

## DETERMINATION

**Case reference: ADA 2442 ADA 2446 ADA 2457**

**Referrer: Two parents and a party that wishes to remain anonymous**

**Admission Authority: The Governing Body of South Farnham School**

**Date of decision: 30 August 2013**

### **Determination**

**In accordance with section 88I(5) of the School Standards and Framework Act 1998, I have considered the admission arrangements of South Farnham School. I determine that the arrangements do not conform with the requirements relating to admission arrangements.**

**The selection of three of the four current feeder schools does not meet the requirements of the Code that the selection of a feeder school must be transparent and made on reasonable grounds. The change in the point of measure for distance calculation to be a gate at either of the school's sites, rather than distance to a gate at the infant site for admissions to Reception and to a gate at the junior site for Year 3 does not comply with the requirement of the Code for arrangements to be fair, reasonable and procedurally fair.**

**By virtue of section 88K(2) of the Act the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements as quickly as possible.**

### **The referral**

1. The admission arrangements (the arrangements) of South Farnham School (the school), a primary academy school for pupils of age range 4-11 years, for September 2014 have been brought to the attention of the Schools Adjudicator by two parents and a party who wishes to remain anonymous on 11 June and 20 June 2013. The name and address of the party who wishes to remain anonymous is known to the Office of the Schools Adjudicator. The referral is that the oversubscription criteria have been changed to remove St Andrew's Infant School as a feeder school for admission to the school in Year 3 and to change the point of measure for distance calculation to be a gate at either site of the school, rather than distance to a gate at the infant site for admissions to Reception and to a gate at the junior site for admissions to Year 3, which in the view of the objectors contravenes paragraph 1.14 and 1.15 of the School Admissions Code (the Code), in that it is not reasonable.

## **Jurisdiction**

2. The terms of the academy agreement between the proprietor and the Secretary of State for Education require that the admissions policy and the arrangements for the academy school are in accordance with admissions law as it applies to maintained schools. These arrangements were determined by the proprietor, in this case the governing body, which is the admission authority for the academy school, on that basis. One party has met the terms of regulation 24 of the School Admissions (Admission Arrangements and Co-ordination of Admissions Arrangements) (England) Regulations 2012, which requires that any person or body making an objection who wishes to remain anonymous must provide their name and address so that they are known to the Office of the Schools Adjudicator. The admission arrangements of the school were subject to an objection and determination last year. Paragraph 3.3e) of the Code says: "Objections to arrangements which raise the same or substantially the same matters as the adjudicator has decided on for that school in the last 2 years may not be brought." As these matters have come to my attention and the subject of the objection indicates that the arrangements may not comply with the Code I am using my powers under section 88I(5) of the School Standards and Framework Act 1998 (the Act) to consider them. I am therefore satisfied the referrals have been properly referred to me in accordance with section 88I of the Act and it is within my jurisdiction to consider them.

## **Procedure**

3. In considering this matter I have had regard to all relevant legislation and the Code.
4. The documents I have considered in reaching my decision include:
  - a. the referrers' emails dated 11 and 20 June 2013;
  - b. the school's response to the referral, supporting documents and subsequent correspondence;
  - c. Surrey County Council's, the local authority, (the LA) response to the referral and supporting documents;
  - d. a school, St Andrew's Voluntary Controlled Primary School (St Andrew's), response to the referral and supporting documents;
  - e. the Diocese of Guilford's ( the diocese) response to the referral and supporting documents;
  - f. the LA's composite prospectus for parents seeking admission to schools in the area in September 2013;
  - h. maps of the area identifying relevant schools and pinpointing addresses of pupils offered school places for September 2013;

- i. confirmation of when consultation on the arrangements last took place;
- j. details of the consultation;
- k. copies of the minutes of the meeting at which the governing body of the school determined the arrangements;
- l. a copy of the determined arrangements; and
- m. maps showing the deprivation indices for the Farnham area.

I have also taken account of information received during a meeting I convened on 15 July 2013 at the school attended by representatives of the school, the diocese, St Andrew's school and the LA.

