



## Determination

<b>Case reference:</b>	<b>ADA3761</b>
<b>Objector:</b>	<b>A member of the public</b>
<b>Admission authority:</b>	<b>The academy trust for Hitchin Girls' School</b>
<b>Date of decision:</b>	<b>15 June 2021</b>

### Determination

**In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objection to the admission arrangements for September 2022 determined by the academy trust for Hitchin Girls' School, Hertfordshire.**

**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 unless an alternative timescale is specified by the adjudicator. In this case I determine that the arrangements must be revised by 28 February 2022.**

### The referral

1. Under section 88H(2) of the School Standards and Framework Act 1998, (the Act), an objection has been referred to the adjudicator by a member of the public (the objector), about the admission arrangements (the arrangements) for Hitchin Girls' School (the school), an academy school for girls aged 11 to 18 for September 2022. The objection is to how priority is accorded in the allocation of places to girls living in the school's priority area.
2. The local authority (LA) for the area in which the school is located is Hertfordshire County Council. The LA is a party to this objection. Other parties to the objection are the academy trust for the school (the trust) and the objector.

## Jurisdiction

3. The terms of the academy agreement between the academy trust and the Secretary of State for Education require that the admissions policy and arrangements for the academy school are in accordance with admissions law as it applies to maintained schools. These arrangements were determined by the admissions committee of the governing board, on behalf of the academy trust, which is the admission authority for the school, on that basis. The objector submitted her objection to these determined arrangements on 11 March 2021. The objector has asked to have her identity kept from the other parties and has met the requirement of Regulation 24 of the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 by providing details of her name and address to me. I am satisfied the objection has been properly referred to me in accordance with section 88H of the Act and it is within my jurisdiction.

## Procedure

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

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

- a. a copy of the minutes of the meeting of the governing board at which the arrangements were determined;
- b. a copy of the determined arrangements;
- c. the objector's form of objection dated 11 March 2021, supporting documents and responses to my subsequent enquiries;
- d. the trust's response to the objection;
- e. the LA's response to the objection and responses to my subsequent enquiries;
- f. information provided by the LA providing details of the allocation of places at the school and other local schools for admission in September 2020 and September 2021;
- g. the LA's forecasts of the demand for secondary school places in the Hitchin area in September 2022 and subsequent years;
- h. the local authority's online composite prospectus for admissions to secondary schools;
- i. a determination of the adjudicator in respect of The Piggott School dated 11 August 2020 (case reference:ADA3691) and
- j. maps of the area identifying the school's priority area, parish boundaries and relevant schools.

## The Objection

6. The objector argues that the way in which priority for places at the school is determined could mean that some girls living in the school's "Priority Area" (PA) in villages immediately to the south of Hitchin will neither be allocated a place at the school nor at the other secondary school in the town and will face a longer and more difficult journey to an alternative school. She believes that this is unfair, contrary to paragraph 14 of the Code, which states that, "admission authorities **must** ensure that the practices and the criteria used to decide the allocation of school places are fair, clear and objective."

7. Furthermore, she says that the arrangements are not easy to understand and do not satisfy the requirement, also in paragraph 14, that, "Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated."

8. She also contends that the oversubscription criteria are not "procedurally fair", as required by paragraph 1.8 of the Code and that the admission authority has not met the requirement, in the same paragraph, of ensuring, "that their arrangements will not disadvantage unfairly, either directly or indirectly, a child from a particular social or racial group."

