



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2159

Admission authority: The governing board for The Bishop's Stortford High School, Hertfordshire

Date of decision: 20 July 2021

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 the governing board for The Bishop's Stortford High School for September 2022.

I determine that for admission in September 2022 the method of measurement from home to school shall be as set out in this determination.

I have also considered the arrangements under section 88I(5) of the Act 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 the date of the determination.

The referral

1. The governing board for The Bishop's Stortford High School (the school) has referred a proposal for a variation to the admission arrangements for September 2022 (the arrangements) to the adjudicator. The school is a foundation school for boys aged 11 to 18 and girls aged 16 to 18 in Bishop's Stortford, Hertfordshire.
2. The proposed variation is to alter the point to which distance is measured from applicants' homes.

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 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.”

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

5. The information I have considered in reaching my decision includes:

- a. the referral from the governing board dated 1 July 2021, supporting documents and further information provided at my request;
- b. the determined arrangements for September 2022 and the proposed variation to those arrangements;
- c. a map showing the current location of the school, its new site and the proposed point to which measurements are to be made;
- d. the response of the local authority (Hertfordshire County Council) to the proposed variation; and
- e. information available on the websites of the school and the Department for Education.

6. Paragraph 3.6 of the Code requires that the appropriate bodies in the relevant area be notified of a proposed variation. The governing board has provided me with confirmation that the appropriate bodies have been notified. I find that the appropriate procedures were followed, and I am also satisfied that the proposed variation is within my jurisdiction.

7. I am also satisfied that it is within my jurisdiction to consider the determined arrangements in accordance with my power under section 88I of the Act as they have come to my attention and determine whether they conform with the requirements relating to admissions and if not in what ways they do not so conform.

The proposed variation

8. The school is moving to a new site about half a mile from its current location. It was anticipated that the new school site would be ready for occupation in September 2022.

However, due to delays caused by the coronavirus pandemic, it will not now be ready to open until January 2023.

9. The arrangements for admission to year 7 include an oversubscription criterion giving priority to boys who attend one of 24 named feeder schools. It is at this point that the school is habitually oversubscribed; there are generally more applications from boys attending feeder schools than there are places that remain available once applicants have been allocated under higher criteria, including siblings. The feeder schools are listed in seven groups, each containing three or four feeder schools. The groups are headed “Group A” through to “Group G”. Once places have been allocated under higher criteria, the remaining places are designated to each of these groups, in proportion to the number of applications received from boys attending the feeder schools in each group. For example, if there are 400 applications in total considered under the feeder school criterion, 40 of which were made for boys attending a feeder school in Group A, ten per cent of the remaining places will be allocated to boys who attend schools in that group. Priority for places within each group is determined by the distance of the applicant’s home to the school. The arrangements state:

“The measurement is taken from the AddressBase Premium address point of your child’s house to the address point of the school.”

10. The way in which the governing board has grouped the feeder schools in the arrangements is also based on their distance from the school. The three schools in Group A are located closest to the school, those in Group B are the next nearest and so on, with the pattern completed by the three schools in Group G (the seventh group), which are the furthest from the school. Minutes of the governing board indicate that, as the only single sex boys’ school in the area, the rationale for this approach is to provide a “fairer spread of distribution... admitting students from primary schools both from the town of Bishop’s Stortford and some village primaries.”

11. The method used to allocate the feeder schools into the groups used in the arrangements for admission in 2022 was a measurement from the feeder school to a point on the new school site. Several feeder schools have been placed in a different group to the one they were in the arrangements of admission for 2021. For example, one of the schools in Group A for admission in 2021 has moved to Group C for 2022, as it is located further from the new school site than the existing site; conversely, a school previously in Group B has moved to Group A, as it is nearer to the new site. The governing board is concerned that the method of measuring distances in the arrangements, as quoted above, does not specify that the measurements were made to a point on the new site. As the arrangements stand, it may be thought that measurements were made to the address point of the existing site, which is where the school, contrary to expectations when the arrangements were determined, will continue to be located in September 2022. The variation request says,

“There will be a totally different allocation outcome if the measurement point on the new site is not used for September 2022 admissions.”