5. I shall refer to a number of schools in the course of this determination, for ease of reference I shall refer to them as in the table below;

Table 1

School	As referred to in the determination
South Farnham Primary School	The school
South Farnham Infant Department at Bourne site	The infant school
South Farnham Junior Department at Menin Way site	The junior school
St Andrew's Church of England (Controlled) Infant School	St Andrew's
All Saints Church of England (Aided) Infant School, Tilford,	All Saints
St John's Church of England (Aided) Infant School, Churt	St John's
St Mary's Church of England (Aided) Infant School, Frencham	St Mary's

### The Referral

6. The referrers argue that the changes in the oversubscription criteria are unfair, with reference to paragraph 1.8 of the Code; "Oversubscription criteria **must** be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation". They raise the matters below.
7. The first is that the removal of St Andrew's as a feeder school is contrary to the

Code at paragraph 1.15 “The selection of a feeder school or schools as an oversubscription criterion **must** be transparent and made on reasonable grounds”. They say *“St Andrew’s Infant School is the nearest geographically to the junior site at Menin Way, some 0.7 miles, with the remaining three schools 2.4 miles, 3 or 5 miles from the site (it is also closest to the infant site in the Bourne (GU 10), 1.2 miles rather than 1.9, 2.1 or 4.2 miles of the maintained feeder schools). These feeder schools also have a second excellent option of Waverley Abbey at the junior stage.”* The three remaining feeder schools are also feeder schools at Waverley Abbey School.

8. The referrers also assert that the change of point of measure to a gate on either site will have the consequence that children who previously would have attended St Andrew’s will instead attend the infant school, and that is unreasonable; *“St Andrew’s is threatened with closure. With the children who would ordinarily attend St Andrew’s now attending the Bourne site and without a junior school to progress to, St Andrew’s will no longer be a popular choice among parents. The very future of St Andrew’s is uncertain. It is not reasonable that the choices of one school threaten the very existence of a good school with a 150 year history, which is loved by parents and the local community.”*
9. They further argue that St Andrew’s is situated in an area where the socio-economic profile is less favourable than that of South Farnham, citing paragraph 1.1 of the Code; “Admission authorities are responsible for admissions and **must** act in accordance with this Code, the School Admission Appeals Code, other laws relating to admissions, and relevant human rights and equalities legislation.”
10. They say *“As the OSA determined in August 2012 (ADA 2315 and 2316) the area in the town centre where St Andrew’s is located is less prosperous than the areas where the village schools and South Farnham Infant and Junior sites are located. Deliberately cutting off children from less wealthy backgrounds contravenes the Equalities Act 2010.”*
11. With reference to paragraph 1.14 of the Code, “Catchment areas **must** be designed so that they are reasonable and clearly defined. Catchment areas do not prevent parents who live outside the catchment of a particular school from expressing a preference for the school”, they state *“The local community is threatened. Currently children from the town centre and the south of the A31 attend their nearest school. The effect of dropping St Andrew’s would be to create a large divide in the town, and a ‘them and us’ scenario, given the differing economic means of residents in the area. Children will no longer necessarily attend the same school as their neighbours. South Farnham School is creating a school community at the expense of the local community.”*

## Background

12. In May 2011 The Bourne Community Infant School (The Bourne) was closed and South Farnham School which was then a junior school extended its age range to become a primary school for pupils aged 4 to 11 years. The infant and junior sites are approximately 1.2 miles apart. The school became an academy school on 1 July 2011. The published admission number (PAN) is 60 for the Reception Year (Year R) and 76 for Year 3. The most recent inspection report in June 2012 provided an assessment of provision and standards at the school and it was judged to be an outstandingly effective school.

13. The admission arrangements for 2013 show oversubscription criteria (in summary) as:

### **Infant – Reception (Age 4)**

1. Looked After Children and those previously looked after
2. Exceptional Arrangements
3. Children of staff at the school
4. Siblings
5. Distance from the school

This will be measured in a straight line from the address point of the child's home, as set by Ordnance Survey, to the nearest gate for pupils to use (at the infant school).

