provided 22 May 2024)

Year 7 intake in	24/25	25/26	26/27
Current year group (2023-24)	Y6	Y5	Y4
Number of pupils in relevant cohort at a linked primary school	233	230	215
QE PAN	210	150	150
Number of places offered	177		
Forecast to attend QE based on 72% of cohort		166	155
Number of pupils from another setting based on 7% of PAN	13	11	11
Potential total number of pupils	190	176	166
Surplus (+) / deficit (-) number of places	+20	-26	-16

31. Whether considering children living in QE's catchment area as a whole or specifically those attending a linked school, it is highly likely that there will be more than 150 applications for a Y7 school place in September 2025 and more of the applications would be successful if the PAN was higher. The LA state: "For a PAN of 150 to be sufficient, this [the proportion of the cohort choosing to attend Queen Elizabeth's] would need to drop to below 60%". Given the relatively stable picture painted by the data over time, this would seem to be an unlikely situation. The determined PAN of 150 is, therefore, highly likely to result in insufficient places at the school to meet the preferences of families who live in the catchment area and whose preference is for their children to be educated in that area.

32. This is accepted by the trust who in their own papers submitted in response to the objection ("Student numbers and future PANs") stated: "[A] PAN of 210 will not be sufficient to get all the children in. However, current condition means reality is PAN 150-180 will be required unless significant investment is found."

33. I will now consider children's access to alternative secondary school places and the consequent implications for travel arrangements.

34. For most children whose parents apply for a place at the school, Queen Elizabeth's is the nearest secondary school to where they live. Table 4 summarises the distance from each linked school to Queen Elizabeth's and the next nearest two secondary schools. In most cases, the next nearest schools are a greater distance away than Queen Elizabeth's. The actual journeys by road are longer than the straight-line measurements provided. I acknowledge that children's home addresses will differ, but this data provides a reasonable indication. The LA have told me that there are no pupils who live within walking distance (three miles) of an alternative school.

Table 4; Distances from named linked schools to Queen Elizabeth's and other local secondary schools (miles, straight-line measurement) (data provided 22 May 2024)

School name	Miles to QE	Closest alternative	Next closest alternative	LA notes
Bow Community Primary	6.5	Chulmleigh 8.5	Okehampton 9.2	Chulmleigh is likely to be oversubscribed
Brampford Speke CofE Primary	6.3	Thomas Hall 2.5	St James, Exeter 2.9	Thomas Hall has limited capacity; St James unlikely to have capacity
Cheriton Bishop Community Primary	5.4	Thomas Hall 8.6	West Exe 8.9	Thomas Hall has limited capacity
Cheriton Fitzpaine Primary	4.7	Tiverton High 6.5	Thomas Hall 7.6	
Copplestone Primary	2.9	Thomas Hall 9.3	Chulmleigh 9.6	Thomas Hall limited capacity
Hayward's Primary	0.7	Thomas Hall 5.6	West Exe 7.4	All applicants likely to gain a place at QE
Landscore Primary	0.3	Thomas Hall 6.5	West Exe 8.2	All applicants likely to gain a place at QE
Newton St Cyres Primary	3.6	Thomas Hall 3.0	St James, Exeter 4.8	Thomas Hall has limited capacity
Sandford Primary	1.3	Thomas Hall 7.0	St James, Exeter 8.9	Thomas Hall has limited capacity
Spreyton School	8.2	Okehampton 6.9	Chulmleigh 11.2	
Tedburn St Mary School	4.0	Thomas Hall 5.9	West Exe 6.4	Thomas Hall has limited capacity

School name	Miles to QE	Closest alternative	Next closest alternative	LA notes
Thorverton CofE Primary	6.2	Thomas Hall 4.6	St James, Exeter 5.0	Thomas Hall has limited capacity
Yeoford Community Primary	3.0	Thomas Hall 8.3	West Exe 9.5	Thomas Hall has limited capacity

35. Based on the oversubscription criteria, it is anticipated that the children living in Queen Elizabeth's catchment area but furthest from the school would be refused admission first. This is most likely to impact on children attending Bow, Spreyton, Cheriton Bishop, Cheriton Fitzpaine and Brampton Speke Primary Schools. For example, using data provided by the LA, there will be 21 children transferring from Bow Primary School to a secondary school in September 2025. In 2024, 68 per cent of the Y6 cohort at Bow were offered a place at QE. If there is a similar take up in 2025, 14 children will be seeking a place at QE. From LA modelling, with a PAN of 150, these children are unlikely to get a place at the school unless they have a sibling already attending.

