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**DETERMINATION**

**Case reference: ADA3239**

**Referrer: A parent**

**Admission Authority: The Aspire Learning Trust for Park Lane Primary and Nursery School, Whittlesey, Peterborough, Cambridgeshire**

**Date of decision: 5 December 2016**

**Determination**

**In accordance with section 88I(5) of the School Standards and Framework Act 1998 I have considered the admission arrangements for September 2017 determined by the Aspire Learning Trust for Park Lane Primary and Nursery School in Whittlesey and find there are matters which do not conform with the requirements relating to admission arrangements as 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 by 28 February 2017.**

**The referral**

1. The admission arrangements for September 2017 (the arrangements) for Park Lane Primary and Nursery School (the school), an academy primary school in Whittlesey for children between the ages of 3 and 11, were brought to the attention of the Office of the Schools Adjudicator (OSA) by a parent.
2. The arrangements for the school had not been determined and so the objection was not in the jurisdiction of the adjudicator and not considered further at that time. Evidence was provided on 8 September 2016 that the arrangements had been determined on 6 July 2016. This is after the deadline for objections to arrangements, which, for arrangements for 2017, was 15 May 2016. I have, however, decided to use my power under section 88I of the School Standards and Framework Act 1998 (the Act) to consider the arrangements as a whole as they have come to my attention.
3. The referral argued that there was insufficient priority given in the arrangements to siblings of children already attending the school but who do not live in the school’s catchment area.

**Jurisdiction**

1. 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 school are in accordance with admissions law as it applies to maintained schools. The admission authority for the school is the Aspire Learning Trust. The arrangements were determined on 6 July 2016 by the local governing body on behalf of the trust and with its agreement. I am content that it is within my jurisdiction to consider the arrangements.
2. I have used my power under section 88I of the Act to consider the arrangements as a whole, including those matters brought to my attention by the referrer, as it appeared to me when I considered the arrangements, that there may be matters that do not conform with the requirements for admission arrangements.
3. In this determination the people and organisations referred to are:
	1. the parent who made the original objection (the referrer);
	2. Park Lane Primary and Nursery School (the school);
	3. the Whittlesea Learning Trust (the former trust) which was the multi-academy trust (MAT) and the admissions authority for the school until 1 July 2016;
	4. the Aspire Learning Trust (the trust) which is a MAT and has been the admission authority for the school since 1 July 2016; and
	5. Cambridgeshire County Council (the local authority) which is the local authority for the area in which the school is situated.

**Procedure**

1. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).
2. The documents I have considered in reaching my decision include:
3. the referrer’s form of objection dated 12 May 2016;
4. correspondence from the former trust;
5. the response of the trust to the referral and supporting documents;
6. the comments of the local authority on the referral and supporting information;
7. information available on the school’s and the local authority’s websites;
8. “*Human Rights: Human Lives A Guide to the Human Rights Act for Public Authorities,*” by the Equality and Human Rights Commission (the EHRC guidance);
9. *“The Children Act 1989 guidance and regulations,”* by the Department of Education (revised June 2015);
10. a map of the area identifying relevant schools and the catchment areas;
11. an extract from the minutes of the meeting at which the local governing body determined the arrangements on behalf of the trust;
12. a draft copy of proposed revised arrangements for 2017 (the draft arrangements); and
13. a copy of the determined arrangements (the arrangements).

