



Office of
the Schools
Adjudicator

Determination

Case references: VAR2627 and VAR2632

Admission Authority: Norfolk County Council for Freethorpe Community Primary School

Date of advice: 28 August 2025

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 Norfolk County Council for Freethorpe Community Primary School for 2025 and 2026.

I determine that for admissions in 2025 and 2026 the catchment area will be as described in this determination.

I have also considered the arrangements under section 88I(5) 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 this determination.

The referral

1. Norfolk County Council (the local authority) has referred to the adjudicator proposals for variations to the admission arrangements for Freethorpe Community Primary School (Freethorpe) for 2025 and 2026 (the arrangements). Freethorpe is a community school for children aged two to eleven years in the village of Freethorpe, Norwich. It is federated with six other primary schools as part of the AIM Federation of which Cantley Primary School (Cantley) is also a member.
2. The proposed variations are for an extension to the catchment area for Freethorpe following the closure of Cantley from 31 August 2025.

Jurisdiction and procedure

3. Section 88E of the School Standards and Framework Act 1998 (the Act) makes provision for variations to determined arrangements. Paragraphs 3.6 and 3.7 of the School Admissions Code (the Code) say (insofar as is 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 arrangements for 2025 were determined by the local authority on 10 January 2024. The arrangements for 2026 were determined by the local authority on 6 January 2025. The local authority has told me that the appropriate bodies have been notified of the proposed variations in line with the Code and that the governing body has been consulted on the proposed variations and supports them. The governing body is the governing body for all schools in the AIM Federation of Schools including Cantley.
5. I find that the appropriate procedures were followed, and I am satisfied that the proposed variations are within my jurisdiction.
6. I have also used my power under section 88I of the Act to consider the arrangements as a whole and to determine whether or not they conform with the requirements relating to admissions and, if not, in what ways they do not so conform. I will refer to these as ‘other matters’ and they are covered in the section of the determination under that name. In this section I will refer to the arrangements for both 2025 and 2026 as the 2025 and 2026 arrangements are similar.
7. In considering the variation requests and the matters considered under section 88I, I have had regard to all relevant legislation and the Code. The information I have considered in reaching my decision includes:
 - a. the referral from the local authority dated 18 July 2025, and further information provided at my request;
 - b. the determined arrangements for 2025 and 2026 and the proposed variations to those

arrangements;

- c. confirmation from the governing body for the AIM Federation of Schools that it has been consulted on the proposed variations; and
 - d. maps, including those of the catchment areas considered.
 - e. I have also taken into account information shared at a meeting I called with representatives of the local authority on Friday 15 August 2025. I will refer to this as the meeting.
8. There is no formal consultation required for a variation and so parents and others do not have the opportunity to express their views. Clearly it is desirable that changes to arrangements are made via the process of determination following consultation as the consultation process allows those with an interest to express their views. It also allows for objections to the adjudicator. None of this is afforded by the variation process. In this instance the local authority has consulted on the closure of Cantley and the changes to education in the area of Cantley and Freethorpe including the changes to the catchment areas.
9. I note here that the arrangements for 2027 have not yet been determined. This means that if I decide to vary the arrangements for 2026, as proposed, it will have the effect of forming the 'baseline' for subsequent years and no consultation is required for the arrangements to remain as I determine.

Background

10. The local authority underwent a public consultation and determined on the closure of Cantley from 31 August 2025. The decision to close Cantley was made on 17 July 2025. The decision was recorded as:

"I hereby approve this proposal to amalgamate (discontinue) Cantley Primary School, School Lane, Cantley, Norfolk, NR13 3SA with Freethorpe Community Primary School, School Road, Freethorpe, Norfolk NR13 3NZ from September 2025.

And

Change the catchment area of Cantley Primary School, School Lane, Cantley, Norfolk, NR13 3SA to merge with the existing catchment area of Freethorpe Community Primary School, School Road, Freethorpe, Norfolk NR13 3NZ creating one larger catchment area that serves Freethorpe Community Primary School from September 2025.