36. As noted earlier in the determination, around 70 per cent of children living in Queen Elizabeth's catchment area attend the school. Therefore, 30 per cent of children living in the catchment attend other provision. Some children go to independent schools and others are home educated; however, the majority attend another state funded school. Table 5 provides a summary of this information.

Table 5: Number of children starting Y7 at another secondary school while living in Queen Elizabeth's catchment area (data provided July 2024)

	2021	2022	2023	2024*	Total
Chulmleigh Community College	18	9	15	15	57
Thomas Hall School	7	9	7	25	48
St Peter's CofE Aided School	6		7	5	18
Okehampton College	4	7	4	1	16
Clyst Vale Community College	2	1	1	2	6
Torquay Girls Grammar	3	1		2	6
Colyton Grammar		1	1	1	3
St James School		3			3
Torquay Boys Grammar	1		1	1	3
West Exe School		2	1		3
Matford Brook Academy			2		2
St Luke's CofE School		1		1	2
ACE Tiverton (special school)			1		1
Bideford College				1	1
Churston Ferrers Grammar				1	1
Cranbrook Education Campus	1				1
Dawlish College			1		1
King Edward VI Community College	1				1
Uffculme School		1			1

	2021	2022	2023	2024*	Total
Total	43	35	41	55	174

* Places offered for September 2024.

37. Over the last four years, children living in Queen Elizabeth's catchment area have gained a place at 19 different secondary schools, however, 80 per cent of the children have gone to one of four schools. Around a third have taken up a place at Chulmleigh. Parents prefer schools for all sorts of reasons and convenience can be one. In a rural area, the transport links to an alternative school may work better for some than others.

38. Table 6 shows the PANs for other nearby secondary schools and the number of places taken up in those schools in recent years. Many of the schools routinely 'fill to PAN' and are unlikely to have the capacity to admit many children unable to gain a place at Queen Elizabeth's. However, some schools do have surplus places. For admission in 2024, the combined PANs are 1,826 while 1,683 places have been offered. This leaves 143 surplus places. The data is likely to be similar for 2025 and is more than sufficient to accommodate any children unable to gain a place at Queen Elizabeth's. The reduction in PAN does not, therefore, impact on the LA's ability to meet its statutory duty under section 14 of the Education Act 1996 to provide sufficient school places. However, I need to consider the practicality of pupils accessing one of these alternative schools and the consequent impact on school transport.

Table 6: PANs and the number of places taken up in nearby secondary schools (data provided 12 June 2024)

		2022	2023	2024*	2025**
Chulmleigh Community College	PAN	150	150	150	150
	NoR	151	148	151	139
Clyst Vale Community College	PAN	180	180	180	180
	NoR	180	180	180	170
Okehampton College	PAN	250	250	250	250
	NoR	246	223	217	210
South Dartmoor Community College	PAN	280	280	240	240
	NoR	153	170	155	147
St James School	PAN	196	196	196	196
	NoR	200	198	199	181
Teign School	PAN	210	210	210	210
	NoR	209	210	240	180
Thomas Hall School (all-through)	PAN	30	60	60	60
	NoR	30	34	56	
Tiverton High School	PAN	280	280	280	280
	NoR	244	261	231	221
West Exe School	PAN	260	234	260	252
	NoR	261	260	254	270

* No. of places offered for 2024.

** Forecast for 2025 based on in-catchment area cohorts. Thomas Hall does not have a catchment area.

39. Forecast data is based on the cohort of children known to be living in a particular school's catchment area. From the forecast data for 2025, some schools appear to have surplus places, but historical data indicates they are likely to be oversubscribed due to preference from parents living outside of the catchment area, for example, Chulmleigh. In reality, there are three schools that are likely to have surplus places – South Dartmoor, Okehampton and Tiverton. The LA and the trust both agree that travel to South Dartmoor Community College is impractical for children living in QE's catchment area. Over the last four years, no children have transferred to Tiverton High School and Okehampton College has declined in popularity. This suggests that neither school would be a popular choice with parents. Additionally, the LA state that there is "not sufficient spare capacity within the city of Exeter to absorb large numbers of children from the QE catchment".

