



Office of  
the Schools  
Adjudicator

## Determination

<b>Case references:</b>	<b>ADA4466 and ADA4476</b>
<b>Objectors:</b>	<b>Dorset County Council and The Woodroffe School</b>
<b>Admission authority:</b>	<b>Blackdown Education Partnership for Axe Valley Academy</b>
<b>Date of decision:</b>	<b>27 August 2025</b>

## Determination

**In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objections to the admission arrangements for September 2026 determined by Blackdown Education Partnership for Axe Valley Academy, Devon.**

## The referral

1. Under section 88H(2) of the School Standards and Framework Act 1998 (the Act), two objections have been referred to the adjudicator by two neighbouring admission authorities (the objectors), about the admission arrangements for September 2026 for Axe Valley Academy (the arrangements). Axe Valley Academy (the academy, Axe Valley) is a non-selective secondary academy for children aged 11 to 16 years. The Blackdown Education Partnership (the trust) is the admission authority for the academy.
2. One objector is Dorset County Council (DoCC). The other is The Woodroffe School (Woodroffe), a foundation secondary school for which the governing body is the admission authority.
3. The local authority (LA) for the area in which the school is located is Devon County Council. The parties to the objections are the trust, the LA, DoCC and Woodroffe.

## Jurisdiction

4. The terms of the academy agreement between the trust and the Secretary of State for Education require that the admissions policy and arrangements for Axe Valley are in

accordance with admissions law as it applies to maintained schools. These arrangements were determined by the trust on that basis.

5. The objectors submitted their objections to these determined arrangements on 15 May 2025. I am satisfied the objections have been properly referred to me in accordance with section 88H of the Act and are within my jurisdiction.

6. The objectors have made extensive submissions both in the objection document and subsequent papers to contend that the academy has not acted properly in setting arrangements because it has been motivated by a desire to ensure it has no unallocated places in September 2026. I find that such considerations sit outside my remit, which is to consider whether the arrangements determined comply with the Code and the law as it applies to admissions. My consideration is whether the arrangements as determined are clear, reasonable, and fair in effect.

7. Secondly my frame of reference is not to consider only the change made to the arrangements for 2026, but to consider the arrangements as a whole, including those revisions.

8. Thirdly the objectors have made extensive reference to outcomes which may or may not arise from changes to the preferences families express in the future, or the optimal choices available to them. But those changes would arise not from the admissions arrangements of the academy, but from the LA's transport to school policy. That policy is not part of the admission arrangements for Axe Valley. The policy can be changed at any time, and it is not my remit to consider it, or objections made which are based on it.

## Procedure

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

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

- a. confirmation from Axe Valley that the admissions arrangements for 2026/27 were determined by the Blackdown Education Partnership Board on 30 January 2025;
- b. documents from the consultation process on Axe Valley's arrangements, including emails sent between parties during and after the consultation period;
- c. a copy of the determined arrangements for 2026/27 for Axe Valley;
- d. a copy of the determined admission arrangements for Woodroffe;
- e. the objectors' forms of objection dated 15 May 2025 along with supporting documents and other correspondence;
- f. the responses of the academy and the LA to the objections and supporting documents;
- g. information on the websites for Axe Valley and the LA;

- h. the Department for Education (DfE) websites:
  - a. “Get Information About Schools” (GIAS); and
  - b. “Find and compare schools and colleges in England (the DfE website); and
- i. Ofsted reports on the schools concerned.

Although I may not directly refer to it in my determination, I have read and taken account of all the relevant information provided to me.

## The Objections

11. The objection is in multiple parts:

- that the consultation process which was conducted before the arrangements were determined was flawed. It is open to an adjudicator to determine that there has been a failure to consult in accordance with the relevant legal requirements, and therefore a failure to comply with both the 2012 School Admissions Regulations and the School Admissions Code.
- that the relevant bodies were not notified and the arrangements were not published as required by paragraph 1.50 of the Code by 15 March 2025.
- that the change to the catchment area incorporated into the 2026 arrangements makes it unreasonable. The Code requires in paragraph 1.14 that catchment areas must be reasonable and clearly defined, and the objectors contend that the reason for the change does not meet this test as it is driven by seeking to fill all available Year 7 places at the school and no other consideration. Reasonableness can relate to whether arrangements are sensible in the local context, and that context includes what provision and arrangements are made by other schools.
- that the change to the catchment area incorporated into the 2026 arrangements makes them unfair. The objectors contend that while presented as a change which increases choice for families in locations which are in the catchment areas for both Axe Valley and Woodroffe schools, it may have adverse and unfair impact on the entitlement of applicants to funded transport from the local authority area of Devon County Council to Woodroffe School.