### **Junior – Year 3 (Age 7)**

1. Looked After Children and those previously looked after
2. Exceptional Arrangements
3. Children of staff at the school
4. Siblings
5. Children attending a named feeder school

In alphabetical order these are:

- All Saints C of E Infant, Tilford
- St Andrew's C of E Infant, Farnham
- St John's C of E Infant, Churt
- St Mary's C of E Infant, Frensham

6. Distance from the school

This will be measured in a straight line from the address point of the pupil's house, as set by Ordnance Survey, to the nearest gate for pupils to use (at the junior school).

14. The changes in the admission arrangements for September 2014 are in the oversubscription criteria;

- a) for admission to **Reception**: the point of measure for the calculation of distance from the school will be measured in a straight line from the address point of the child's home, as set by Ordnance Survey, to the nearest gate to either site.

b) for admission to **Key Stage 2:**Children attending a named feeder school

All Saints Church of England Infant School, Tilford  
St John's Church of England Infant School , Churt  
St Mary's Church of England Infant School, Frensham

And distance from the school: This will be measured in a straight line from the address point of the pupil's house, as set by Ordnance Survey, to the nearest gate to either site.

15. The feeder school list has been changed and St Andrew's has been removed. This is described as follows in the arrangements; "The feeder schools have been updated for 2014 to reflect the revised geographical centre of South Farnham School as a primary school, and are subject to transitional arrangements to safeguard the children that are attending St Andrew's C of E Infant School." The transitional arrangements are; "for children attending St Andrew's C of E Infant School who are in Year R, Year 1 or Year 2 in 2013/14, Year 1 or Year 2 in 2014/15 and Year 2 in 2015/16 who would previously have fallen within category 5. For these three years only, and subject to determination each year, these applications will be prioritised on the basis of distance within the feeder school category."
16. The governing body consulted on the proposed change in the arrangements as required by the Code. The governors considered the consultation and determined the arrangements at the meeting 12 March 2013. The minutes show there were 37 replies to the admission consultation and; "There were very few objections and those received were mostly to either the two gate proposal or the loss of St Andrew's as a feeder school."
17. The LA , in their response to the referral, have queried whether the governing body took due account of the consultation responses ; they wrote as follows; "I also note that the school has submitted the minutes of the Governing Body meeting at which the admission arrangements were determined. Whilst minute 12 refers to 37 replies to the admissions consultation and the fact that there were very few objections, it is not clear if governors were made aware of the nature of the concerns, especially those relating to the determination by the Schools Adjudicator last year, or the suggested alternative that was put forward by the Local Authority." I asked about this at the meeting at the school, I understood the head teacher to say that he and the chair of governors had read all the responses and he, the chair and vice chair of governors had attended meetings with parents and interested groups.
18. Nonetheless, on the summary of responses sent to me, I note, of the responses recorded, 30 of them are objections and six are support. Eleven responses support a third reception class while objecting to the proposals. There is no indication in the minute of a consideration of the responses. (*Responses are shown thus further in this determination*)

19. The schools for pupils aged 4-11 years in this area of Surrey are a mix of nine infant, two junior and seven all through primary schools. One, the school, is an academy, four are voluntary controlled, eleven are voluntary aided and two are community maintained; the LA coordinates admissions to these schools.

20. To further assist understanding I show below in Table 2, the junior / primary schools with a PAN at Year 3 and their feeder schools and oversubscription status.