40. The LA are concerned that the reduced PAN may result in some children not being able to transfer to their local secondary school alongside the rest of their peer group and against the wishes of their parents.

41. For children living more than three miles from their nearest secondary school, the LA fund transport to their catchment area school or, if parents prefer, to another school if it is nearer to where the children live. If children are unable to access a place at their catchment area school, the LA will be liable to fund the cost of transport to the nearest alternative school with a place.

42. Given the distances children live from Queen Elizabeth's, the LA currently funds transport for the majority of the school's pupils. The LA state that they would have to provide additional routes to alternative schools if children living in the catchment area are unable to attend Queen Elizabeth's. It is difficult to provide an accurate estimate of what these additional costs would be as specific numbers and routes are unknown. However, Table 7 gives an indicative costing per vehicle. The LA has identified 12 potential new routes although it recognises that not all of these would be required. It should also be noted that any child allocated to an alternative school could be eligible for LA transport for their entire secondary school career (5+ years) and this would apply to any subsequent siblings gaining a place at a school under its oversubscription criteria. Therefore, any additional travel costs are likely to be incurred each year for a number of years.

Table 7: Indicative costing for additional transport to school

Vehicle size (no. of seats)	Cost per day	Cost per annum
4	£130	£24,700
6	£140	£26,600
8	£160	£30,400
16	£250	£47,500
24	£300	£57,000

43. Any new transport routes would be in addition to those already in place to transport children to Queen Elizabeth's. Where children from the more distant areas are offered places at Queen Elizabeth's, for example, through sibling priority, the LA will need to continue to provide transport to the school.

44. The LA does not receive any specific funding to cover transport costs. Costs are already high and in excess of £36 million per annum.

45. For some children, longer travel routes to school may impact on their readiness to learn, including those with special educational needs and/or disabilities. However, it must be noted that some children will have a long journey to school whichever school they attend. From the information provided by the LA, it is unlikely that any of the journeys would exceed the Department for Education's (DfE) statutory guidance set out in paragraph 96 of 'Travel to school for children of compulsory school age' which states, in part:

"As a general guide, the maximum journey time for a child of primary school age should be 45 minutes each way, and 75 minutes each way for a child of secondary school age, including any time taken to walk to a pick-up point, but there will be circumstances in which this is not possible, for example in rural areas where children live in remote locations..."

46. As already stated, the reduction in the school's PAN will result in some children having to attend a secondary school outside of the area in which they live. This is likely to impact more on those pupils who live in rural areas around the south and west of the catchment area. While this may impact on them disproportionately when compared to those who live close to the school, there are no particular factors, such as belonging to a particular social or racial group, that would unfairly disadvantage these children. Additionally, any disadvantage linked to having to attend a different school must be balanced against the need for the school to ensure that it can provide pupils with a safe environment in which to be educated.

47. The trust has provided information to show that a considerable programme of investment is required to improve the quality of the learning environment and ensure that the school buildings are fit for purpose. The condition survey states:

"The school buildings at Queen Elizabeth School are among the poorest condition that [project management company] have surveyed."

48. The trust has drawn up a 'masterplan' to be implemented over a ten year period based around the redevelopment of the Western Road Campus. The plan states:

"The masterplan process has established that Western Road campus is the only practical site, short to medium-term. This is mainly due to the poor road infrastructure servicing Barnfield, which is out of town and accessed by a hairpin bend.

The project needs to address our desire to enable students to attend their local school, whilst also ensuring the school is 'sustainable' longer-term.

[The trust recognises that] a PAN of 150 would be insufficient for local needs with pressures on neighbouring schools: however, the current building condition brings the reality that a lower PAN will be required unless significant investment is found.”

