



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** VAR2499

**Admission authority:** Central Bedfordshire Council for St Andrew's Church of England Voluntary Controlled Primary School, Biggleswade

**Date of decision:** 13 November 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 Central Bedfordshire Council for St Andrew's Church of England Voluntary Controlled Primary School, Biggleswade, for September 2025.

I determine that the oversubscription criteria are to be reordered to give greater priority to children living outside of the school's catchment area but who already have siblings attending the school.

## The referral

1. Central Bedfordshire Council (the local authority; CBC) for St Andrew's Church of England Voluntary Controlled Primary School (St Andrew's; the school) has referred a proposal for a variation to the school's admission arrangements for September 2025 (the arrangements) to the adjudicator. The school is a voluntary controlled primary school for children aged four to eleven years in Biggleswade. It has a Church of England religious character and the Diocese of St Albans (the diocese) is the religious authority.

2. The proposed variation is to reorder two of the oversubscription criteria to give greater priority to children living outside of the school's catchment area but who already have siblings attending the school.

## 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 local authority 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 variation is within my jurisdiction.

5. In considering this matter 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 the local authority dated 27 September 2024, supporting documents and further information provided at my request;
- b. the determined arrangements for 2025/26 and the proposed variation to those arrangements;
- c. comments on the proposed variation from the school;
- d. comments on the proposed variation and supporting documents from the diocese; and
- e. information available on the websites of the local authority, the school, the diocese and the Department for Education (DfE).

## Background

7. In September 2024, as part of a county wide programme, the Biggleswade cluster of schools, which includes St Andrew’s, moved from a three tier education system (lower, middle and upper schools) to a two tier system (primary and secondary schools). At the

time that the 2025/26 admissions arrangements were determined, February 2024, the schools in the area were preparing for this change.

8. As part of the transition from a three tier to a two tier education system, the school has changed from being a lower school for children from Reception (YR) to Year Four (four to nine years of age) to being a primary school for children from YR to Year Six (four to eleven years of age). As a result, the school has expanded to include a cohort of Year 5 children in 2024/25 and will expand further to include a cohort of Year 6 children in 2025/26.

9. The school is located on two sites, St Andrew's East and St Andrew's West. The sites are a little over a mile apart. The school prospectus for 2024 stated:

“Both sites currently cater for three classes per year band in Yrs R – 4. In 2024 the local authority is changing each site to accommodate Yr 5 and then Yr 6, reducing the intake to two forms of entry at each site.”

10. The school's published admission number (PAN) for admitting children to YR in September 2025 is 120. This is 60 children on each of the school's sites.

## **The proposed variation**

11. The proposed variation is to give greater priority to children living outside of the school's catchment area but who have siblings already attending the school.

12. In summary, places at the school are allocated using the following oversubscription criteria. These apply after the admittance of children with an education, health and care plan naming the school and if there are more applications than places available.

- 1) All looked after children and all previously looked after children, including those children who appear to the local authority to have been in state care outside of England and ceased to be in state care as a result of being adopted.
- 2) Children of staff.
- 3) Children living in the catchment area with siblings at the school.
- 4) Children living in the catchment area.
- 5) Children living outside the catchment area with siblings at the school.
- 6) Children, one or more of whose parents/carers have, at the time of application, shown commitment to the Church of England or another Christian church by attending a service at least once a month for the year prior to an application being made.
- 7) Any other children.

13. The proposed change is to swap the order of criterion 4 and criterion 5.
14. If the variation is agreed, the proposed oversubscription criteria would be:
  - 1) All looked after children and all previously looked after children, including those children who appear to the local authority to have been in state care outside of England and ceased to be in state care as a result of being adopted.
  - 2) Children of staff.
  - 3) Children living in the catchment area with siblings at the school.
  - 4) Children living outside the catchment area with siblings at the school.
  - 5) Children living in the catchment area.
  - 6) Children, one or more of whose parents/carers have, at the time of application, shown commitment to the Church of England or another Christian church by attending a service at least once a month for the year prior to an application being made.
  - 7) Any other children.
15. The proposed variation has the support of the governing body.
16. 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 variation requested is justified by the change in circumstances.