Table 2

	<i>School oversubscribed for 2013 entry</i>		<i>Feeder schools oversubscribed for 2013 entry</i>
South Farnham School		All Saints C of E (Aided) Infant School (Tilford)	Yes
		St Andrew's C of E (Controlled) Infant School	Yes
		St John's C of E (Aided) Infant School (Churt)	Yes
		St Mary's C of E (Aided) Infant School (Frensham)	Yes
Waverley Abbey Church of England (Aided) School		All Saint's C of E (Aided) Infant School (Tiford)	Yes
		St John's C of E (Aided) Infant School (Churt)	Yes
		St Mary's C of E (Aided) Infant School (Frensham)	Yes
		St Mary's C of E School (Shackleford)	Yes
		St Paul's C of E School (Tongham)	No
	Puttenham C of E School	Yes	

21. St Andrew's has, for several years, been a named feeder (previously named a partner) school of the school with three infant schools in villages south of Farnham; Frensham, Churt and Tilford (the village schools of St Mary's, St John's and All Saints). The Bourne Infant School was also a named partner school prior to its merger with South Farnham in May 2011. St Andrew's is situated in Farnham's town centre and is, by some considerable distance, the closest of the current, 2013, feeder schools to the site of the junior school in Menin Way

22. I have noted that the minutes of the meeting at which the admission arrangements were determined indicate the likelihood of an increase in the PAN for Reception at the school. "Mr Carter said that it was highly likely there would be three form entry to Year R in 2014, however a new hall is essential. As mentioned previously, there is planning permission for the new hall already and building regs are being drawn up." I have not considered a PAN of 90 when coming to a decision. The PAN is part of the admission arrangements required by paragraph 1.2 of the Code and has been set at 60 for admissions in 2014, the arrangements for which I have jurisdiction to make a determination.

## Consideration of Factors

### Feeder Schools

23. The Code at paragraph 1.15 says "Admission authorities may wish to name a

primary or middle school as a feeder school. The selection of a feeder school or schools as an oversubscription criterion **must** be transparent and made on reasonable grounds.”

24. The school puts two related arguments for the removal of St Andrew’s as a feeder school and the retention of the St John’s, St Mary’s and All Saints (the village schools). The first is that parents who are unable to gain a place at the infant school because of distance from the infant site take their child to the nearest available infants school which is one of these three. They would not get a place at St Andrew’s because of distance. The school argues that these three schools are included as feeder schools to give equality to parents living near the infant school.
25. They further argue that there are pupils who live close to the school who cannot gain admission in Year 3, for example pupils who did not gain a reception place at the infant school or one of the feeder schools or who may have moved into the area. This was supported by some parents in the response to the consultations as follows; *“Our twin boys were not offered places at their nearest local school, St Andrew’s for Reception year in 2011. This in turn means that it is unlikely under the current Admissions policy that they will be offered places at South Farnham School as they are not currently in a feeder School. We live 263 metres away from South Farnham School in Menin Way. We have parents parking their cars outside our house to take their children to South Farnham School, yet we, who live within walking distance are unlikely to get our sons in. .The new ‘2 gate policy’ would indeed increase our chances and place our sons in a higher position on South Farnham waiting lists.”* The school suggest then that removing St Andrew’s as a feeder school would make places for these pupils “...we will have a situation where children who live 1.5 km from South Farnham will gain entry (by virtue of going to St Andrew’s) and children 482m from the Bourne site, will not. (These are children who then go to the village schools). At Y3 they naturally wish to return to their nearest junior school but run the risk of children from St Andrew’s who live further away taking these places. St Andrew’s does not provide schooling for this group.”
26. The LA has concerns about the removal of St Andrew’s as a feeder school. It points out that, children at the other village schools may live outside the immediate Bourne, South Farnham area and, having gained admission to the school, will provide a sibling link for other younger children in their families. It further suggests that removing St Andrew’s as a feeder school, whilst retaining All Saints, St John's and St Mary's “brings in to question the reasonableness and transparency, St Andrew's is actually closer to South Farnham School than the other feeder schools and, given its location, is also likely to admit a higher number of pupils who live closer to South Farnham School and who have it as their nearest school with a Junior PAN.”
27. The school’s arguments are then that the removal of St Andrew’s as a feeder school would free places at the junior school for children at the village schools who went there because they could not gain admission to the infant school and for other



children who live close by but did not get into a feeder school or have moved into the area. If I consider admission to Year 3 in September 2013 the junior school cannot admit beyond its feeder schools and cannot admit all of those pupils. Of this intake, 21 St Andrew's pupils have a place as a sibling and 26 from the feeder link. If the feeder link was removed then that frees those 26 places. However the LA reports that there are 21 children from the other three feeder schools on a waiting list for a place who live between 5 km and 14 km away from the school. This leaves five places for the children living near the site who have not gained entry because they are neither siblings nor attend a feeder school. Using 2013 as an example, this would mean that 26 children who live close to the school and probably could walk there would be replaced by 21 children (those on the waiting list) who live between 5km and 14km from the junior school and would not be walking.