**Matters of concern**

1. The referral noted that the oversubscription criteria in the arrangements give a lower priority to a child living outside the catchment area with a sibling at the school than to a child living in the catchment area but who did not have a sibling at the school. The referrer said that, in the context of an area with a number of schools relatively close to each other, this provision meant that the arrangements breached the right to respect for family life provided for in Article 8 of the European Convention on Human Rights as incorporated into UK domestic law by Schedule 1 to the Human Rights Act 1998 (Article 8). This was on the grounds that the arrangements meant that siblings might have to go to different schools from each other. The referrer also noted that the arrangements may not have been determined and published as required.
2. As the arrangements were brought to my attention I reviewed them and have noted the matters below that may not comply with the Code (with the relevant paragraph of the Code in brackets).
	1. The school’s admission arrangements for 2017 had not been determined by 28 February 2016 (1.46) and had not been published on the school’s website thereafter as required (1.47).
	2. There are parts of the arrangements which may not be clear (14) as follows:
		1. the admission authority for the school is the Aspire Learning Trust which, as noted above, is a MAT. The arrangements say that the admission authority is the governing body with the implication that this means the local governing body for this particular school. This may make it unclear as to which body is the admission authority (5);
		2. the arrangements do not make it clear that any child with a statement of special educational needs (SEN) or Education, Health and Care (EHC) plan that names the school will be admitted (1.6);
		3. the definitions of looked after and previously looked after children (1.7) may not be clear;
		4. there is no definition of a sibling (1.11);
		5. there is no definition of the home address for when a child lives with different parents for parts of the week (1.13);
		6. the information with regards to waiting lists does not appear to meet the requirements of the Code (2.14);
		7. there is no tie-breaker (1.8); and
		8. there is no information on:
			1. a child’s entitlement to a full time place in the September following their fourth birthday (2.16(a));
			2. the entitlement to defer entry (2.16(b));
			3. the entitlement to part-time education (2.16(c)); and
			4. the admission of children outside their normal age group (2.17).

**Background**

1. Park Lane Primary and Nursery School became an academy in January 2014 as part of the Whittlesea Learning Trust but left that MAT and on 1 July 2016 became part another MAT, the Aspire Learning Trust.
2. The school is situated on the south west edge of the town of Whittlesey which is to the east of Peterborough and described by the local authority as being in the Fenlands. The school has a published admission number (PAN) of 60. There are two other primary schools in Whittlesey. These are Alderman Jacobs School with a PAN of 90 and New Road Primary School with a PAN of 30. The three primary schools have catchment areas which are co-ordinated so that there is no duplication and no gaps in the areas that they collectively cover.
3. It is my understanding that the school retains broadly the arrangements that were used by the local authority when it was the admission authority for the school. Neither the former trust nor the trust has consulted on the arrangements since the school became an academy. I have established that the former trust failed to determine the school’s arrangements for 2017 by 28 February 2016 as required by the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 (the Regulations). The Aspire Learning Trust became the admission authority when the school joined that MAT and the arrangements were determined on 7 July 2016 by the local governing body for the school on behalf of the trust and with its consent. The arrangements as determined were subsequently published on the school’s website.
4. The trust provided the arrangements to the OSA on 8 September 2016. The OSA then wrote to the trust on 12 September 2016 setting out the matters outlined above where I considered the arrangements may not conform with the requirements relating to admissions. In response to that letter, the trust has provided me with a proposed revised set of arrangements. These draft arrangements do address many of the points I raised and I refer to them as appropriate below. The trust is to be commended for taking action to remedy breaches of the Code.
5. There were 100 preferences expressed for the school for admission in September 2015 of which 61 were first preferences which is close to the PAN of the school. For admission in September 2016 there were 128 preferences expressed for the school of which 86 were first preferences. The school was therefore oversubscribed in 2016.
6. At the time of writing this determination there is an admission policy on the school’s website and a statement that this was agreed by the local governing body in July 2016. This policy is not in all respects consistent with the determined arrangements provided to me by the trust.
7. The arrangements provided to me and which, according to the minutes of the local governing body are the determined arrangements, say that:

“*Where applications exceed the PAN (Published Admission Number), places will be allocated in the following order:*

* 1. *Children in Care, also known as Looked After Children (LAC) and children who were looked after but ceased to be so by reason of adoption, a resident order or special guardianship order.*
	2. *The child resides in the Park Lane catchment area with a sibling attending the school at time of admission.*
	3. *The child resides in the Park Lane catchment area.*
	4. *The child does not reside in the Park Lane catchment area but has a sibling attending the school at the time of admission.*
	5. *The child does not reside in the catchment area. In cases of equal merit, priority will go to the child closest to the school by the shortest straight line distance measuring from the centre of the child’s home to the centre point of the school as determined by the National Lane and Property Gazetteer (NLPG)”*

**Consideration of Case**

1. The referrer argued that all siblings of existing pupils at the school should be given a higher priority in the oversubscription criteria than children who live in the catchment area but do not have a sibling at the school. As noted above, children living in the catchment area without siblings at the school currently have a higher priority than children who live outside the catchment area but have a sibling at the school. The referrer considers that the arrangements cause considerable detriment to families containing siblings as they mean that siblings may need to attend different schools and that the arrangements breach Article 8 of the European Convention on Human Rights.
2. Article 8 is concerned with respect for private and family life and provides:**E+W+S+N.I.**

