



Office of  
the Schools  
Adjudicator

## Determination

**Case reference: REF3740**

**Referrer: A parent**

**Admission authority: Buckinghamshire Council for Little Chalfont Primary School**

**Date of decision: 19 August 2020**

## Determination

**I have considered the admission arrangements for September 2021 for Little Chalfont Primary School, Buckinghamshire in accordance with section 88I(5) of the School Standards and Framework Act 1998 and find that in relation to the catchment area and the priority given in the admission arrangements for siblings of children who live outside the catchment area, the arrangements conform with the requirements relating to admissions.**

## The referral

1. Under section 88H(2) of the School Standards and Framework Act 1998, (the Act), an objection has been referred to the Office of Schools Adjudicator (OSA) by a parent, (the referrer), about the admission arrangements (the arrangements) for Little Chalfont Primary School (the school), for September 2021. The date of the objection was 23 May 2020.
2. The referral relates to the fairness of the admission arrangements and in particular the fairness of the catchment area and the priority given to siblings of children attending the school who live outside the catchment area.
3. The parties to the case are the governing board of Little Chalfont Primary School, Buckinghamshire Council (local authority) and the referrer.

## Jurisdiction

4. These arrangements were determined under section 88C of the Act by Buckinghamshire Council, which is the admission authority for the school on 18 March

2020. The referrer submitted an objection to these determined arrangements on 23 May 2020. The School Admissions Code (the Code) requires objections to admission arrangements for 2021 to be made to the Office of the Schools Adjudicator by 15 May 2020. As this deadline was missed, the case cannot be treated as an objection. However, as the arrangements have been brought to my attention, I have decided to use the power conferred under section 88I(5) of the Act to consider whether the arrangements conform with the requirements relating to admission arrangements and I am treating the objection as a referral.

## Procedure

5. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).
6. The documents I have considered in reaching my decision include:
  - a) the referrer's form of objection dated 23 May 2020;
  - b) copies of the minutes of the meeting of the local authority at which the arrangements were determined;
  - c) a copy of the determined arrangements;
  - d) comments from the admission authority on the matters raised and supporting documents;
  - e) comments from the school on the matters raised;
  - f) the local authority's composite prospectus for parents seeking admission to schools in the area in September 2020;
  - g) maps of the area identifying relevant schools; and
  - h) information about the most recent consultation on the arrangements.

## The Referral

7. The referrer makes the following points:
  - The admission arrangements are not clearly set out to show how children will be admitted.
  - The oversubscription criteria are not fair to siblings.
  - The admission arrangements have been the same for a long time and there has been no annual review conducted or published.

- The catchment area was modified to exclude a few houses completely with no public consultation.
- The oversubscription criteria are not reasonable, clear, objective or procedurally fair.
- The catchment area disadvantages unfairly and directly a child from the local area who lives near to the school.

The referrer also makes the point that he has sent many emails to the local authority since the allocation of places on 16 April 2020 asking how to raise the issue of the admission arrangements of the school. The local authority's response did not explain the process and the need to contact the Office of the School Adjudicator (OSA) until after the deadline for objections on the 15 May 2020.

8. In considering this referral I have considered the compliance of the admission arrangements against the following paragraphs of the code;

Paragraph 15b "Admission authorities **must** set (determine) admission arrangements annually. Where changes are proposed to admission arrangements, the admission authority **must** first publicly consult on those arrangements. If no changes are made to admission arrangements they **must** be consulted on at least once every 7 years.

Paragraph 14 "In drawing up their admission arrangements, admission authorities **must** ensure that the practices and the criteria used to decide the allocation of school places are fair, clear and objective. Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated.

Paragraph 1.8 "Oversubscription criteria **must** be reasonable, clear, objective, procedurally fair and comply with all relevant legislation, including equalities legislation.

Paragraph 1.11 "Admission authorities **must** state clearly in their arrangements what they mean by 'sibling'.