28. If I apply then the 2014 criteria to the 2013 applicants, at the most 5 places are freed for South Farnham residents, pupils are admitted from a further distance and 21 pupils from St Andrew's have no identified Year 3 place. I cannot see that the benefit of this change for the few pupils would outweigh the disadvantage for the many more and I view it as unreasonable.

29. I think parents of St Andrew's pupils, looking at this information, would not understand why their child was not admitted. Arrangements, and the reasons for them, need to be transparent, as in paragraph 14 of the Code; "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."

30. The children taking these places that were intended for St Andrew's children have an alternative Year 3 destination, as the three village schools have a feeder link to another junior school, Waverley Abbey, while the St Andrew's children do not.

#### Alternative Provision

31. Regardless of the reasons given for the removal from the feeder list of schools, it leaves St Andrew's not linked to any school with a junior PAN and there is then no route for children from St Andrew's to a junior stage. It is recognised by all parties that there is no immediate obvious alternative for these pupils which is in part why the school suggests three year transitional arrangements.

32. The school suggests that there are a number of primary schools to which children who live in the centre of Farnham could attend if St Andrew's were removed from the feeder school list. It identifies these schools with a distance from St Andrew's as shown below. However, the school offers no explanation of how this is possible when none of these schools other than the school itself has a PAN for Year 3.

<i>School</i>	<i>Distance from St Andrew's</i>
Potters Gate	364m
Pilgrims Way	793m
St Polycarps	953m
South Farnham	1150m
St Peters C of E	1871m

33. The LA refutes the school's assertion that children at St Andrew's could attend either Potters Gate or The Pilgrim's Way schools. It says these are all through primary schools without a Year 3 PAN and as such there is no clear Year 3 transition to these schools from St Andrew's. It points out that Potters Gate has a Reception PAN of 60 and is currently full in years Reception to Year 2 and as such there are no vacancies to offer to children who may wish to transfer from St Andrew's at Year 3. Pilgrim's Way has a Reception PAN of 30, although this school took a bulge class in 2011 and admitted 60 children in that year. *"Whilst there are currently some vacancies in years Reception to Year 2 (R=1; Y1=8; Y2=7) it is unlikely that there would be sufficient vacancies to offer to all children who leave St Andrew's at the end of Year 2 and in any case, this arrangement would not provide a clear transitional route for these applicants."*

34. The LA also argues that St Andrew's does not have an alternative route for pupils for Year 3 when the other feeder schools do. It writes, *"You intend to remove priority for children attending St Andrew's despite a well-established parental expectation that all children at St Andrew's will have a right of access to their nearest junior provision, when there is no other dedicated junior provision available for them, and you still intend to give feeder school priority to other families who may not live close to either the infant or junior site. I would question whether this would be reasonable for families of children who will gain admission to St Andrew's in the future and who live closer to South Farnham School than other families attending one of the other feeder schools. Whilst I recognise that you wish to support St Andrew's in establishing links with other schools in order to provide its children with a clear transition to Year 3, as those links do not currently exist, I would ask the school to reconsider this proposal and to retain St Andrew's as a feeder school within its 2014/15 admission arrangements."*