## Background

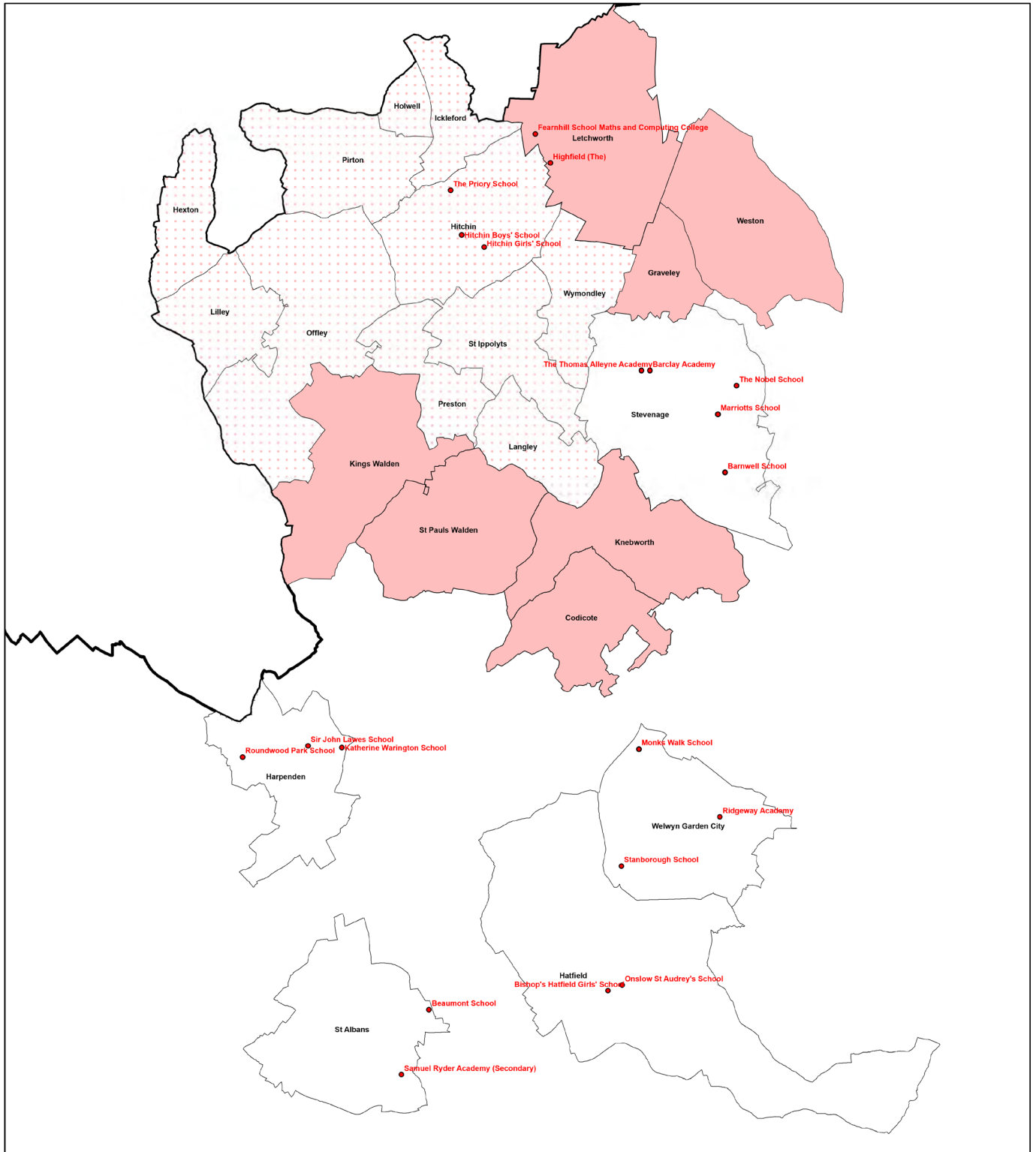
9. The school is one of three secondary schools in Hitchin. The others are Hitchin Boys' School and The Priory School, which is co-educational. The school's admission arrangements give priority, in different ways, to girls living in its PA. The Hitchin Girls' School PA comprises all of the parishes on Map One overleaf that are either shaded in pink or with dots. Eleven of these parishes form the "Hitchin PA" (these are the dotted parishes), which is the extent of The Priory School's catchment area. The other seven parishes, shaded in pink, are also in the PAs of other towns, and therefore the PAs of other secondary schools, as shown in Table One below.