## Background

12. Axe Valley has a published admission number (PAN) of 150 and its capacity is recorded by GIAS as 750 students. It is located in the small town of Axminster, which lies close to the boundary of Devon and Dorset. The school was judged to be good by Ofsted in its last inspection in September 2023. The oversubscription criteria determined for admissions in 2026 are, in summary:

- 1) Looked after and previously looked after children

- 2) Children living in the catchment area with a sibling at the school
- 3) Children of staff
- 4) Children living in the catchment area
- 5) Children living outside the catchment area with a sibling at the school
- 6) Children attending a feeder school including Mrs Ethelston's Church of England Primary Academy
- 7) Other children.

13. Axe Valley students come from a large footprint going well beyond the catchment area for previous years. The school has students from addresses as far afield as Cridton to the west, and a significant number from Chard in Somerset to the north. The catchment area was extended in the 2026 arrangements.

**Table 1 Application and allocation data for Axe Valley**

	2024	2025
PAN	180	150
First preferences	180	153
EHCP	2	10
Looked after	1	0
Catchment plus sibling	55	44
Catchment plus feeder	93	71
Catchment	5	7
Out of catchment, sibling	4	2
Out of catchment feeder	5	6
Children of staff	0	0
Other children	6	10
Not allocated	0	9
Total admitted	171	150

14. Table 1 shows that there is a close correlation between the number of parents expressing a first preference for the school and the number of places available. In fact, in 2024 they matched exactly. In 2025 nine applicants could not be offered a place. A first preference is the school that a parent most wants their child to attend.

15. In both 2024 and 2025 there were places available and allocated to children living outside the catchment area as it then stood, with priority given to those nearest the school.

16. Many of the issues which arise in the objection concern an area in the extreme southeast of Devon. In the 2026 arrangements this area is newly added to the Axe Valley catchment area. Mrs Ethelston's Church of England Primary Academy (Mrs Ethelston's) in the village of Uplyme, within that area, was added as a feeder or linked school. For convenience I will call this the Uplyme area, as Uplyme village is the largest community

within it. According to the DfE website, which measures distances in straight lines, Mrs Ethelston's is 0.56 miles from Woodroffe and 3.64 miles from Axe Valley.

17. The Uplyme area is sparsely populated. In the three years 2023, 2024, and 2025, two children in that area were allocated places at Axe Valley. Up to and including 2026, Woodroffe has included the Uplyme area in the catchment area used within its oversubscription criteria.

18. Woodroffe is in the town of Lyme Regis, Dorset. It is a secondary foundation school for children aged 11 to 18 years of age, with a PAN of 174. According to GIAS it has a capacity for 1050 students and has 978 on roll. Woodroffe was judged to be good by Ofsted in its last inspection in December 2023.

19. Woodroffe takes about half its intake each year from Dorset and half from Devon. On the Devon side many children come from the communities of Axminster and Seaton/Axmouth. On the Dorset side, students come from Lyme Regis or Bridport. In 2025 twenty-five or so children were allocated places who live in rural or village addresses, and allocations were made to children living ten miles or more to the west, north, and east of Woodroffe. Woodroffe's admissions arrangements are, in summary

- 1) Looked after and previously looked after children
- 2) Children living in the catchment area with a sibling at the school
- 3) Children living in the catchment area
- 4) Children living outside the catchment area with a sibling at the school
- 5) Children attending a feeder school including Mrs Ethelston's
- 6) Children of staff
- 7) Other children

The catchment area is two thirds or more in Dorset, and the rest in the Uplyme area of southeast Devon.

**Table 2 Application and allocation data for Woodroffe**

<b>Criteria</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>
<b>PAN</b>	180	180	180
<b>First preferences</b>	178	121	108
<b>Looked after</b>	2	2	2
<b>EHCP</b>	7	1	2
<b>Catchment plus sibling</b>	39	24	23
<b>Catchment</b>	49	39	28
<b>Sibling</b>	27	19	23
<b>Feeder</b>	8	2	5
<b>Staff</b>	2	0	1

Criteria	2023	2024	2025
Distance	40	27	32
Total	174	114	116

20. Table 2 shows that Woodroffe has been admitting fewer children than its PAN and so all children have been admitted for whom applications were made. The number of first preferences has declined. For admissions in 2025 only one child definitively living in the Uplyme area was allocated a place at Woodroffe.