35. I accept that it is not the responsibility of the school to find alternative provision at Key Stage 2 for the children at St Andrew's. However it is its responsibility to select, and therefore, deselect feeder schools on transparent and reasonable grounds. It has suggested transitional arrangements for three years to assist St Andrew's. Transitional arrangements are to support a move from one situation to another. No

party has made clear the alternative provision for children from St Andrew's if it is removed as a feeder school. One response to the consultation expressed it thus *"I am very aware that your school faces an over subscription issue every year and you are trying to address this, which you need to but I do not understand why removing the one school that is closest to you, that also has no other junior school to feed into, is being selected for removal from the feeder school listings. St Andrew's has serviced the infants from the South Farnham area for many years. If your new policy goes ahead then all of those families face having to obtain a place in one of the other feeders and face the commute across the South of Farnham, into the Bourne, Tilford or Frensham. This seems like absolute madness when they have a perfectly good infant school they can all walk too and do walk to currently."*

36. The impact on St Andrew's families and prospective families will be considerable. The school's suggestion about where children from St Andrew's go for their junior school education does not stand up to scrutiny. In addition, if the school has no onward destination for Year 3 pupils when previously it was to the school it is likely to become far less popular with parents, St Andrew's fears it may end in closure or alternatively as a school to which pupils are allocated when their preference cannot be met.

37. I have considered above a range of reasons why I think removing St Andrew's from the list of feeder schools and retaining the three schools does not meet the requirement for admission arrangements to be fair and objective and the selection of feeder schools to be transparent and reasonable. The school's decision on its arrangements fails the test of reasonableness absolutely to remove a feeder school which is the closest to the school and which has no other Year 3 destination and to leave three schools which are further away and are also feeder schools for another school, Waverley Abbey.

#### Implications of change in point of measure

38. The school argues that if the parents can measure proximity to any gate, then children who live close to the junior school who would have gone to St Andrew's will get an infant school place. St Andrew's will then take pupils from further north of Farnham. St Andrew's should then be removed from the feeder school list because it no longer has pupils from South Farnham. This is an assumption made by the school which may or may not be the case and raises several other unanswered questions about what the school is trying to achieve. I do not consider that the school has produced evidence to demonstrate objectively that its arrangements will be as required by paragraph 1.8 of the Code "Oversubscription criteria **must** be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation."

39 . If the distance measure becomes proximity to a gate at either site then some children who at present would get a reception place by virtue of proximity to the infant school would be unsuccessful as the place will be taken by children who live

closer to the junior school. Those children will then need alternative provision. The school suggests that parents who live near the infant school but cannot get a reception place will go to the nearest available infant schools, St Mary's, St John's and All Saints. These are schools that are currently oversubscribed so either these children who would previously have gone to the infant school will not get into the schools above or will do so but displace other children. One of the responses to the consultation expressed it thus *"As you will know, Bourne children who live closer than approx 750m from the School Lane site have this as their closest infant-entry school. I have consulted with Surrey County Council officers and they have told me that, for the September 2013 admissions, some 53 children live within a 750m radius of the school..... I have similarly consulted with Surrey officers to see how the 'two-site' policy would affect Bourne children for September 2013. They tell me that the distance from the school within which Bourne children would have a reasonable chance of entry shrinks from the 750m above to approximately 600m, using the same assumptions as outlined above. That means that significant numbers of Bourne children - perhaps about 10 - would be denied entry even though the Bourne site was their closest school."*

- 40 Other responses to the consultation made the point that residents of Bourne had received assurances that there would be no impact on the community if the then Bourne school amalgamated with then South Farnham school; I show two examples; *"I understand that the residents of The Bourne were told by South Farnham School that by taking over the infant school site it would not have an impact on the community. The local children not being prioritised into their local school is a huge impact on the community."* and *"I urge you to prioritise those close to The Infant School gate to have priority over those further away at the Menin School gate. By allowing children close to the Menin way gate there will be an increase in traffic to the Bourne School and if my child does not get in then I will be forced to get into my car and take him elsewhere (the other schools are twice the distance away) and please, please consider the third classroom. I know you have been discussing this and hope that the funding is achieved."*
- 41 I can see from the map supplied that some pupils to be admitted to St Andrew's for September 2013 live very close to the junior school and might have qualified for admission to the infant school if the 2014 arrangements applied. This in turn would have the effect of displacing some children in Bourne from their local school.
- 42 The LA makes the point that families near St Andrew's may not necessarily wish to travel to Bourne *"it is not yet proven that families would not still wish to apply for St Andrew's for KS1"*. I accept that parents may well consider, if St Andrew's was a feeder school, that their needs would be as well met by a school close to their home for infant education rather than travel to another site some distance away. If however, there is no junior school for which they have priority for admission they may feel compelled to apply for and then travel to Bourne with the consequence for Bourne children as indicated above.