## **Consideration of proposed variation**

17. The major change in circumstances relied upon by the local authority is set out in the referral from the local authority, which states:

“We are seeking to move the ‘sibling out of catchment’ further up the oversubscription criteria to ensure families stay together during the transition and for the future. In 2023, 3 siblings were unsuccessful with securing a place on one site and 6 siblings were unsuccessful on the other site, causing the families to be split in the town. Currently, siblings out of catchment are not high enough in the criteria and pupils from other areas are securing places. As we progress with the school organisation changes, this change will align with keeping families together.”

18. In support of this change, the school states:

“The school initiated this change as we were concerned for the families living out of catchment whose younger children were not getting a place at our school. This

causes real difficulties for them as taking two primary age children to two different schools at the same time is impossible. The Governing Board discussed this and made the request to the LA quite a long time ago and repeated the request recently.”

19. The minutes of CBC’s Executive Committee, 9 January 2024, include the following note:

“To note that once the Admission Arrangements for 2025/26 had been determined, the local authority would be seeking a variation of these arrangements through a consultation, which would request that the criterion ‘Sibling, non-catchment’ be moved above the criterion ‘Catchment’.”

This note does not refer to St Andrew’s explicitly, and the only variation request received by the Office of the Schools Adjudicator is this application. However, the minutes do give an indication that the proposed change is in line with the local authority’s general thinking about its approach to admissions. Additionally, the local authority suggests that this change will form part of its consultation process for admissions in 2027/28.

20. In its response to the local authority’s notification of the proposed variation, the diocese raised some concerns. The Diocesan Board of Education was concerned that it had not previously been made aware of the proposed change. It also raised concerns that the initial criteria proposed had omitted the religious commitment criterion. This aspect was quickly addressed by the local authority and the criteria set out earlier in this determination have been confirmed as being correct.

21. Later, in its response, the diocese raised the following points:

“Assuming that the principal change is to give non-catchment siblings higher priority than catchment children without a sibling, the Board would ask the authority to note that, as a church school, St Andrew’s was originally founded to provide an education for local children. Its admission arrangements should therefore have regard to that historic foundation. The school’s trust deed specifically references the school being established to serve the poor of the parish and the Board would like to understand how the interests of local children are better served by out of catchment siblings being given priority ahead of children living in the catchment area.

Please could you also explain how the proposed change for St Andrew’s is connected to the move from 3 to 2 tier schooling in the local area and why the local authority has not opted to run a full consultation on the proposed changes so that the views of the local community can be fully taken into account first?

The school’s current arrangements appear to reflect CBC’s standard admission arrangements for community and VC schools, in giving catchment children higher priority than non-catchment siblings. It’s not clear from the Executive Minutes you’ve attached which schools’ 2025-26 arrangements are being referred to in resolution 4

so please could you confirm that point too? Are the proposed changes only being considered in relation to St Andrew's and/or the Biggleswade cluster of schools or is the local authority is intending to change its arrangements for all its schools at some point?"

22. For the sake of clarity, I reproduce the local authority's response to the diocese, dated 21 October 2024, below:

"Please accept my apologies for the Diocese not being notified of this variation for St. Andrew's CofE VC Primary School. It is most unfortunate that in the changeover of staff and the former Admissions Manager leaving at the end of July and me taking up post on 23<sup>rd</sup> September, that some key processes were missed.

One of these processes appear to be the discrepancy of the faith criteria being omitted from the school's oversubscription criteria, again that should not have been the case and the school's admissions oversubscription criteria was determined for 2025-26 with the faith criterion in and should have featured in the proposed criteria for the requested variation. Please see documents attached which I have sent to ... at the OSA tonight.

I understand that the school requested the change for out of catchment siblings to be elevated above catchment children (without siblings) to ensure families could be kept together and younger siblings could access the same schooling. I do understand the feedback and concerns from the Diocese regarding this proposal usually being part of a consultation process so the interested consultees can make their views known and be part of this process.

I acknowledge that other Biggleswade schools may want to change their admissions oversubscription criteria for future years and this is a conversation I will have with the local schools this academic year as this has been mooted. If changes are proposed, we will then look at consultation on these for 2027 next autumn".

23. I have reviewed the model policy (Church Priority Model) provided by the diocese in their 'School Admission Resource pack 1'. The oversubscription criteria in this policy are, in summary:

- 1) Looked after children and previously looked after children, including those children who appear (to the governing body) to have been in state care outside England.
- 2) Children with a sibling on roll at the school at the time of application.
- 3) Children with known special medical or social needs which only [name of school] can meet.