**Table One: Parishes in Hitchin Girls' School PA but not in Hitchin PA**

Name of Parish	"Town" PA in which it is located
Codicote	Welwyn Garden City / Hatfield
Graveley	Stevenage
King's Walden	Harpenden / St Albans
Knebworth	Stevenage
Letchworth	Letchworth Garden City
St Paul's Walden	Harpenden / St Albans
Weston	Baldock

Throughout this determination, all references to the "school's PA" relate to the larger area (both pink and dotted) on the map. References to the "Hitchin PA" relate to the smaller, dotted area, which is part of the Hitchin Girls' School's PA and is the entirety of The Priory School's PA.

# Map One: Parishes in Hitchin Girls' School PA, the Hitchin PA and other secondary schools



**Key**

- Schools selection
- Parishes in the Hitchin Girls Priority Area only
- Parishes in the Hitchin & Hitchin Girls Priority Area
- Parishes of other secondary schools
- ▭ Hertfordshire County Boundary

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Therefore, the Hitchin Girls' School PA is larger than the Hitchin PA. There are several other single-sex girls' schools in Hertfordshire. Taken together, their catchment areas cover several parts of Hertfordshire, but there are areas in the county that are not in the catchment area of any single sex school for girls.

10. The school's Published Admission Number (PAN) for admission in September 2022 is 210. For admission in September 2021, parents of 567 girls made the school a preference. The oversubscription criteria of the school can be summarised as follows:

1. Looked after and previously looked after children.
2. Children with a particular social or medical need to attend the school.
3. Siblings living in the school's PA.
4. Children of staff.
5. (Up to 120 places) Children living in the parish of Hitchin, with priority given first to girls for whom the school is their nearest maintained school that is non-faith, non-selective and makes provision for girls ("the nearest school").
6. Children who live in the rest of the school's PA "by parish, on a proportional basis", with priority given first to girls for whom it is the nearest school (6a) and then to those for whom it is not (6b).
7. Siblings living outside the school's PA.
8. Other children.

The arrangements state that the total of places to be allocated to children living in Letchworth must not exceed 20. Priority within criteria 5 and 6a is determined by distance from the school. Within criteria 6b and 8, priority is determined by random allocation. For admission in September 2021, the final places were allocated under criterion 6.

11. The allocation of places under criterion 6 uses a mechanism that is rather more complex than that at many schools. Put as simply as possible, the number of the remaining places to be allocated to each parish in the school's PA (excluding Hitchin, which is covered by criterion 5) is calculated in proportion to the number of preferences expressed for the school. I explain this mechanism in more detail in paragraph 14.

## Consideration of Case

### *Are the arrangements unfair?*

12. The essence of the objection is the concern expressed by the objector that the effect of the arrangements may be that some children in parishes in the Hitchin PA, notably St Ippolyts, will not obtain places at Hitchin Girls' School or The Priory School, while other children from further afield, who live in the PAs of other secondary schools but also within

the larger Hitchin Girls' School PA, are allocated places. This, she argues, is not fair, and therefore breaches paragraph 14 of the Code.

13. The objector illustrates her concern by referring to the allocation of places for admission in September 2021, summarised in Table Two. The school was oversubscribed, as it was for admission in September 2020.

**Table Two: Places allocated at Hitchin Girls' School for admission in September 2021, as at National Offer Day (1 March 2021)**

Oversubscription criterion	Number of places allocated
1. Looked after and previously looked after children	3
2. Social or medical need	1
3. Siblings living in the school's PA	42
4. Children of staff	0
5. Children living in Hitchin parish	107 (85 for whom Hitchin Girls' is the nearest school)
6a. Rest of school's PA, nearest school	10
6b. Rest of school's PA, not nearest school	45
7. Siblings not living in the school's PA	0
8. Other children	0
<b>TOTAL</b> (including two children with an Education, Health & Care Plan naming the school)	<b>210</b>