- 43 I understand the school's difficulties in managing admissions on two sites with PANs for Reception and Year 3. It is an outstanding school that is popular with parents. I see that the school is trying to give the same opportunity for parents to gain admission by virtue of proximity to the school. I am not convinced that the impact on parents and on other schools has been taken into account sufficiently. The village schools, St Mary's, St John's and All Saints are all oversubscribed for 2013, if we assume that to be the case for 2014, the children from the Bourne area who do not get into the infant school may be seeking admission, they in turn may displace other pupils.
- 44 It is difficult, if not impossible, to ascertain, or estimate with any degree of certainty, the number of families affected by the proposals and the decisions they might take. On the map provided, I can see 11 children due for admission to St Andrew's for 2013 living very close to the junior school. All, some or none might wish to apply to the infant school if the measure was to either site. The oversubscription criteria allow for siblings and proximity. However, parents make decisions about schools for many reasons, for example family connections, the route to work or the availability of child care.
- 45 This lack of data, and therefore objectivity, will make it difficult for parents when considering arrangements as it is not clear to prospective parents of the infant school, St Andrew's or the village schools, the implications of this change. I think this contributes to a finding that the change to measure distance from home to gate at either site is not reasonable. I am not convinced that the benefit to the school of this change outweighs the disruptive impact on families and the other schools named here.

#### Access to the schools

- 46 The proposal to move to two gates will have issues for access. At present, after siblings, children gain reception places to the school because of their proximity to the infant school. If this is changed to either gate, the assumption is that some children who live close to the junior school will gain a reception place and therefore travel further than they would have done if they had gone to St Andrew's. Those children who live in Bourne but do not gain a place will have to travel out of the village, consultees expressed it thus *"I write to express my concern that the current admissions proposal is to the detriment of children living within the Bourne, where there is a local school that should be seen to serve those living in the village. The current proposal would encourage unnecessary commuting from the station area of town towards the Bourne, whereas the Bourne children would be encouraged to travel towards Pilgrims Way"* and *"St Andrew's has serviced the infants from the South Farnham area for many years. If your new policy goes ahead then all of those families face having to obtain a place in one of the other feeders and face the commute across the South of Farnham, into the Bourne, Tilford or Frensham. This seems like absolute madness when they have a perfectly good infant school they can all walk too and do walk to currently..... This is totally unnecessary and lacks*

*logic at a time when we should be looking to reduce commuting distances and unnecessary journeys on our busy roads.”*

47 I also weigh the benefit from giving access from a gate on the nearest site with the disadvantage of increased travel. The infant school is over a mile away from the junior school, the changes foreseen are likely to have parents drive or travel by public transport when previously they could walk to the infant school of their choice; my view is that this too is not reasonable.

#### Oversubscription Criteria 2013

48 When looking at admissions to the infant school for 2013, two pupils were offered places as ‘exceptional circumstances’ and 38 for siblings, leaving 20 places by distance. The impact of this sibling criterion is twofold: firstly because the cohort size in the junior school is 136 (the number of pupils in each year group) the proportion of siblings due for admission in Reception is likely to be greater than for a school with a single PAN of 60. Secondly admissions of siblings means that pupils may well be admitted who live some distance from the school and likely to be further than pupils admitted by distance criterion only. The effect of this is that the school will continue to admit pupils outside of the South Farnham community which is the community it says is its intention to serve.