4) Children at least one of whose parents/carers has attended an act of public worship at any Christian Church at least [e.g. once in every month for at least a year] immediately before the date of application.

5) Any other children.

24. The proposed variation to the school's oversubscription criteria will, in effect, correspond to the diocesan policy of giving priority to children who already have a sibling at the school. However, I acknowledge that some children who live more locally to the school may not be admitted due to siblings being given a higher priority.

**Table 1: Information about the number of children admitted to the school under each oversubscription criterion.**

School Site	East	West	East	West	East	West
Year of entry	2022	2022	2023	2023	2024	2024
PAN	90	90	90	90	60*	60*
EHCP	1	0	0	0	1	0
1. LAC/PLAC	1	0	0	0	0	0
2. Children of staff	0	0	0	0	0	0
3. Sibling in catchment	24	14	25	12	27	13
4. Catchment	64	19	65	27	32	17
5. Sibling outside of catchment	0	9	0	13	0	9
6. Religious criterion	0	1	0	2	0	3
7. Other	0	18	0	32	0	19
<b>Total</b>	90	61	90	86	60	61**

\* Due to becoming a primary school, the PAN for the school reduced from 180 (90 on each site) in previous years to 120 (60 on each site) for admission in September 2024 and 2025.

\*\* Multiple birth

25. Table 1 shows that for the last three years, St Andrew's East has admitted children up to criterion 4 (catchment) while St Andrew's West has admitted children up to criterion 7 (other).

**Table 2: Information about the number of siblings living outside of the school's catchment area who did / did not secure a place at the school**

School Site	East	West	East	West	East	West
Year of entry	2022	2022	2023	2023	2024	2024
Siblings living outside of catchment that secured a place.	0	9	0	13	0	9
Siblings living outside catchment did not secure a place.	5	0	4	0	6	0

26. The information shown in table 2 for 2023 is slightly different to information on the variation request form submitted by the local authority, which stated that nine siblings, three on one site and six on the other, were unsuccessful in securing a place. However, it does show that each year a handful of families with a child already attending St Andrew's East have been unable to secure a YR place for a younger sibling. This is likely to have caused these families logistical and practical difficulties. Although no forecast data is currently available for 2025/2026, there is nothing to suggest that the number of applicants for siblings living outside of catchment will increase or decrease significantly.

27. If the proposal is agreed, and these siblings were to be admitted, it would have an impact on a similar number of children who live more locally to the school but who would not be offered a place because the PAN for the school would have been reached. In order to establish the extent of this impact, I have reviewed information on the DfE's 'Get information about schools' and 'Compare school and college performance in England' websites. I can see that there are a number of other primary schools within the locality. Specifically, there are four other primary schools located within two miles of St Andrew's East and a further four within three miles. There are also three other primary schools within two miles of St Andrew's West and a further six within three miles. From this information, I am satisfied that parents living in the locality are likely to be able to secure a place for their child at one of a number of alternative local primary schools, including some with a Church of England designation. Furthermore, from data provided by local authority, there were 344 children on roll in YR in the Biggleswade cluster of schools in September 2024, compared to a total sum of the PANs for the area of 405, and places were available at a number of local schools.

28. I find that the possible frustration of parental preference for a place at St Andrew's, particularly St Andrew's East, for a small number of families is outweighed by the difficulties caused to a similar number of families as a result of a YR child being unable to secure a place at the same primary school as an older sibling. There are a number of benefits to siblings attending the same school. Not only does this avoid parents having to get two young children to different schools at the same time, but the parents are more likely to be able to support their children at school events. Additionally, siblings will be able to support each other and to share common experiences. I, therefore, find that the variation is justified by the circumstances, and I approve the proposed variation.

## **Determination**

29. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Central Bedfordshire Council for St Andrew's Church of England Voluntary Controlled Primary School, Biggleswade, for September 2025.

30. I determine that the oversubscription criteria are to be reordered to give greater priority to children living outside of the school's catchment area but who already have siblings attending the school.



Dated: 13 November 2024

Signed:

Schools adjudicator: Catherine Crooks