The reasons for this decision are that:

- The statutory procedural requirements under sections 15 (2) of the Education and Inspections Act 2006 and The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 have been met;
 - The proposals meet the criteria laid down in the statutory Department for Education guidance in relation to the amalgamation and discontinuance of schools. While there is a presumption against the closure of rural schools, in this situation, the low numbers of registered pupils at the school is a strong case for amalgamation and discontinuance;
 - Changing the catchment areas will reflect the amalgamated schools.
 - The views of all interested parties, including those most likely to be affected, have been fully considered.”
11. I have not studied the decision-making process which led up to the closure of Cantley, as the local authority is the decision-maker assigned by statute to determine the closure of community schools and to ensure that the proper processes have been followed.
12. The oversubscription criteria for the community and voluntary controlled schools for 2025 and 2026 maintained by Norfolk County Council are as below.

“Children who are due to start school and:

1. have an EHCP or statement of special educational needs naming that school
2. Children in care (looked after children) and children who were previously in care (children who were looked after, but ceased to be so because they were adopted or became subject to a child arrangements order or special guardianship order, immediately following having been in care, including those who appear, to the admission authority, to have been in state care outside of England and ceased to be in state care as a result of being adopted)live in the catchment area and who have a sibling attending the school at the time of their admission
3. live in the catchment area who have a brother or sister attending the feeder junior school
4. have a disability and live in the catchment area (Appropriate professional evidence will be required to confirm the disability)
5. live in the catchment area
6. have been allocated a permanent place at a Specialist Resource Base attached to the school. (Places allocated by Norfolk County Council’s Placement panel)
7. children eligible for the service premium. A pupil is eligible for the service premium if:
 - a) one of their parents is serving in the regular armed forces (including pupils with a parent who is on full commitment as part of the full time reserve service);
 - b) they have been registered as a ‘service child’ on the January school census at any point since 2016;
 - c) one of their parents died whilst serving in the armed forces and the pupil

receives a pension under the Armed Forces Compensation Scheme or the War Pensions Scheme.

8. live outside the catchment area who have a brother or sister with a statement of special educational needs attending the school at the time of their admission
9. live outside the area served by the school who have a brother or sister attending the school at the time of their admission
10. live outside the catchment area who have a brother or sister attending the feeder junior school
11. have a disability and live outside the catchment area (Appropriate professional evidence will be required to confirm the disability)
12. children of staff
 - a) where a member of staff has been employed at the school for two or more years at the time at which the application for admission to the school is made and/or
 - b) the member of staff is recruited to fill a vacant post for there is a demonstrable skill shortage
13. live outside the catchment area

If all children within any of the above rules cannot be offered a place, the highest priority will be given to children living nearest to the school within that rule. To determine who lives nearest, distance will be measured on a straight line “crow fly” basis, using Ordnance Survey data. The address will be measured from the post office address point on the property.

In the unlikely event that distance does not separate the final two or more pupils seeking the last remaining place, a random allocation will be used to determine who is offered the final place.

NOTE: Criteria 7 only applies to schools which have a Specialist Resource Base on site.”

Consideration of proposed variations

13. 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 proposed variations are justified by the change in circumstances.
14. The oversubscription criteria include use of the catchment area, which would play a significant role in the allocation of places at Freethorpe if the school were to be oversubscribed. At the meeting I asked the local authority about local transport routes and the local authority was able to explain that the nature of the geography in the area, with the broads and marshes, made the route to Freethorpe the most efficient from the area of Cantley. Children living in the catchment area for Cantley are likely to be eligible for free school transport because of the distances involved.

15. Seventeen children were attending Cantley until the end of July 2025. Twelve of the 17 will join Freethorpe in September 2025. Three of the 17 children live in the catchment area for Cantley.
16. The local authority has told me at the meeting that for admissions to Freethorpe in 2025, two children live in the catchment area for Cantley and 14 children in the catchment area for Freethorpe. Similarly, for 2026, currently one child lives in the catchment area for Cantley and 15 in the catchment area for Freethorpe. As the published admission number (PAN) for Freethorpe is 25, I have no concerns that there will be insufficient places at Freethorpe to meet any increased demand for places from the catchment area if it were extended to include that for Cantley for either 2025 or 2026, or in the near future.
17. The expansion of the catchment area for Freethorpe to include that for Cantley on the closure of Cantley seems reasoned and logical. I approve the proposed variations for 2025 and 2026.