Paragraph 1.14 "Catchment areas **must** be designed so that they are reasonable and clearly defined".

## Background

9. The school is a local authority maintained primary school for 4 to 11 year olds in the village of Little Chalfont, Buckinghamshire. The school has a Published Admission Number (PAN) of 30 for admission to reception (YR) in September 2021. The local authority is the admission authority for the school and the last time it conducted a consultation on the admission arrangements for the school was for the 2018 intake. This consultation and consequent determined arrangements removed the previous PAN of 3 for year 3 (Y3) at the school. The local authority has determined the admission arrangements annually in line with the Code and determined the arrangements for admission in September 2021 at a cabinet meeting on 18 March 2020. The school has been oversubscribed for many years. In 2018

there were 39 in-catchment first preferences, in 2019 the figure was 35 and for September 2020 admissions the figure was 42 meaning that a number of children living in the catchment area were not offered a place. The last place offered within oversubscription criterion five in 2019 was to a child who lived 0.31 miles from the school and in 2020 the distance was 0.34 miles.

10. The oversubscription criteria can be summarised as follows:

- 1) Looked after and previously looked after children
- 2) Children who appear to have been in state care outside of England
- 3) Children with exceptional medical or social needs
- 4) Children of members of staff
- 5) Children living in the catchment area of the school
- 6) Siblings
- 7) Distance.

11. The approach to catchment areas used in Buckinghamshire has been in place for many years; the local authority uses an Ordnance Survey Address-base to allocate houses and other buildings to catchment areas. This Ordnance Survey data provides a National Grid coordinate and a unique reference for each postal address in Great Britain that is on the Royal Mail's Post Office address file. (PAF). The PAF contains postal address data and includes premises such as buildings or permanent mobile and park homes plus other features such as temporary buildings and houseboats. There is a map of the catchment area on the local authority website and a facility to look up a catchment area for a particular address.

12. In 2017 the referrer's child was refused a place at the school because his address was not within the catchment area although the local authority admitted that the map published at the time was unclear as the boundary of the catchment area clearly passed through the referrer's house and three of his neighbours' houses. The local authority says that this was an oversight and that the PAF address list clearly showed that the house was not in the school's catchment area. The local authority 'tidied up' the map to show that the properties lay outside the catchment area. The referrer appealed the decision and this was successful. His child is currently in Y5 at the school.

13. The referrer applied for a place for another of his children for September 2020 and this application was unsuccessful because the property does not lie in the catchment area of the school. He appealed against this decision and the appeal was unsuccessful; the final decision was sent to the referrer on 27 July 2020. The referrer's house is 0.35 miles away from the school. For 2020 entry the full PAN was allocated using criterion 5 (within the catchment area) and only to a distance of 0.34 miles.

## Consideration of Case

14. The referrer suggests that the admission arrangements are not clearly set out to show how children will be admitted. He also says that the oversubscription criteria are not reasonable, clear, objective or procedurally fair. I have set out the oversubscription criteria in paragraph 10 above. These appear on the local authority website and on the school's website as 'admission rules'. I am of the view that they are clearly set out and are easily understood. Priority is given in order with the first places taken by looked after and previously looked after children and then the other criteria in the order published. The local authority has explained that only children in criteria one, two, three, four and five have been offered a place in the last three years. The referrer lives outside the catchment area and therefore his child would have been classed as criterion six. The order of priority for oversubscription criteria with the exception of looked after and previously looked after children who must be placed at the top of the priority list, is a matter for the admission authority of the school. The priorities for this school are compliant with the Code.

15. The referrer suggests that the oversubscription criteria are not fair to siblings. There will always be disappointed families when schools are oversubscribed, in this case the published arrangements make it clear that children living within the catchment area will take priority over children not living in the catchment area who have siblings in the school. This is a matter for the admission authority to decide; the priority given to catchment area children or siblings differs across admission authorities but placing siblings above or below the children in the catchment area is a matter for the admission authorities and both are compliant with the Code. In this case the local authority wishes to give priority to those who live in the catchment area for a school before any out of area siblings and this conforms with the Code.

