

DETERMINATION

Case reference: ADA/002492

Objector: Parent

Admission Authority: Trafford Council

Date of decision: 6 August 2013

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements determined by Trafford Council for Flixton Infant and Flixton Junior Schools, Trafford.

I have also considered the arrangements in accordance with section 88I(5). I determine that the published admission arrangements do not conform with the requirements relating to admission arrangements.

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 as quickly as possible.

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 parent, the objector, about the admission arrangements (the arrangements) for Flixton Infant and Flixton Junior Schools (the schools), for September 2014. Flixton Infant School caters for children aged 3 to 7 years and Flixton Junior School for children ages 7 to 11 years. The objection is to the reasonableness of the catchment areas used by Trafford Council, the local authority (the LA) in the allocation of places to the schools.

Jurisdiction

2. The admission arrangements were determined under section 88C of the Act by the LA, which is the admission authority for the schools. The objector submitted his objection to these determined arrangements on 28 June 2013. 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

3. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).
4. The documents I have considered in reaching my decision include:
 - a. the objector's email dated 28 June 2013 and further correspondence from him dated 11, 17 and 18 July 2013;
 - b. the LA's response to the objection and supporting documents;
 - c. the LA's composite prospectus for parents seeking admission to schools in the area in September 2013
 - d. the LA's website for admissions which include maps of the area identifying relevant schools;
 - e. confirmation of when consultation on the arrangements last took place;
 - f. copies of the minutes of the meeting of the LA at which the arrangements were determined; and
 - g. a copy of the determined arrangements.
5. I have also taken account of information received during a meeting I convened on 29 July 2013 at Trafford Council offices. The objector and representatives of the LA were present at the meeting.

Other Matters

6. In addition to the objection I have also considered the arrangements in accordance with section 88I(5) to determine whether or not they are fully compliant with the requirements of the Code.

The Objection

7. The objection is to the 'design, implementation and application of catchment areas.' The objector states that the arrangements contravene 1.14 of the Code which states that "Catchment areas **must** be designed so that they are reasonable and clearly defined."
8. In his detailed communication of 11 July 2013 the objector states that the LA is unable to provide answers to why and how the catchment areas are implemented and therefore why certain streets and properties lie in their assigned catchment areas.
9. He goes on to say that as the catchment area boundaries have no set rules for position such as the use of demographic statistics then they must be considered arbitrary without established reason i.e. not reasonable.
10. He says he has asked the LA several general questions and a number of specific questions regarding obvious anomalies in the arrangements and he reports that the LA have 'freely admitted they are unable to answer' them. He asks questions relating to the following;

- a) why the catchment area 'line' suddenly diverts from one direction to another;
- b) why certain pairs of semi-detached houses have one dwelling in the catchment area of one school and the other in that of a different school;
- c) why the boundary line of the catchment area diverts across a road to either include or exclude houses on one or other sides of the road despite distances from a school not supporting this at these points;
- d) why there is a shared catchment in certain parts of the borough and not in others leading to non-equitable opportunities across the borough;
- e) why certain households within the catchment of one school are clearly much closer to another school and do not have the same rights of admission to apply to that school as compared to households in some cases as much as 4 times as far away; and
- f) why the LA does not have any written policy on how and why boundaries area placed.

11. The objector made a submission to the LA during the most recent consultation and reports this was disregarded.

12. The objector states that as the Code states that 'boundaries must be **designed** so that they are reasonable' then there must be reasonableness in their design rather than, as he suggests the LA contends, in their outcome. He argues that in light of the questions above it is obvious that there is no reasoned design for the areas and that this is therefore unreasonable and in contravention to 1.14 of the Code.

13. He further reports that the LA was never involved in creating designated areas for catchments as their statement 'Trafford's target of providing places for children in the designated area' would tend to suggest, rather that the areas were inherited from Lancashire in 1974.

14. The objector makes the further point that during an appeal in 2012 the LA accepted that in the published admission arrangements the street lists were not exhaustive and in some cases the maps were inaccurate.

15. Further correspondence from the objector on the 18 July following the LA's response to the objection suggests that rather than asking 'why' in the questions above it would be more relevant to ask 'Is it reasonable for ...' in each case.