14. The allocation of places under the sixth oversubscription criterion is decided by the mechanism known as "parish proportionality." Table Three shows how this mechanism operated for admission in September 2021. Taking into account the provisional allocation of places under higher oversubscription criteria, the remaining places are shared between the seventeen parishes (excluding Hitchin) in the school's PA, in proportion to the number of applications from children living in a parish that made the school a preference (first, second, third or fourth). This is the "initial target" for the parish. Places are allocated first to girls for whom the school is the nearest, prioritised by distance, and then by random allocation for girls for whom the school is not the nearest, until the target figure for each parish is reached. In some cases, the initial target can be exceeded if further places become available as a result of higher preferences for other schools being satisfied. For the same reason, some parishes may not have sufficient "live" preferences and will not be allocated up to their target figure. This redistribution of places is managed to ensure that the final allocation of places matches the initial targets as closely as possible.

**Table Three: Allocation of places to parishes under the sixth oversubscription criterion for admission in September 2021**

<b>Parish</b>	<b>Applications</b>	<b>Initial target for parish</b>	<b>Allocations under 6a (Nearest school)</b>	<b>Allocations under 6b (In PA on random basis)</b>	<b>Distance from school of last place allocated under 6a</b>
Codicote	12	4	0	6	
Graveley	0	0	0	0	
Hexton	0	0	0	0	
Holwell	2	1	0	0	
Ickleford	10	3	0	4	
Kings Walden	5	2	1	0	6024m
Knebworth	17	6	0	6	
Langley	0	0	0	0	
Letchworth	91	17	0	17	
Lilley	1	0	0	0	
Offley	6	2	2	1	5307m
Pirton	13	4	0	6	
Preston	1	0	1	0	4380m
St Ippolyts	9	3	5	0	2305m
St Pauls Walden	6	2	0	3	
Weston	3	1	0	0	
Wymondley	6	2	1	2	2775m

The arrangements specify that no more than 20 places can be allocated to girls from Letchworth. Three places had been allocated under higher oversubscription criteria, leaving a target of 17 to be allocated under the sixth criterion.

15. It is not the case that every girl for whom the school is the nearest is allocated a place under criterion 6a and then places are allocated under criterion 6b. If the target number of places for a parish is reached, before all those for whom the school is the nearest have been allocated places, no more places are allocated to girls living in that parish. The objector identifies addresses in St Ippolyts that are more than 2305 metres from Hitchin Girls' School, which was the distance of the last place offered to an applicant in St Ippolyts parish, and over 4000 metres from The Priory School. She says that if there were any girls living in these locations, they would not have been allocated a place at Hitchin Girls' School (their nearest school), nor would they have obtained a place at The Priory, which was also oversubscribed and only admitted children living within 3264 metres. The nearest schools with places available were in Stevenage, around 5000 metres from the addresses in question and, according to the objector, these schools are a difficult journey from St Ippolyts, unsuitable for walking or cycling, and requiring the taking of two buses.

16. The objector also suggests that a similar outcome might affect girls living in other parishes in the Hitchin PA, but she does not provide the detailed information for these parishes, in terms of precise locations and journeys to alternative schools, that she does for St Ippolyts. Therefore, I will restrict my consideration to the effect of the arrangements on girls in St Ippolyts parish.

17. The objector argues it would be unfair if girls in St Ippolyts were not able to attend a secondary school in Hitchin. She says,

“I understand that there is an argument for single-sex schools serving a wider geographical area to offer as many children as possible the opportunity for a single-sex education. However, I do believe that where this policy results in children missing out on an accessible comprehensive education, these children should take priority.”

In particular, she takes issue with the allocation of places to girls from Letchworth, Knebworth and Codicote:

“Knebworth, Letchworth and Codicote all appear to be closer to other schools, which prioritize children from their parish, have direct public transport links or safe walking routes and a surplus of places. Therefore, it is difficult to justify girls from these parishes being effectively prioritized for places over girls from the nearer villages (due to rules of proportionality giving more places to larger parishes), especially where this risks girls not being assigned any accessible school.”