## Consideration of Case

### Consultation

21. The consultation was initiated on 11 November 2024 and was organised by the LA on behalf of the academy. In the notification to other admission authorities, the changes which were proposed for Axe Valley were not properly summarised. Reference was only made to a change to the children of staff criterion.

22. The summary for parents of changes for Devon schools also did not completely and correctly summarise the proposed changes for Axe Valley.

23. An email correcting the omission of the catchment change from the summary of changes was sent to other admitting authorities on 17 December 2024. That correction did not correct the inaccuracy as it failed to include the revised feeder school arrangements for the academy. Many of these deficits are accepted by the LA.

24. DoCC communicated to the LA why they saw them as material.

“There are concerns as to whether all parties, including parents in the current Woodroffe catchment, are fully aware of the changes, and as previously stated are they also aware of the consequences of the catchment changes in relation to the school transport. There is also no mention in respect to ongoing provision to existing students, or to siblings who may yet join the school, and how they will be treated going forward.”

25. I find that the academy did not comply with the requirements of the Code regarding consultation. While the LA clearly attempted to address errors on behalf of the academy when they were found, the end date of the consultation was left unchanged, which meant consultees did not have the time specified to consider and respond to the consultation. I therefore uphold the aspect of the objections that the consultation did not meet the requirements of the Code.

26. However, an adjudicator cannot impose a requirement upon an admission authority to re-consult after it has determined the arrangements even if the consultation has not been conducted in accordance with the requirements of the Regulations and the Code.

### Notification of relevant authorities and publication of arrangements

27. The notification of determination of arrangements sent out by the LA on behalf of the academy did not properly summarise the changes made because the addition of the feeder school was omitted. A failure to inform relevant authorities of determined arrangements and a failure to publish them is a breach of the Code. It is the responsibility of the admission authority to pro-actively distribute and publish its determined arrangements, and to do so by 15 March in the year of determination. I uphold this part of the objections.

### **Catchment area is unreasonable**

28. The objectors challenged the catchment area set by Axe Valley as part of its 2026 admission arrangements on the basis that it is not reasonable to include the newly added Uplyme area.

29. Axe Valley said:

“The driver for the change is to provide equity for the Devon pupils who express a preference for Axe Valley in the normal admission round, or who transfer in year. This is because we already have pupils from this catchment on roll and they are not entitled to transport because they are out of catchment. If they were in catchment, transport would be provided.

We do not need to "boost" the numbers at Axe Valley because the school is now reliably meeting its PAN and admitting over PAN at the request of the LA in some of the younger years.”

30. The LA said that the catchment arrangements as determined for 2026 achieve a desired outcome that all children living in Devon have some elevated priority based on that residence for a school in Devon itself.

31. DoCC made comment on what they see as a detrimental effect of the new catchment arrangements on the likely future number of applications for Woodroffe, and the resultant viability of that school. Such matters are not within my remit, as explained above.

32. As explained above I also disregard the arguments made over transport, whether used in favour of the change or against it, as not within my remit.

33. Furthermore, while the LA may wish to ensure that all Devon based children have some priority for a school in Devon, there is no legal obligation on the to do so. The obligation is to ensure there is a sufficient number of school places for the children in the LA area. Up to now this has been achieved in this part of Devon by ensuring a very high likelihood of access to Woodroffe School. There is nothing wrong with that arrangement.

34. However, I find the justification, in general terms, that the catchment area achieves equity is compelling.

35. The arrangements for 2026 are clear and reasonable. The new eastern boundary of the Axe Valley catchment coincides with the county boundary and is therefore clear and well understood locally.

36. The Uplyme area is closer to the academy than large areas of the 2025 catchment, especially those to the south west of Axe Valley.

37. The catchment provides priority only to Devon children but does not preclude successful applications for children living in Dorset or elsewhere. Dorset applicants' level of priority is fundamentally unchanged, though there will be slightly more children in 2026 who live in catchment and have priority on that basis. Successful applications from the local authority areas of Dorset and Somerset are likely to continue.

38. If the objection is not upheld there will be an area of south east Devon where a small number of children are in catchment for two secondary schools, Axe Valley and Woodroffe. There is nothing in the Code to say this is unreasonable or unfair. I note that the Blackdown Education Partnership envisaged this outcome in their Board meeting of 30 January 2025.

39. In my view the arrangements remain reasonable in the local context, that context including what provision and arrangements are made by other schools. I would envisage that pupils applying from addresses in one local authority area to schools in another, and being allocated places, will continue to be a feature of school provision in this area. I do not uphold this aspect of the objections.