16. He goes on to say the 'catchment areas have been inherited not designed' and that the LA cannot say definitively that Lancashire considered the areas were appropriate He concludes by asking 'is it reasonable that many families which live much closer have less rights of access compared to families with siblings at the school, especially when we find that many of these families outside the catchment live

much closer than a large proportion of the catchment area residents in the first place'

Background

17. As the admission authority for community schools in Trafford, and therefore for both Flixton Infant and Flixton Junior Schools, the LA has consulted on and determined the admission arrangements for children to be admitted to the schools in September 2014.
18. Headteachers and chairs of governors from the schools have been contacted with regard to this objection and have indicated that the LA will act on their behalf.
19. Flixton Infant School has a net capacity of 168 and a published admission number (PAN) of 60. There are currently 180 children on roll. Flixton Junior School has a net capacity of 224 and a PAN of 62. There are currently 248 children on roll. Both are community schools in the Trafford Local Authority which is the admissions authority. The 2014 admission arrangements for all community schools within the LA were published for a consultation period between 1 November 2012 and 1 February 2013. This is in line with the Code paragraph 15 b which states that '*Admission authorities **must** set out (determine) admission arrangements annually. Where changes are proposed to admission arrangements, the admission authority **must** first publicly consult on those arrangements. Consultation **must** be for a minimum of 8 weeks and **must** take place between 1 November and 1 March of the year before those arrangements are to apply*'.
20. The consultation proposed increases to the PANs of six primary schools and a proposal to create a new catchment area. The oversubscription criteria and all other areas of the co-ordinated admission arrangements remained the same as in previous years. The arrangements for the schools which are the subject of this determination remained the same as in previous years including the designated catchment areas and the oversubscription criteria.
21. The consultation process included all governing bodies, local authorities and Dioceses and public notifications and meetings.
22. The governing bodies of the schools received and noted the consultation and made no objection.
23. In relation to the schools which are the subject of this determination the consultation generated one response to the catchment areas in general. The consultation received two responses to the proposal to increase PANs in other schools. In addition they received responses from four schools, 33 individuals, a signed petition from 124 individuals and representations from three elected members all objecting to the proposed creation of a new catchment area.

24. On 9 April 2013 following the consultation process the Executive Member for Education approved the increases to PAN but did not approve the new catchment area. Approval was also granted to retain the oversubscription criteria unchanged from the previous year and to approve the overall admission scheme. The arrangements have been published.
25. The oversubscription criteria for all community primary schools are as follows;
1. A 'looked after child' or a child who was previously looked after but immediately after being looked after became subject to an adoption, residence, or special guardianship order. A looked after child is a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions (see the definition in section 22(1) of the Children Act 1989).
 2. Children who live in the catchment area of the requested school who will have a sibling attending the requested primary, infant or partner junior school at the time of the applicant's proposed admission (This includes half/step/adopted/foster brothers or sisters, and any other children, who are living at the same address as part of the same family unit).
 3. Children who live in the catchment area of the requested school.
 4. Children, who live outside the catchment area of the requested school, with a sibling attending the requested primary, infant or partner junior school at the time of the applicant's proposed admission (This includes half/step/adopted/foster brothers or sisters, and any other children, who are living at the same address as part of the same family unit).
 5. Children who live nearest to the requested school, calculated in a direct straight line from the child's permanent place of residence to the school measured using property co-ordinates provided through a combination of the Trafford Local Land and Property Gazetteer (BS7666) and Royal Mail Postal Address Information. In the case of a child living in a block of flats, the distance will be measured in the same way. The arrangements also state that Community Junior Schools will admit into Year 3 all pupils from Year 2 of their partner infant school whose parents so wish, regardless of their published admission number.
26. The LA reports that the schools covered by this determination have not been oversubscribed from their catchments in any single year so far. None of the neighbouring community schools have been oversubscribed in their catchment areas. In 2012 and 2013 all children

within the catchment area were admitted to the schools. In addition category 4 children were admitted (children, who live outside the catchment area of the requested school, with a sibling attending the requested primary, infant or partner junior school at the time of the applicant's proposed admission). In 2012 four children were admitted in this category with the furthest home address one mile from the school and in 2013 four children were admitted in this category with the furthest home address 0.69 miles away from the school.

Consideration of Factors

27. As stated above, the Code makes specific reference to catchment areas in paragraph 1.14 which states in full, that "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". I have considered the objection in line with this paragraph.
28. In addition I have tested the LA's consultation process against the requirements of the Code under How Admissions Work in the introduction to the Code at paragraph 15 and the overall principles behind setting arrangements as stated in paragraph 14 of the Code.
29. In response to the objection the LA agrees that the catchment area for the schools, and other neighbouring schools, were inherited by Trafford Council at its inception in 1974. Consequently there is no documentation to suggest why Lancashire County Council, the admission authority at the time, considered that the area was appropriate or reasonable. The LA maintains that the current local knowledge at the time was a reasonable starting point for its own arrangements.
30. The LA goes on to say that the LA's catchment areas are, for the most part, historic, and it is the case that local families know and rely on that historic position. The LA suggests that it will be the case that generations of families in an area will know and understand their own catchment area. It further suggests that many families determine their domestic arrangements well in advance of the start of the relevant admissions round and have based their decisions on the catchment area information provided at that time.
31. I take this statement – families determine their domestic arrangements - to mean that families may well choose to live in the catchment area of a particular school and therefore have to make their choice of home a considerable time before the children are due to attend the schools. This assumption was confirmed by the LA at the meeting.
32. The LA suggests that given the historic and long established catchment area arrangements it must carefully consider the impact on families that already live in the catchment areas of a school that would be felt if additional families were then included in the area. The LA

says that this would be particularly hard to justify if there were already sufficient places in each of the areas under the current arrangements. The LA considers that it would be unreasonable to change a catchment area simply because the admission arrangements had not worked to the satisfaction of one family where such a change would be likely to affect other families.