The objector points out that both Knebworth and Codicote are also in the PA for another single-sex girls' secondary, in Hatfield.

18. In response, the LA explains that, for admission in September 2021, there are 22 applicants from St Ippolyts transferring to secondary school; 21 of these were allocated their first preference school and the other their second preference. For admission in September 2019, all applicants from St Ippolyts obtained their first preference school. For admission in 2020 the position was a little different. Nineteen of the 24 applicants from St



Ippolyts were allocated their first preference and four their second. The distance of the school of the last place allocated to a girl living in St Ippolyts under criterion 6a was 1321m. The three girls living beyond this distance whose parents made the school their first preference were all allocated places at The Priory School (their second preference).

19. The objector points out that the three girls in St Ippolyts who did not obtain a place at the school for admission in 2020, and were allocated places at The Priory, would not have obtained places at The Priory for admission in September 2021, as they lived further than 3264 metres away. However, I consider that no significant conclusion can be drawn from this observation. There was a significant increase in first preferences expressed for The Priory for admission in September 2021. As the LA comments,

“The relative popularity of individual schools can change year on year and is dependent upon many factors. Whilst first preferences for [The Priory] increased this year, they decreased in 2020 whilst preferences for [Hitchin Girls’ and Boys’ Schools] increased.”

Such fluctuations mean that no definite information can be obtained by attempting to apply the outcomes of one admissions round onto another one. For example, two of the girls living in St Ippolyts who did not obtain a place at Hitchin Girls’ School for admission in 2020 lived closer than 2305 metres from the school, which was the distance of the last place offered for admission in September 2021.

20. The information provided by the LA confirms that over the past three years no girl living in St Ippolyts has been unable to obtain a place at one of the two Hitchin secondary schools that accommodates girls. The effect of the school’s admission arrangements in recent years has not been to produce the outcome the objector describes as unfair. My jurisdiction, though, relates to the arrangements for admission in September 2022. In the absence of any evidence from the past of the effect occurring that concerns the objector, I must consider whether it is possible that such an effect may occur in the forthcoming admissions round.

21. The demand for secondary school places in Hitchin has been increasing in recent years. In September 2017, 541 children in total were allocated places at the three secondary schools in the town. In September 2019, this figure had risen to 637. The LA forecasts give a total of 662 as the expected demand for places for admission to secondary schools in the town in September 2022; the forecast for September 2021 was 665. Each of the three secondary schools now has a PAN of 210: a total of 630. Despite the forecast deficit of 32 for admission in September 2022, the LA is confident that there will be sufficient places:

“Based on this year’s allocation process, and the fact that the 2022/23 forecast is slightly lower...the County Council does not anticipate a shortfall of places in the 2022/23 allocation round.”

22. It is, of course, impossible to predict with any certainty how places will be allocated for admission in September 2022. The fluctuations in the pattern of preferences expressed

for the secondary schools in Hitchin in recent years add to the difficulty. However, as the forecast demand for places is similar to that for admission in September 2021, it is not unreasonable to surmise that, in respect of children living in St Ippolyts, the distances from Hitchin Girls' and The Priory Schools of the last places to be allocated for admission in September 2022 might well also be similar. The objector has demonstrated to my satisfaction that if this were to be the case, there are addresses in St Ippolyts which could lie well beyond both of these distances.

23. I recognise that, after the national offer day of 1 March, the operation of waiting lists and the outcomes of admission appeals can lead to applicants securing places at preferred schools that they were not originally allocated. The LA has shown that this is the case each year at the school. Nevertheless, it is, in my view, not a logical impossibility that, at the end of the admissions process, some girls living in St Ippolyts still might not obtain a place at either of the secondary schools in Hitchin. I am satisfied that this is a potential effect of the arrangements, albeit one that has not occurred in past years. I am also satisfied that the admission arrangements of Hitchin Girls' School would be primarily responsible for this outcome, as to some degree they prioritise girls living further afield.