#### **Catchment area is unfair**

40. Fairness is a concept that is used in the Code but is not defined. Fairness cannot be defined in universal terms as its requirements will depend on the circumstances. Fairness is focused on the effect of the arrangements on any relevant group. I re-state here that it is the purpose of oversubscription criteria to create advantage for some applicants and disadvantage to others.

41. If a parent applies from a residence in the 2026 catchment area, there is a high likelihood that their child will be allocated a place at Axe Valley. If this led to displacement of other applicants, and those applicants then faced an unacceptably long journey to a different school, this could be unfair. However, the information on the intake of Axe Valley in recent years clearly shows that children living in the Uplyme area have been allocated places at the academy under the "other children" criterion. Put another way, the same children would be likely to be admitted in 2026 under the new catchment as would have been admitted on the old arrangements.

42. The determined arrangements do not lead to any reduced priority for children in the Uplyme area in the oversubscription criteria for Woodroffe. They suffer no detriment.

43. If there is any unfair effect on families, and this is not proven, it arises from the Devon Transport to School Policy which is not within my remit because my jurisdiction is for the admission arrangements.

44. Any possible effect on Woodroffe school, in terms of a possible change to patterns of local preferences, is not an unfairness covered by the Code. I do not uphold this aspect of the objections.



## Other Matters

45. I will now consider the other matter identified during my review of the admissions arrangements to determine whether it conforms with the Code: that is the addition of Mrs Ethelston's as a feeder school.

46. It is the view of the academy and LA that residents of the Uplyme area where Mrs Ethelston's is situated are closer to Axminster than other parts of the Axe Valley Academy catchment but with a lower admission priority as they have been out of catchment. Where unsuccessful in applying for The Woodroffe School or not wanting to seek a place there, for any reason, they have previously not had feeder priority to the nearest school within their local authority area. It is stated by the LA that Mrs Ethelston's has been a long-standing feeder school for Axe Valley.

47. It is also contended that assigning feeder school status to Mrs Ethelston's achieves equity and consistency, as it is normative for primary schools in the broader area to be a designated feeder for a secondary school in the county.

48. In contrast as objector Woodroffe has said:

"The Woodroffe Admissions Arrangements has had Mrs Ethelston's as a named feeder for many years. I note that Axe Valley has not had Mrs Ethelston's as a named feeder in its admissions arrangements and only the arrangements for 2026 has this now been added...to suggest that Mrs Ethelston's has been a 'long-standing feeder' to Axe Valley is a misrepresentation of the actual situation on the ground and in previous determined admissions arrangements.

49. Mrs Ethelston's was contacted during the consultation process and made no comment.

50. I find that Woodroffe's position on the past status of Mrs Ethelston's is correct. Pupils from the school may have moved on from the school in small numbers each year to Axe Valley. However, feeder school is a term with precise definition in the code, and Mrs Ethelston's has not merited that label because it has not been named in the academy's arrangements.

51. I note that many of the other feeder schools for Axe Valley are the primary schools closest to it. Mrs Ethelston's is 4.16 miles from Axe Valley and aligns with that general profile of feeder schools. It appears to me that designation of that school as a feeder is reasonable, and compatible with stated goals of achieving more equity and consistency.

52. An applicant whose highest criterion satisfied in 2026 is attending Mrs Ethelston's as a feeder school would have to be out of catchment or they would satisfy the catchment area criterion. They would probably reside across the county boundary in Dorset. In previous admission rounds, the academy has allocated places to many such applicants, as detailed above. The effect of the new arrangements would be likely to be that the same children would be allocated places, but on a different criterion.

53. The 2026 arrangements cause no detriment to children attending Mrs Ethelston's, because the effect is to elevate their priority for Axe Valley while they still retain their priority for Woodroffe. The arrangements cause no detriment to any other children.

54. Therefore, I find that the feeder arrangements are compliant with the requirements of the Code.

## Summary of findings

55. The consultation did not meet the requirements of the Code and I uphold this aspect of the objections.

56. The notification of the determined arrangements and their publication did not meet the requirements of the Code.

57. I do not uphold the objections that the catchment area elements of the arrangements are not clear, reasonable or fair.

58. I have considered the feeder school elements of the arrangements under section 88I(5) and find them compliant with the Code.

## Determination

59. **In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objections to the admission arrangements for September 2026 determined by Blackdown Education Partnership for Axe Valley Academy, Devon.**

Dated: 27 August 2025

Signed:

Schools Adjudicator: Patrick Storrie