“1. *Everyone has the right to respect for his private and family life, his home and his correspondence.****E+W+S+N.I.***

*2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”*

1. The referrer says Article 8 is a broad right and that sibling relationships fall within the ambit of family life. The referrer adds that “*Siblings have the right under Article 8 not to be separated unless to do so is necessary and proportionate*.” The referrer’s view is there would be considerable detriment if siblings were not able to attend the same school. This is because of the importance of their sibling relationship to each other and, in addition, because of the practical difficulties for a parent of two young children if they attend different schools. The referrer quotes from the Department of Education publication “*The Children Act 1989 guidance and regulations”* which refers to the importance of sibling relationships, although I note that that is specifically in the context of looked after children rather than in circumstances where children are living at home with their family.
2. The referrer recognises that a higher priority for siblings living outside the school’s catchment area may mean that some children (in practice likely to be the eldest or only child) who live inside the catchment will have a lower priority and may not be able to attend their catchment school. The referrer considers that in the circumstances of this case, where the primary schools in the town are all close to each other, there would be minimal detriment to a child if he or she could not attend the relevant catchment school as a result of higher priority for out of catchment siblings and so had to attend a different school in the area. The referrer said that this is because the schools are around a mile away from each other and the town is so small that no child is likely to be more than two miles from any of the schools and that if a child is further away then transport would be provided.
3. There is no reference to Article 8 in the Code. Appendix 10 of the Code does refer to the Human Rights Act 1998 but in relation to Article 2 of the First Protocol which is concerned with the right to education. It says: “*The Human Rights Act 1998 confers a right of access to education. This right does not extend to securing a place at a particular school. Admission authorities, however, do need to consider parents’ reasons for expressing a preference when they make admission decisions, though this may not necessarily result in the allocation of a place. These might include, for example, the parents’ rights to ensure that their child’s education conforms to their own religious or philosophical convictions (as far as is compatible with the provision of efficient instruction and the avoidance of unreasonable public expenditure).”*
4. The trust provided me with information on the number of children admitted to Reception Year at the school in 2016. This shows that 47 of these children lived in the school’s catchment area; nine children were admitted who lived outside the catchment area and had a sibling at the school; and three children were admitted who lived outside the catchment area and did not have a sibling at the school. This shows that in 2016 that all those who had a sibling at the school were allocated a place at the school. There is no guarantee, of course, that there will be a similar outcome in 2017.
5. I have considered carefully the arguments made by the referrer. It is certainly the case, as argued by the referrer, that there are benefits to both children and parents of siblings being able to attend the same school. Such benefits are likely to be more significant when children are young. However, the great majority of children in England will change school at least once when they move from primary to secondary school given that schools catering for the full period of compulsory education are few. Significant numbers of children also move school at the age of seven, eight or nine, when they move from first or infant to middle or junior schools. It must therefore be the case that most siblings (other than families who have only twins or other multiple birth children) will spend at least part of their school time in separate schools. In some cases, such separations will occur when at least two children from a particular family are of primary age.
6. In this case in the oversubscription criteria, after the legally required priority for looked after and previously looked after children, the next highest priority is for in-catchment siblings, then other catchment pupils and then out-of-catchment siblings and finally other children. The Code recognises the admission authorities do and may give priority in the oversubscription criteria to siblings but there is no requirement in the Code that any priority for a place **must** be given to a sibling.
7. Catchment areas are dealt with in paragraph 1.14 of the Code which requires that they be designed to be “*reasonable and clearly defined*”. Admission authorities may adopt catchment areas for a number of reasons, including, as seems to be the case in Whittlesey, to ensure that all children in a particular area have priority for at least one school. Where such arrangements exist, a parent desirous of having two or more primary aged children at the same school can state a preference for their catchment school and the parent is more likely to achieve their wish.
8. I accept that the distances in Whittlesey are not long but also recognise that even distances under two miles can be difficult for very young children to walk and a priority given to children living locally to the school should not be lightly set aside. The Code permits the trust to have a catchment area within its oversubscription criteria and to give a higher priority to those who live within the catchment area.