24. The objector argues that it would be unfair, and therefore a breach of the Code, if the effect of the arrangements were to deny girls living in St Ippolyts a place at a secondary school in Hitchin. The trust, which says it has "always worked closely with the Local Authority regarding admission arrangements" and collaborated with the LA in responding to my enquiries, comments,

"We believe that the current arrangements suit the school well as we wish to continue to admit from a wide area to give many children the opportunity to access single sex education alongside ensuring we support and serve the local community of Hitchin."

Fulfilling this aspiration is a difficult challenge for an oversubscribed school, particularly when the demand for places from its local community is high. As the LA puts it,

"In every case, the amendment of admission arrangements advantages one sector of a community and disadvantages another; i.e. it is simply cutting the cake in a different way."

25. The Code does not define fairness, but I consider that a decision as to whether the potential effect of the arrangements is unfair requires me to take a view on what might be termed "the balance of disadvantage." The arrangements could have the effect of requiring a small number of girls who live in the Hitchin PA to attend a secondary school outside the PA, while some girls, numbering over 30 for admission in September 2021, living outside the Hitchin PA (but within the school's PA) obtain a place at the school. The disadvantage to some girls in St Ippolyts who may be unable to obtain a secondary school place in Hitchin needs to be weighed against the advantages in extending the access to single sex education to areas that do not have such provision locally.

26. The objector makes reference to a decision of the adjudicator about the arrangements of The Piggott School (case reference: ADA3691), in which I stated that the purpose of a system of catchment areas is to ensure, as far as possible, that no child has an unreasonably long journey to school. I held that, although it is not inherently unfair for some children to face a long journey to school, in the particular circumstances of that case it was not necessary to require them to do so. The objector concludes,

“There is a clear future risk of insufficient school places in Hitchin and the current arrangements do not seem to protect the children most in need of the protection of a catchment area – those distant from any school and with limited co-educational options.”

27. Determinations of the adjudicators do not create legal precedents. The Piggott case did involve similar issues to the arrangements I am considering in this case, but there were significant differences. First, the school was not a single-sex school wishing to provide the opportunity for children to attend from a wider area. Second, the Hitchin PA encompasses three schools (two for each sex) and the Hitchin Girls’ School PA overlaps with the PAs of several other schools.

28. Nevertheless, the structure of the admission arrangements for the school does suggest strongly that the LA and the trust, working together, are seeking to provide an element of “protection” for girls in the local community. The objector points to the modification of criterion 5 in 2018, which gives priority for up to 120 girls living in the parish of Hitchin. She says,

“At this time, it was recognized that due to being considered under proportionality rules along with Letchworth, Baldock and the villages, too many Hitchin girls were missing out on places while girls from further away were travelling in.”

I asked the LA whether consideration was given at this time to extending the priority to cover neighbouring villages for which Hitchin Girls’ School is the nearest school. The LA responded as follows:

“These arrangements gave priority for pupils in Hitchin and “capped” the number of pupils from Letchworth. Increased priority was only given to Hitchin pupils because the data showed that the increase in pupil numbers was from the Hitchin area, with 527 Reception aged children living in Hitchin compared to only 427 Year 7 children. Increased demand from St Ippolyts, or other parishes, was not indicated and the admissions modelling undertaken at the time showed there would be little impact to allocations for pupils in villages in the priority area.”

29. As can be seen from Table Two, the limit of 120 places under criterion 5 was not reached for admission in September 2021. Twenty two girls for whom Hitchin Girls’ School is not the nearest school were allocated places under this criterion. For admission in September 2020, 120 places were allocated under criterion 5, including 31 for whom the school was not the nearest. I conclude from these figures that it is likely for admission in September 2022 that some girls in Hitchin parish for whom the school is not the nearest,

and who live well within the furthest distance in which places are allocated at The Priory School, will have a higher priority for places at Hitchin Girls' School than girls living elsewhere in the Hitchin PA, some of whom will live outside the maximum distance for the allocation of places at The Priory. I consider this to be an additional disadvantage.