Other matters

18. Having considered the arrangements as a whole it appeared to me that there were matters which may not conform with the requirements of the Code and so I brought them to the attention of the local authority. These matters are (relevant paragraphs of the Code in brackets):
 - a) Once determined the arrangements **must** be published on the admission authority's website by 15 March. This did not appear to have occurred (1.50).
 - b) The arrangements, which are for the community and voluntary controlled schools for which the local authority is the admission authority, appear to try to include information that mirrors that provided in the co-ordinated admissions scheme and to cover some of the admission arrangements for schools for which the local authority is not the admission authority and this can make the arrangements confusing. This makes the arrangements unclear (14).
 - c) The arrangements do not include a list of the schools to which they apply. This makes the arrangements unclear (14).
 - d) Nor do the arrangements include the published admission numbers for the schools to which they apply. This makes the arrangements unclear (14).
 - e) The oversubscription criteria include references to statements of special educational need. As these no longer exist, the incorrect references make the admission arrangements confusing and unclear (14).
 - f) Admitting a child with an education, health and care (EHC) plan is not part of the oversubscription criteria. A child for whom the school is named, **must** be admitted. The oversubscription criteria would then apply to applicants applying through the

normal admissions process if the school is oversubscribed. This is not clear in the arrangements (1.6 and 14).

- g) The first priority **must** be for looked after and previously looked after children. However, setting aside that the arrangements give these children second priority, the arrangements define these children and add:
- a. for secondary schools: “and live in the catchment area”;
 - b. for admission to reception: “live in the catchment area and who have a sibling attending the school at the time of their admission”; and
 - c. for admission to Y3 in junior schools: “children who are due to transfer, living in the catchment area who have a brother or sister attending the school at the time of their admission.”

None of these caveats are in line with the Code (14, 1.7 and 1.8).

- h) Apart from these references to the catchment area as above, the next criterion which makes any reference to the catchment area in the oversubscription criteria for secondary schools is criterion 5, which refers to those living outside the catchment area. There is therefore no priority in the arrangements for children who live in the catchment area (unless they are looked after or previously looked after as above) (14 and 1.8).
- i) Criterion 6 gives priority to children who, “have been allocated a permanent place at a Specialist Resource Base attached to the school. (Places allocated by Norfolk County Council’s Placement panel)”. Such children are admitted via a different process and are not part of the published admission number for the school and therefore should not be included in the oversubscription criteria (14).
- j) The arrangements give priority to children eligible for the service premium. The definition given does not match that used by the government. This makes the arrangements unclear (14, 1.8 and 1.41).
- k) Paragraph 2.15 of the Code says, regarding waiting lists, “Each admission authority **must** maintain a clear, fair, and objective waiting list until at least 31 December of each school year of admission, stating in their arrangements that each added child will require the list to be ranked again in line with the published oversubscription criteria.” The underling is my emphasis as this section is not in the arrangements (14 and 2.15).
- l) 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 age group.” My underlining for emphasis as this information is not in the arrangements (14 and 2.18).

m) Paragraph 1.13 of the Code is concerned with how the home address will be defined, which must be provided in the arrangements and says, “This should include provision for cases where parents have shared responsibility for a child following the breakdown of their relationship and the child lives for part of the week with each parent.” No such provision has been made in the arrangements (14 and 1.13).

19. The local authority has told me that it will address these matters, as permitted by paragraph 3.6 of the Code, which is welcomed. As the local authority 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.

Determination

20. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variations to the admission arrangements determined by Norfolk County Council for Freethorpe Community Primary School for 2025 and 2026.

21. I determine that for admissions in 2025 and 2026 the catchment area will be as described in this determination.

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

23. 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 this determination.

Dated: 28 August 2025

Signed:

Schools Adjudicator: Deborah Pritchard