16. The referrer suggests that the arrangements have been the same for a long time and that there has been no annual review conducted or published. I should make clear that my jurisdiction in this case is limited to the arrangements themselves and not to the process by which they were determined. Even if I were considering this case under section 88H of the Act (which I cannot because, as explained above, the objection was not referred before the statutory deadline) I could consider only any consultation carried out before the 2021 arrangements were determined and in this case the relevant consultation was carried out in 2018 when the Y3 PAN was reduced to zero. However, in the interests of telling the whole story, I note that that consultation generated fifteen responses which suggests that the consultation was readily available to parents, governors and other members of the local community. I have also been provided with the minutes of the executive board of Buckinghamshire Council for the last six years at which the admission arrangements for the maintained schools in the local authority were determined. This fulfils their responsibility to determine arrangements annually as set out in the Code.

17. While I cannot consider the consultation and the referrer's concern that the arrangements were changed without proper consultation some years ago, I can consider whether the arrangements as they stand are clear. This is key issue in this case. The local

authority has provided me with maps of the area showing the catchment area before and after it was modified. The local authority claims that the referrer's address and those of his neighbours were never part of the catchment area of the school according to the PAF system referred to in paragraph 11. The enlarged map of the catchment area prior to 2017 shows that the boundary line passes through the middle of each of the properties. I believe that, had I been in the referrer's position in 2017, I would have taken the map to show that at least half my property was within the catchment area of the school. The local authority disagreed with the referrer but his child was admitted to the school on appeal. The local authority then sought to clarify the map so that it matched the PAF system. An enlarged map of the redrawn boundary lines shows that the properties are outside the catchment area. The local authority says that the lines were redrawn to match the PAF system and to make the map clearer. The current map on the local authority website showing catchment areas is a small-scale map and it is very difficult to see exactly where the catchment area boundaries are. I know, because I have been provided with larger scale maps, that the property is not within the catchment area but a parent seeking this information on the website would find it very difficult to use the map to determine accurate boundaries. If the catchment area map was the only method by which parents could see if they live in a catchment area of a particular school, then I would be minded to agree with the referrer. However, on the local authority website there is a facility to enter an address. The information which is then provided is firstly the nearest school to the address and then, if it is different, the identified catchment school. If the referrer's address is put into the system it shows the school as being the nearest geographically and then, outlined in a double red line, it shows the catchment school for this address. In this case the catchment school is Chalfont Valley E-Act School. I think this is a clear and transparent system and provides parents with accurate information about catchment areas.

18. Finally, the referrer says that the catchment area disadvantages unfairly and directly a child from the local area who lives near to the school. The local authority is of the view that the catchment area should stay the same. Any change would disadvantage a different group of children as the school is regularly oversubscribed from within the catchment area. The referrer makes the point that he lives much nearer to this school than to his catchment school and that he has another child attending the school. His child has been refused a place at the school this year because he is not in the catchment area. However, even if his property fell within the catchment area his child would still have been refused a place because the property is 0.35 miles from the school and the last place was offered to a child who lives 0.34 miles from the school. Any set of priorities is going to exclude some families and these families will be disappointed. This does not make the arrangements unfair.

## Summary of Findings

19. I am of the view that the arrangements are clear and fair, and that the local authority has consulted on and determined the arrangements in line with the Code. The over subscription priorities determined in the admission arrangements are compliant with the Code and the law.

## Determination

20. By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. I have considered the admission arrangements for September 2021 for Little Chalfont Primary School, Buckinghamshire in accordance with section 88I(5) of the School Standards and Framework Act 1998 and find that in relation to the catchment area and the priority given in the admission arrangements for siblings of children who live outside the catchment area, the arrangements conform with the requirements.

Dated: 19 August 2020

Signed:

Schools Adjudicator: Ann Talboys