49. The trust is clear that, despite allocating more than £3 million, considerably more funding is required to complete the required work. The trust describes this as a ‘multi-faceted’ challenge and are currently engaging with several people and organisations, including Devon County Council; Mid Devon District Council; the local Member of Parliament; Regional Department for Education (South-West England Regions Group); Education and Skills Funding Agency; LocatED; and other DfE departments, to try to secure funding. However, at the current time nothing is confirmed nor are there any specific timescales for decisions to be made.

50. Some building work will be undertaken on the Western Road Campus during the academic year 2024/25, ahead of the move to one site. There is little free space on the site and its location on a steep hillside adds to the complexity of the project. Any issues with on-going building work will be exacerbated when the number of pupils on site increases significantly in September 2025.

51. Following the modelling of curriculum needs, the school estimates that 54 classrooms will be needed when all pupils move onto the Western Road campus. This includes a five-form intake of 150 children in September 2025. However, estimates of the number of classrooms that will be available for use at that point in time vary. Nonetheless, the trust is confident that they will be able to accommodate an intake of 150 Y7 children but they feel unable to commit to a higher number with their current plans.

52. It is clear from the documentation provided by the trust that the decision to reduce the PAN to 150 was not an easy one. For example, the minutes of the trust board meeting of 21 February 2024 note that:

“Having fully considered the information provided, Trustees reluctantly agreed to the proposed change in PAN to 150 at QE in order to avoid children being exposed to potentially unsafe and unsatisfactory conditions.”

And in response to my enquiries in May 2024, the trust wrote:

“We want to assure you that the decision to reduce the PAN has been made after considering all possible options. Nonetheless, the need to maintain a safe environment for existing students as well those joining in September has to be a priority. Safeguarding is a high priority for our Trust, and providing a safe learning environment for all of our young people is paramount.”

53. However, throughout the documentation provided by the trust, there are references to the reduced PAN of 150 being the ‘minimum’ number of pupils that they intend to admit. For example, minutes from a local governing body meeting in November 2023 stated:

“We are exploring options to get all students and staff onto one site... In the short term we are consulting on a PAN of 150 for 25/26 as a minimum student number. At this stage we are being extremely cautious as we explore all possible options and seek to secure funding for a single site solution. We fully anticipate that the actual PAN will be much higher in 25/26, but whilst we are in the initial planning stage it is sensible to be tentative with student numbers. Increasing the PAN is a fairly quick and straightforward process – so it makes sense to start at the lower end and move up as we know more. Our strong intention, subject to site options, is for the PAN to be higher.”

54. In response to my enquiries in May 2024, the trust wrote:

“We are working to do all we can to ensure that by September 2025 we are able to increase the Published Admission Number (PAN).”

55. In response to a further enquiry asking the trust to clarify how many pupils they intend to admit in September 2025, the response was:

“We can offer 5 forms of entry and sustain the Sixth Form offer. We hope to be able to offer 6, 7 or 8 forms. If 175 places are required then we will find a way to offer these children a place. However, we will need to look pragmatically at the specific arrangements. It may be 6 forms in some areas and 5 in others.”

56. The trust has clarified that “it may be 6 forms in some areas and 5 in others” refers to the organisation required for the delivery of the curriculum in different subjects. It is not clear how the trust would ‘find a way to offer these children a place’ without creating an extra form as they have ruled out class sizes of 32+ due to the limited size of some of the classrooms that are likely to be available.

57. The LA are concerned that the reduction in PAN to 150, will result in a significant reduction in the number of school places available in the town over time. The LA estimates that the reduced PAN will result in the loss of around 700 places. This figure is based on the school currently having approximately 400 surplus places while the reduction in PAN of 60 places per year will result in the loss of a further 300 places over five years. Given there are plans for the town to expand due to a potential house building programme, more rather than fewer places are likely to be required.

58. Additionally, the LA are keen to maintain the LA-wide fair access agreement. This requires the school to have a three per cent unallocated capacity, equivalent to one place per registration group, to enable pupils who move into the area mid-year or who are hard to place to access a school place. The LA state that without this option, children, particularly disadvantaged children, may have to travel to a school in another town either now or in the future.