It is requested that the statement quoted in paragraph 9 above is revised to read,

“The measurement is taken from the AddressBase Premium address point of your child’s house to a point of distance, which has been agreed by the Governors, on the new school site.”

12. Paragraph 3.6 of the Code 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

13. I appreciate that the delay in the move to the school’s new site was unforeseen. The governing board, in good faith, recalculated the distances on which the feeder schools are grouped on the basis that the school would be located at its new site by September 2022. The current wording relating to the distance measurement, referring as it does to “the address point of the school” is therefore potentially misleading to readers of the arrangements who might assume, if they were aware of the rationale for the groupings, that measurements used to allocate feeder schools to groups were taken to the existing school site. The governing board appears to be concerned that without clarifying this matter, it might be required to allocate places in accordance with the groups of feeder schools that appeared in the arrangements for 2021, which were based on distances to the existing site.

14. I do not entirely share the governors’ concern. The arrangements themselves do not explain on what basis the feeder schools are grouped. The reference in the arrangements to the method of measurement actually relates to how priority is determined for individual applicants when there is oversubscription within a group, that is, the distance from the child’s home to the school. The precise effect of the variation that the governing board has requested would be to alter the basis on which each applicant is ranked within each group, that is, on their distance from the new rather than the existing site.

15. In fact, I consider that it is reasonable for the rankings of applications within each group of feeder schools to be based on distances to the new site. Although this is not the site that boys will be attending when they first join the school in September 2022, they will be travelling to the new site from January 2023 and for the rest of their time at the school. In my view, it is therefore appropriate that, when priority has to be established on the basis of distance, that measurements are made to the new site and that the wording in the arrangements is clarified to this effect, by means of a variation. The variation will also mean that the method of measurement for individual applicants matches the basis on which the groups of feeder schools were drawn up, thereby addressing the governing body’s concern. The local authority is “fully supportive” of the requested variation.

16. I determine that the words,

“The measurement is taken from the AddressBase Premium address point of your child’s house to the address point of the school”

are amended to read,

“The measurement is taken from the AddressBase Premium address point of your child’s house to a point of distance, which has been agreed by the Governors, on the new school site.”

The varied arrangements must include a clear map showing where the “point of distance” is located.

Consideration of the arrangements

17. Having considered the arrangements as a whole, it appeared to me that the following matters did not conform with requirements of the Code and so I brought them to the attention of the governing board.

- The arrangements do not include an oversubscription criterion for applicants who do not attend a feeder primary school or qualify under any of the other criteria. In the interests of clarity (a requirement of paragraph 14 of the Code), a final criterion for ‘other children’ should be included.
- The Supplementary Information Form (SIF) appears to ask for information that duplicates what would be provided by applicants on the local authority’s Common Application Form (CAF). Paragraph 2.4 of the Code stipulates that SIFs must only be used to “request additional information.” The notes on completing the SIF do not make clear whether the form is intended to be completed only by those taking the tests relating to a criterion for admission by aptitude.

18. The headteacher, on behalf of the governing board, undertook to address these matters, as permitted by paragraph 3.6 of the Code, which is welcomed. An additional oversubscription criterion for “other children” will be added. With respect to the SIF, the headteacher explained that all applicants, whether seeking a place on aptitude grounds or not, are required to complete a SIF; he said that the requirement for parents to include information that duplicates information requested by the CAF will be removed. However, other than matters relating to the aptitude test, I am not at all convinced that there is any information that the school can legitimately seek from applicants in addition to what is contained in the CAF. The school should liaise with the local authority to confirm this. If it proves to be the case that there is no additional information that can be obtained by the SIF, other than that relating to the aptitude test, it will be a breach of the Code to require all applicants to complete a SIF.

Determination

19. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by the governing board for The Bishop's Stortford High School for September 2022.

20. I determine that for admission in September 2022 the method of measurement from home to school shall be as set out in this determination.

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

22. 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: 20 July 2021

Signed:

Schools adjudicator: Peter Goringe