1. I have considered the referrer’s arguments citing Article 8 and I have set out above what Article 8 says. The EHRC guidance sets out what is meant by family life in Article 8. It says:

*“The right to respect for family life include the right to have family relationships recognised by the law. It also includes the right for a family to live together and enjoy each other’s company. The concept of “family life” under Article 8 is broader than the traditional family. As such, it can include the relationship between an unmarried couple (including same-sex partners), between siblings, an adopted child and the adoptive parent, grandparent and grandchild, or a foster parent and fostered child. Public authorities must not interfere in a person’s family life unless the interference is lawful and proportionate.”*

1. I do not consider that the admission arrangements of the school interfere in the referrer’s (or anyone else’s) right to family life. The arrangements clearly do not prevent a family from living together. Nor do I consider that they prevent them from enjoying each other’s company. It is the case that siblings in different schools may not be able to spend as much time together as they would if in the same school. The difference will not be great. It is likely to amount to the time spent travelling to and from school, break time, lunch time and some whole school activities and after school activities. However, in practice, schools may have different breaks and lunch times for different year groups and may also organise out of school hours activities by year group. They may also keep children in their year group for school activities including assemblies, school plays and sports days. However, the school organises itself, children will have time with siblings outside the school day, week and year.
2. I consider that Article 8 is not breached. If I am wrong in this and the school’s admission arrangements do interfere with the right to family life, I have also considered whether such interference is lawful and proportionate given that Article 8 is a qualified right and the school, as a public authority, may interfere with it if there is a legal basis for doing so and it is necessary for a legitimate aim, including the economic well-being of the country and the protection of the rights and freedoms of others.
3. In this case, it seems to me there needs to be a fair balance between the scope for out of catchment siblings to attend to the school and the competing interests of other families who do live in the catchment area and are seeking a place for their child.
4. The Code at paragraph 1.14 permits the school to operate a catchment area as part of its admission arrangements provided it is “*reasonable and clearly defined*”. There are three primary schools in Whittlesey; each of the schools has their own catchment area and the catchment areas have been co-ordinated to eliminate gaps and avoid overlap so that every local family has access to a catchment school. The catchment area for the school is reasonable and clearly defined.
5. The Code at paragraph 1.6 requires that *“the admission authority for the school must set out in their arrangements the criteria against which places will be allocated at the school when there are more applications than places and the order in which the criteria will be applied”* and paragraph 1.7 confirms that *“all schools must have oversubscription criteria.”* It seems to me that the function of oversubscription criteria is to allocate a higher priority to some children than others for a place at a given school, and that if the school is oversubscribed, some families will be disappointed.
6. Paragraph 1.10 makes clear that *“it is for admission authorities to decide which criteria would be most suitable to the school according to the local circumstances.”* The local circumstances are such that all three primary schools in Whittlesey have similar oversubscription criteria. In the event that the school is oversubscribed, not every child whose parents apply for admission could be admitted. In these particular circumstances, the interests of out-of-catchment siblings in attending the same primary school must be weighed against the interests of catchment area children to attend their designated school. As places are limited, the school has decided to give a higher priority to catchment siblings and other catchment children than any siblings living outside the catchment area. In this way, children living in the catchment area are more likely to be able to attend their catchment area school and would not displaced by offers of places to siblings living outside the catchment area.
7. Furthermore, a parent living in Whittlesey with two or more young children has the option of choosing their catchment school as first preference, which increases the likelihood of the siblings being able to attend the same primary school. The referrer argues that if a sibling were not allocated a place at the same school as their older sibling: “*there could be an adverse and unnecessary impact on an older sibling’s education if they have to be moved to a different*

*school in order to keep the siblings together*.” These are the factors that parents have to weigh up when they are stating their preferences for a school for their eldest child.