### *Conclusion*

30. The LA argues that the potential effect identified by the objector has not, in fact, ever occurred. I do not regard this as conclusive. When considering the effect of a set of admission arrangements that will be used in a forthcoming admission round, one is inevitably making a prediction. Past experience is undoubtedly a very strong indication of the likely effect, but circumstances, including demography and patterns of parental preference, change continually. I consider that there is a possibility that the effect of the arrangements for admission in September 2022 might be that some girls in St Ippolyts will not be able to obtain a place at the school, which is their nearest, or at the other school in the Hitchin PA. As a result, they would face a journey to an alternative school, which the objector has explained is more difficult and which the LA has not disputed. Neither the LA nor the objector can be certain that this effect will or will not take place. The fact that it is possible must, in my view, be taken into account in assessing the fairness of the arrangements.

31. In fact, the LA and the trust have in the past recognised that the challenge of the twin aims of serving the local community and providing wide access to single sex education requires close monitoring, which may lead to a modification of the school's admission arrangements. The changes made in 2018, increasing the priority for girls living in Hitchin parish and, to some extent, "capping" the number of allocations from outside the Hitchin PA, are evidence of this. Now there is a possibility that children from St Ippolyts could be affected in the same way that those changes were designed to address for girls in Hitchin parish.

32. The trust's desire to offer the opportunity for single sex education to girls living in a wide area is laudable but the fulfilling of this aim should not be at the expense of girls living in the school's immediate vicinity in circumstances where they may well also not be able to gain a place at the only other school in Hitchin catering for girls. On balance, I consider the potential disadvantage to some girls in St Ippolyts outweighs the disadvantage to what would be a small number of girls from further afield who may not be able to obtain a place at the school. Such a disadvantage to girls in St Ippolyts would be unfair. The arrangements for admission in September 2022 may have the effect of creating this unfair disadvantage. Therefore, I conclude that the arrangements do not meet the requirement for fairness set out in paragraph 14 of the Code. I uphold this aspect of the objection.

### *Other aspects of the objection*

33. I turn now to the other aspects of the objection, which can be dealt with rather more briefly. First, the objector says that the allocation of the majority of places at random under the sixth criterion, "makes it more difficult for village families to understand their chance of

gaining a place.” She also provides anecdotal evidence that independent admission appeal panels have not always understood the principles of the parish proportionality mechanism.

34. Paragraph 14 of the Code, to which the objector refers in this respect, stipulates that parents should be able to understand easily how places at the school will be allocated. This is a requirement for clarity. The arrangements for the school, in common with some other schools in Hertfordshire, are relatively more complex than those for the majority of schools, but I do not consider them to be unclear. Furthermore, to the extent that they are relatively complicated, this results from the understandable and entirely unobjectionable desire of the LA and the schools in its area to give as many children as possible the chance to benefit from either single sex or co-educational education as they and their parents might prefer. The LA, on behalf of the admission authorities in its area, provides a helpful and, in my view user-friendly, step-by-step guide to the way in which parish proportionality operates. It requires some mental effort to understand but cannot be faulted for clarity.

35. The LA provides comprehensive information about how places were allocated at schools in the county in previous years, including the distances from the school within which those allocated places lived (where distance was a factor). Of course, these distances and the number of places allocated under each criterion vary somewhat from year to year. Random allocation, which is not prohibited by the Code, inevitably introduces an element of uncertainty, but this does not mean that parents cannot “understand easily” how places will be allocated. That is what the Code requires and I consider that this requirement has been met. I do not uphold this aspect of the objection.