59. During the consultation process no parents objected to the proposed changes to the admission arrangements, indeed, I understand that the community are generally supportive of the plan to locate the school on one site. However, I am not convinced that parents are

aware that a PAN of 150 may lead to a frustration of parental preference as some families will be unable to gain a place for their child at their chosen school. The trust directed me to an article that they sent to local media “due to the significant change in PAN”. This was published on the ‘devonlive’ website in December 2023. The article refers to the intention for the school to be on a single site and the development of a 10-year master plan. One paragraph states:

“If funding for the project is secured and it goes ahead, it is anticipated the school will be able to offer increased pupil capacity. The trust has added it will be considering the potential implications for the number of students it can admit if upgrades to the site are given the go-ahead and work begins.”

I conclude that many prospective parents reading this would not realise that the “potential implications for the number of students” might mean fewer places would be available and that some children living in the catchment area and attending a named linked school might not gain a place at the school. Indeed, the LA confirm that parents expect a place at the local secondary school if they live in the catchment area and their children attend a named linked primary school.

60. This is a finely balanced situation. The reduction in the school’s PAN to 150 will not impair the LA’s ability to meet its statutory duty under section 14 of the Education Act 1996 to provide sufficient school places to meet the needs of the population in its area. There are surplus places in some other schools, but these are currently not popular with parents living in QE’s catchment area, and the LA is highly likely to incur additional transport costs. There is also no evidence that the reduction in PAN will have a disproportionately negative effect on any particular group of children. Although, those living farthest from the school are most likely to be impacted by the reduction in places.

61. The reduced PAN of 150 will not, however, meet the needs of the local community, as defined by the school’s catchment area and evidence from previous admissions rounds. In summary, a reduction in the school’s PAN to 150 is likely to result in parental frustration as several children living in the school’s catchment area and attending a named linked primary school will not be able to access a place at the school. Some children will not secure a place at their local school or be able to transfer to secondary school with the rest of their peer group. Some children may have to attend a school with which their community has little connection. Over time, the reduction in places may result in a considerable reduction in secondary school places in the school’s catchment area. However, all of these points can be countered by the need to ensure pupils are kept safe and are educated in buildings that are fit for purpose.

62. I understand the significant challenges the trust face in addressing longstanding problems of building quality and securing the financial viability of the school. The trust has already committed more than £3m towards implementing the initial stages of work and is actively seeking additional support from the LA and DfE. I accept that the trust has a long-term plan to tackle the issues and a central part of that plan is locating the school on a single site. However, moving all pupils onto the Western Road Campus in September 2025

is not the only option open to the trust and while any change may frustrate some of the trust plans in the short term, delaying or adapting the current plan may bring greater flexibility and feasibility in the medium term.

63. Throughout this process, both the LA and the trust have emphasised their strong working partnership and the desire to find a solution which is best for the children of Crediton and the surrounding area. This situation which, as the trust says, 'has been decades in the making' is not one which can be easily resolved without external support.

64. There is no doubt in my mind that there is capacity at the school to accommodate more children than a PAN of 150 allows, albeit potentially by continuing to operate, as now, on two sites in the short term.

65. I note the trust acknowledges that a PAN of 150 represents a minimum number of admissions and that this number has been kept deliberately low in order to allow flexibility. It is clear the trust anticipates that, in practice, it is very likely more than 150 pupils could be admitted, even to the Western Road Campus alone. I understand the trust's arguments for having greater flexibility, but I must set this against the desirability of a greater degree of certainty for parents seeking, and expecting, places in their local school.

66. As I have made clear above, once a PAN has been set it can be kept at the same level in future years and no objection may be brought. There is a demand for places which a PAN of 150 will not satisfy. I have considered all the evidence with which I have been provided and weighed up the arguments for and against the reduction in PAN. I conclude that, on balance, any justification to reduce the PAN of the school from 210 to 150 is outweighed by convincing evidence that more than 150 places will be required at the school for 2025 and the following years. I therefore uphold this objection.

Determination

67. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements determined by the Ted Wragg Trust for Queen Elizabeth's School, Crediton, Devon.

68. 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: 23 July 2024

Signed:

Schools Adjudicator: Catherine Crooks