

DETERMINATION

Case reference: VAR/632

Admission Authority: The governing body of The Trinity Church of England Voluntary Aided Primary School, Devizes.

Date of decision: 26 March 2014

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by the governing body of The Trinity Church of England Voluntary Aided Primary School.

I determine that for admissions in September 2014 the school's catchment area will be within the ecclesiastical boundaries of the parish of St Peters and will include the Quakers Walk housing development in which the school now sits.

I have also considered the arrangements in accordance with section 88I(5). I determine that they do not fully conform with the requirements relating to admission arrangements.

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 as quickly as possible, but no later than 15 April.

The referral

1. The governing body of The Trinity Church of England Voluntary Aided Primary School (the school) has referred a variation to the Adjudicator about the admission arrangements for the school; a voluntary aided primary school for pupils aged 4 to 11 for September 2014. The school is a one form entry school with a published admission number (PAN) of 30. It has recently moved to a new building on Quakers Walk, a new housing development.

2. The admission arrangements state that: "the school aims to provide a place for all children whose address is within the designated area, defined as being the area within the ecclesiastical boundaries of the Parish of St. Peter's." After looked after children and other vulnerable children, the school's oversubscription criteria give priority to children living within the school's designated area. The newly located school therefore wishes to vary its arrangements by including the adjacent Quakers Walk housing estate within its designated catchment area.

Jurisdiction

3. The referral was made to me in accordance with section 88E of the School Standards and Framework Act 1998 (the Act) which states that:

“where an admission authority (a) have in accordance with section 88C determined the admission arrangements which are to apply for a particular school year, but (b) at any time before the end of that year consider that the arrangements should be varied in view of a major change in circumstances occurring since they were so determined, the authority must [except in a case where the authority’s proposed variations fall within any description of variations prescribed for the purposes of this section] (a) refer their proposed variations to the adjudicator, and (b) notify the appropriate bodies of the proposed variations”.

I am satisfied that the proposed variation is within my jurisdiction.

Procedure

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

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

- the chair of governors’ letter of referral of 24 January 2014 and supporting documents;
- the determined arrangements for 2014 and the proposed variation to those arrangements;
- an email from the Diocese of Salisbury (the diocese) supporting the application for a variation;
- a copy of the letter notifying the appropriate bodies about the proposed variation;
- a map of the area showing the old catchment area and the area covered by the proposed variation;
- the Ofsted inspection report of November 2013; and
- a copy of Wiltshire Council’s (the council) booklet for parents seeking admission to schools in the area in September 2014.

Background

6. Devizes is a rapidly growing town with a great deal of new housing. In 2008 the council reviewed the designated areas in the town giving due consideration to the proposed new location of St Peter’s School, now known as The Trinity School, a Church of England Voluntary Aided Primary School. The new school replacing St Peter’s was to be built on a greenfield site on the edge of the entirely new housing estate of Quakers Walk. As part of the

planning for the new development, it was proposed that the school's catchment area should be changed to include the Quakers Walk estate. This proposal was properly consulted upon and agreed. It was noted that there was no existing housing within the area in question and that the change would therefore not need to be implemented until such time as housing commenced at Quakers Walk.

7. St Peter's School went through a very difficult period during the time of the new build and the move to the new site. It opened on the new site as Trinity VA Primary School in April 2012. The old governing body resigned en masse, there were extremely difficult issues with the new building between April and September and the head teacher went on sick leave. A new head teacher was not in post until Easter 2013. By this time the new governing body had stabilised under a new chair. It agreed the admission policy on 23 May 2013, but failed to check that the Quakers Walk area was included.

8. In November 2013 the school was inspected and judged to require improvement. Shortly after this the governing body held an extraordinary general meeting. The head teacher put it to the meeting that although the catchment area of the school was thought to include Quakers Walk, this was not what the policy said and that a variation would have to be sought to rectify this. Letters were sent to the relevant bodies and no objections were raised. The proposed variation was then sent to the Office of the Schools Adjudicator.

Consideration of Factors and other matter

9. The council carried out the consultation on the changes to the designated area with the diocese and all other relevant parties in 2008. This was before the building of the new estate and as part of the planning for it. The school should have updated its admissions policy to reflect the changes agreed through consultation at the point when the Quakers Walk housing was completed. As a result of the upheaval caused by the move to the new building together with staffing changes, it failed to do so. The council fully supports the request for a variation as this would ensure that the school's admissions policy reflected the outcome of the consultation.

10. The diocese says that it was under the impression that the new Quakers Walk area had been included in the school's catchment and the fact that it has not is due to an administrative error. It also fully supports the request.

11. The area in question was previously green fields and housed no residents so no other school will be immediately affected by the change. There have been no objections to the proposed variation.

12. The school's current admission arrangements give priority to looked after children but they fail to mention children who were previously looked after but immediately after being looked after became the subject of an adoption, residence, or special guardianship order. The arrangements are not compliant because the Code specifies that these children have the same priority as looked after children.

Conclusion

13. The proposed variation will bring the school's arrangements in line with what was consulted upon and originally intended. It is supported by all those concerned and with good reason. I am satisfied the variation is needed and therefore I approve it.

Determination

14. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by the governing body of the Trinity Church of England Voluntary Aided Primary School, Devizes.

15. I determine that for admissions in September 2014 the school's catchment area will be within the ecclesiastical boundaries of the parish of St Peters and will include the Quakers Walk housing development in which the school now sits.

16. I have also considered the arrangements in accordance with section 88I(5). I determine that they do not fully conform with the requirements relating to admission arrangements.

17. 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 as quickly as possible, but no later than 15 April.

Dated: 26 March 2014

Signed:

Schools Adjudicator: Carol Parsons