36. Second, the objector suggests that a further effect of the arrangements is to disadvantage unfairly children from a particular social group, contrary to paragraph 1.8 of the Code. The objector refers to the social group that she believes is disadvantaged by the arrangements as “families on low incomes.” She provides data on the proportion of children “receiving free school meals”, which is widely regarded as an indicator of social disadvantage. For example, she draws attention to the proportion of children on the roll of the primary school in St Ippolyts receiving free school meals (9.8 per cent) and compares the equivalent figures for children at the primary schools in Knebworth (6.1 per cent) and Codicote (4.1 per cent), respectively. The figure for all pupils at Hitchin Girls’ School, she says, is 4.6 per cent, compared with 11 per cent at The Priory and 8.5 per cent across all secondary schools in Hertfordshire.

37. I do not find the objector’s argument convincing. In the case of St Ippolyts, distance from the school is the factor that determines eligibility for a place. The objector has not suggested that the areas of St Ippolyts further from Hitchin Girls’ School contain more families on low incomes than those that are closer to it. It is the case that some of the parishes further afield appear to have lower levels of social disadvantage but, as the objector concedes, this is not the case for Letchworth, which supplies the highest number of children to the school under the parish proportionality mechanism.

38. The objector also cites the relatively high cost of transport to the school from places further afield, such as Knebworth, implying that this is a disadvantage for families on low

incomes. I do not disagree but would point out that the cause of this disadvantage is the small number of girls' schools, geographically distant from one another, rather than specifically the admission arrangements of Hitchin Girls' School.

39. I do not consider that the arrangements of themselves disadvantage families on low incomes as a group and do not uphold the objection on this ground.

#### *Next steps*

40. As I stated in paragraph 32 above, I find the arrangements to be unfair as their effect may be to deny some girls living in St Ippolyts a place at a secondary school in Hitchin, necessitating a difficult journey to a less accessible school. This is the extent of my finding. The objector asserts that a similar outcome may be possible in other parishes in the Hitchin PA, but I have not been presented with the same detailed evidence that could enable me to draw a firm conclusion.

41. The trust, no doubt in partnership with the LA, is required to amend the arrangements in order to remove this unfairness. It may be that a simple change can resolve the issue but I acknowledge that, as the arrangements are relatively complex, it may not be so straightforward. The objector has made some suggestions for changes to the arrangements, including giving a higher priority to all girls in the Hitchin PA for whom the school is the nearest. She also expresses a concern, which I share, that the calculation of the target figures for each parish under the proportionality mechanism may not reflect the true demand for places as it includes all preferences expressed for the school, including lower preferences that are not "live" because higher preferences elsewhere have been satisfied. In response, the LA points out that the iterative process of admission allocations means that it is not logistically possible to consider only live preferences when calculating target figures. I recognise this to be the case and do not consider, as the objector suggests, that the sixth oversubscription criterion is not "procedurally fair" as required by paragraph 1.8 of the Code. Nevertheless, the operation of the parish proportionality mechanism may be a contributory factor in producing an unfair effect.

42. It is important that the trust and the LA have time to model any changes to the arrangements, to identify any unintended consequences of change and to consult the local community on proposals. There may be implications for Hitchin Boys' School, which I understand has similar arrangements. There is insufficient time for this process to be completed before parents make applications for admission in September 2022. I therefore determine that the arrangements must be revised by 28 February 2022, which is the deadline for determining arrangements for admission in September 2023.

## **Summary of Findings**

43. Although it has not happened in recent years, a potential effect of the arrangements is that some girls in St Ippolyts will not be able to obtain a place at the school or the co-educational secondary school in Hitchin. They would face a significantly more difficult journey to another school. Girls from much further afield obtain places at the school. On

balance, I consider this to be unfair and in breach of paragraph 14 of the Code. I uphold this part of the objection. I do not uphold the other parts of the objection, namely that parents cannot easily understand how places at the school will be allocated and that the arrangements disadvantage unfairly a social group.

## Determination

44. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objection to the admission arrangements for September 2022 determined by the academy trust for Hitchin Girls' School, Hertfordshire.

45. 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 unless an alternative timescale is specified by the adjudicator. In this case I determine that the arrangements must be revised by 28 February 2022.

Dated: 15 June 2021

Signed:

Schools Adjudicator: Peter Goringe