1. In comparison it would be the case that any children displaced from their catchment school would have a low priority for a place in any other school in Whittlesey. I consider that the potential disadvantage to children displaced from their catchment school and with a low priority for a place in any other local school in the town outweighs the disadvantage to out-of-catchment siblings; the parents of out-of-catchment siblings have the option of keeping the siblings together by expressing a preference for their catchment school for which they would have a high priority. Catchment children have a higher priority than out-of-catchment children, and in each of these categories, siblings have a higher priority than other children. The school has done no more than is necessary to protect the right of catchment area children to attend their designated school. I accordingly consider that if there is any interference with Article 8 it is lawful and proportionate.
2. I will now consider the other matters in the arrangements which appear not to comply with the Code.
3. Determination of arrangements: Paragraph 1.46 of the Code says: “*All admission authorities* ***must*** *determine (i.e. formally agree) admission arrangements every year, even if they have not changed from previous years and a consultation has not been required. Admission authorities* ***must*** *determine admission arrangements …by* ***28 February*** *in the determination year*.” The former trust had not determined the arrangements by 28 February 2016 for September 2017 and so did not meet the requirements of the Code.
4. The arrangements say “*The Governing Body of Park Lane Primary & Nursery School is the admission authority for the school. This means that the Governing Body sets and applies the admissions policy for the School.”* This is not the case. The trust is the admission authority for the school and is responsible for determining the arrangements. The trust can delegate the task to the governing body but remains the admission authority. The arrangements are not clear in this regard. The draft arrangements make clear where responsibility lies for determining the arrangements.
5. Publication of arrangements: The referrer could not find the arrangements on the school’s website in May 2016. I looked on the school’s website in May, July and August 2016 and could not find them. Paragraph 1.47 of the Code says, “*Once admission authorities have determined their admission arrangements, they* ***must*** *notify the appropriate bodies and* ***must*** *publish a copy of the determined arrangements on their website displaying them for the whole offer year (the school year in which offers for places are made).”*
6. The publication of arrangements following their determination gives parents, local authorities and others the opportunity to examine them. If any party believes that the arrangements do not conform with the Code then they can object to the OSA. Objections must be made by 15 May. If arrangements have not been published then this cannot be done and this increases the possibility of applications being made when the arrangements do not comply with the Code. The former Trust did not comply with the Code as it did not determine and then publish the arrangements.
7. After the arrangements were determined I asked for a copy. I was provided with a copy of the prospectus for 2015. It will not be clear that these are the arrangements for 2017.
8. At the time of writing there is a ‘*Policy for admissions’* on the school’s website. This policy states that it was approved July 2016 but is headed “*Admissions Policy 2014*.” Again, it will not be clear that these are in fact the arrangements for 2017.
9. Paragraph 14 of the Code says, “*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.”* If parents cannot see the arrangements because they have not been published or if inconsistent versions of the arrangements have been published then parents cannot look at a set of arrangements and understand easily how places will be allocated. The trust has not complied with the Code in this regard.
10. Children with statements of SEN or EHC plans: The arrangements say: “*Children who have a statement of special educational needs (or EHCP) that names the school.* I believe that some words have been omitted as this sentence does not make sense. This makes the arrangements unclear. The arrangements continue to say, “*(Those children with a statement of special educational needs that does not name the school will be referred to Student Assessment to determine an appropriate place).”*
11. Paragraph 1.6 of the Code says, *“All children whose statement of special educational needs (SEN) or Education, Health and Care (EHC) plan names the school* ***must*** *be admitted.”* These children are allocated a place by a different process which means that they would not be subject to any oversubscription criteria; their places are allocated before all other children. They are not given a higher priority; their place is assured by the school being named on the child’s statement of SEN or EHC plan. I must assume that the second sentence referring to “*Student Assessment to determine an appropriate place*” is alluding to this separate process but this will not be clear to parents. The arrangements are not clear and so do not conform with the Code.
12. Definition of looked after and previously looked after children: The arrangements say that the first oversubscription criteria is: “*Children in Care, also known as Looked After Children (LAC) and children who were looked after but ceased to be so by reason of adoption, a resident order or special guardianship order.”* Paragraph 1.7 of the Code says, “*All schools* ***must*** *have oversubscription criteria for each ‘relevant age group’ and the highest priority* ***must*** *be given, unless otherwise provided in this Code, to looked after children and all previously looked after children. Previously looked after children are 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).”* The definitions that the trust used are not the same as those in the Code and therefore may not be clear.