#### The Area served by the School

49 The referrers make two arguments about the area served by the school. The first is with reference to paragraph 1.4 of the Code; “Catchment areas **must** be designed so that they are reasonable and clearly defined.”

50 I do not accept this argument, there is no defined catchment area; the school is the only school in the area with a Year 3 PAN and is trying to manage a situation with more applicants than places by using feeder school and proximity criteria.

51 I have looked at the socio economic information supplied by the LA with reference to the paragraph 1.1 of the Code; “Admission authorities are responsible for admissions and **must** act in accordance with this Code, the School Admission Appeals Code, other laws relating to admissions, and relevant human rights and equalities legislation.” I note that the information dates from 2010, however it does demonstrate the area of North Farnham is more economically deprived than the South Farnham. Although the school’s statement says that this is in no way a motive for the changes in the arrangements, I do however draw the attention of the school to the Code at paragraph 1.8, “Admission authorities **must** ensure that their arrangements will not disadvantage unfairly, either directly or indirectly, a child from a particular social or racial group” as schools should ensure there is no unintentional discrimination as a consequence of their arrangements.

## Conclusion

- 52 The school is trying to manage admissions for two key stages with different PANs on two sites with four feeder schools. The governors have taken the view that they should change the admission arrangements to try to manage the demand for places.
- 53 The proposed change would leave St Andrew's and its parents uncertain with its pupils having no identified route for Year 3 if the school is removed from the school's feeder school list.
- 54 Parents in the areas who have traditionally had Bourne and St Andrew's as infant schools and South Farnham for junior education are trying to make decisions about applications for school places without clarity about the schools' futures or their children's chances of obtaining school places as a consequence of the change to the named feeder schools and the way of measuring distance.
- 55 I have considered the changes in the oversubscription criteria both individually and as a whole. The change to measuring distance from either gate may or may not bring about the shift in school population anticipated by the school. If it does, and the Reception PAN is 60, then the consequence will be that some children in the village of Bourne will not gain place at their nearest infant school and there will be a consequent impact on the village schools. This, compounded by the uncertainty that surrounds it, makes the arrangements unfair in my view. The shift in school population that seems likely to occur will affect travel, transport and other arrangements that parents would otherwise have to make and is not reasonable.
- 56 On the removal of St Andrew's as a feeder school and the retention of three other schools as feeder schools, I do not find that the school has presented evidence to demonstrate the outcomes it anticipates from the change that would happen. The decision lacks the clarity and objectivity required by the Code. Indeed, modelling the proposal on the 2013 data indicated that the school would be admitting pupils from further away, displacing pupils who live closer. This will not be easily understood by parents and is not fair or transparent. The other feeder schools all have alternative Year 3 routes, St Andrew's does not. I find the removal of St Andrew's, the closest school and the only one without an alternative Year 3 school to be unreasonable for these reasons and those above. I consider the oversubscription criteria do not comply with paragraphs 1.15 and 1.8 of the Code.
- 57 In addition, I note that these arrangements offer provision as follows: *"For these three years only, and subject to determination each year, these applications will be prioritised on the basis of distance within the feeder school category."* This removal from the list of feeder schools but inclusion in this manner does not comply with the Code as St Andrew's must be a feeder school in order for the transitional arrangements to apply.

## **Determination**

58. In accordance with section 88I(5) of the School Standards and Framework Act 1998, I have considered the admission arrangements of South Farnham School. I determine that the arrangements do not conform with the requirements relating to admission arrangements.

59. The selection of three of the four current feeder schools does not meet the requirement of the Code that the selection of a feeder school must be transparent and made on reasonable grounds. The change in the point of measure for distance calculation to be a gate at either of the school's sites, rather than distance to a gate at the infant site for admissions to Reception and to a gate at the junior site for Year 3 does not comply with the requirement of the Code for arrangements to be fair, reasonable and procedurally fair.

60. By virtue of section 88K (2) of the Act the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements as quickly as possible.

Dated: 30 August 2013

Signed:

Schools Adjudicator: Miss Jill Pullen