13. Definition of sibling: The oversubscription criteria include two criteria with a priority for a sibling of an existing pupil. Paragraph 1.11 of the Code says: “*Admission authorities* ***must*** *state clearly in their arrangements what they mean by ‘sibling’ (e.g. whether this includes step siblings, foster siblings, adopted siblings and other children living permanently at the same address or siblings who are former pupils of the school).”* The arrangements do not include any definition of the term, ‘*sibling*.’ This means that for some parents it will not be clear if their children would be included or not. The arrangements do not comply with the Code in this regard. This has been addressed in the draft arrangements which do include a definition of sibling.
14. Definition of home address: Paragraph 1.13 of the Code says: “*Admission authorities* ***must*** *clearly set out how distance from home to the school will be measured, making clear how the ‘home’ address will be determined and the point in the school from which all distances are measured. 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.”* The arrangements include no provision for defining the home address where the child lives for part of the week with each parent. The arrangements do not comply with the Code in this regard. This has not been addressed in the draft arrangements.
15. Information on waiting lists: Paragraph 2.14 of the Code says: “*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. Priority* ***must not*** *be given to children based on the date their application was received or their name was added to the list.”*
16. The information in the arrangements on waiting lists says: “*If a place becomes available it will be offered to the child at the top of the reserve list for the year group. If no reserve lists exists, the place will be offered to the first child for whom an application is received*.” This does not comply with the Code. It **must** be clear that any waiting list for a year of entry will be held as described in paragraph 2.14. The arrangements do not conform with the Code in this regard. This has been addressed in the draft arrangements.
17. Tie-breaker: Paragraph 1.8 of the Code says: “*Admission arrangements* ***must*** *include an effective, clear and fair tie-breaker to decide between two applications that cannot otherwise be separated.”* The arrangements do not include a tie-breaker and so do not conform with the Code in this regard. I note that the draft arrangements describe distance as the tie-breaker; this is insufficient by itself as it is possible that two children could live exactly the same distance away from the school.
18. Required information: Paragraph 2.16 of the Code says: “*Admission authorities* ***must*** *provide for the admission of all children in the September following their fourth birthday. The authority* ***must*** *make it clear in their arrangements that, where they have offered a child a place at a school:*
19. *that child is entitled to a full-time place in the September following their fourth birthday;*
20. *the child’s parents can defer the date their child is admitted to the school until later in the school year but not beyond the point at which they reach compulsory school age and not beyond the beginning of the final term of the school year for which it was made; and*
21. *where the parents wish, children may attend part-time until later in the school year but not beyond the point at which they reach compulsory school age*.”
22. None of the information required by paragraph 2.16 of the Code is provided in the arrangements. The arrangements did not comply with the Code in this regard. The draft arrangements have been amended to comply with paragraph 2.16 of the Code.
23. In addition, paragraph 2.17 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.”* None of information required by paragraph 2.17 of the Code is provided in the arrangements. The draft arrangements do not contain all the information required by paragraph 2.17.
24. Revised arrangements: Paragraph 3.1 of the Code says, “*The Schools Adjudicator* ***must*** *consider whether admission arrangements referred to the Adjudicator comply with the Code and the law relating to admissions. The admission authority* ***must,*** *where necessary, revise their admission arrangements to give effect to the Adjudicator’s decision within two months of the decision (or by* ***28 February*** *following the decision, whichever is sooner), unless an alternative timescale is specified by the Adjudicator.”*
25. I have considered carefully what date to set in this case. The closing date for admissions to Reception Year for 2017 is 15 January 2017 and, in these circumstances, I think that it would not be reasonable to require the trust to amend its arrangements by that date. I also consider that, given the proximity of the Christmas break, it would be reasonable to require the revised arrangements to be determined by 28 February 2017.

**Summary of Findings**

1. I am persuaded that the relative degree of priority in the oversubscription criteria for children who live outside the catchment area but who have a sibling at the school complies with the Code and admissions law and does not breach Article 8.
2. I have also identified in the paragraphs above the ways in which the arrangements do not comply with the requirements relating to admissions. The trust has acted promptly to amend many of the matters identified but some aspects have still to be addressed.

**Determination**

1. In accordance with section 88I(5) of the School Standards and Framework Act 1998 I have considered the admission arrangements for September 2017 determined by the Aspire Learning Trust for Park Lane Primary and Nursery School in Whittlesey and find there are matters which do not conform with the requirements relating to admission arrangements as set out in this determination.
2. 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 by 28 February 2017.

Dated: 5 December 2016

Signed:

Schools Adjudicator: Deborah Pritchard