33. The Code requires under paragraph 14 of the introduction that, “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.”
34. I have studied the admission arrangements on the LA’s website. The LA chooses to use historic catchment areas as a way of determining the geographical area from which children are admitted to each school. The area is one of high population density and the catchment area maps are detailed to individual addresses with a ‘look up’ facility of postcodes which identifies in which catchment area the code is positioned. I find the procedure to check a postcode and the maps of catchments area easy to use. I consider the arrangements to be fair, clear and objective.
35. The LA states that it routinely reviews the impact of its admission arrangements after every round to ensure that the arrangements do not unfairly disadvantage particular groups, that the outcomes are effective for local families in general and ensure the efficient use of its resources. The LA also undertakes consultation annually to ensure that parents are fully aware of the arrangements, even though there is no requirement for annual consultation.
36. I have considered the consultation process for the 2014 admission arrangements in detail and its compliance with paragraph 15 of the introduction of the Code and I am satisfied that the process was compliant. I was particularly interested in the response of the LA to the objections raised through the process. For each submission type a response was framed to explain the position of the LA. The Executive Member for Education rejected the LA’s proposal for a new catchment area in light of the number and content of the objections to it and, while this does not relate directly to this determination it does indicate that the LA is prepared to listen and adapt the arrangements in light of public opinion. I consider this to be reasonable and fair. The objection received during consultation from the objector was responded to fully and he confirmed at the meeting that he had received the response.
37. The objector refers to a previous appeal in which the LA agreed that not all streets were appropriately listed in the arrangements and that in some cases the maps were inaccurate. During the last year with advances in technology the LA reports that it has been able to provide larger scale maps which provide greater detail. I have scrutinised the

maps on the website and am satisfied that the LA now provides a clear map for all roads in the area and the additional facility of a post code search. At the meeting the LA thanked the objector for his previous notes on inaccurate and/or unclear mapping of all addresses in the area. The LA confirmed at the meeting that following previous correspondence the admissions team had undertaken an exercise to check all addresses in the LA which number over 95,000. This exercise had been completed and the objector agreed that the information was now accurate.

38. Reasonableness is very difficult to define and in the respect of a school's catchment areas it is likely to be interpreted in different ways depending on one's point of view. The objector's position is that the administration of historical catchment areas is not reasonable because it cannot be clearly defined by demographic factors or distance. He suggested at the meeting that as the current LA had inherited the areas it had not therefore designed them as indicated in the Code. He further suggested that a better way of determining admissions would be concentric circles of distance from the school. The LA reported that such arrangements would not produce satisfactory arrangements as many children would not be able to access a local school.
39. The LA reports that the catchment areas are well established, understood and well known by families and is satisfied that the current position ensures sufficient places for children who live within an area. In the case of the schools all children who live in the catchment area have been allocated a place. This goes some way to answer the question posed by the objector about the LA not having a written policy.
40. It is true that the boundaries of the catchment areas meander across roads and through postcodes and this is clearly the historical position determined by the previous authority. In an area of high population density there will always have to be a distinct 'cut off' point for school places. This would be the case if the arrangements were based purely on distance from the school or any other measure. There would inevitably be children in neighbouring properties or living across the road from each other who were not able to be admitted to the same school.
41. I have taken into account the LA's annual review of the effectiveness of admission arrangements and their willingness to adapt to changing situations as demonstrated in the recent outcome of the consultation. I also understand that parents living in the area are familiar with the catchment areas and that they are transparent and clearly demonstrated on the LA's website.

42. I therefore conclude that it is reasonable for the LA to utilise the historic catchment areas which they inherited from the previous authority under Local Government Reorganisation in 1974. It is understandable that nearly 30 years later the actual reasoning for some of the boundary line positions will have been lost in time.
43. I accept that the catchment areas are part of a well-established admission process for parents and a methodology in which the majority of first preferences within the catchment areas are successful. I therefore conclude that historical catchment areas are not unreasonable as a determinant of school places.
44. I conclude that the LA is compliant with the code in respect of determining the admission arrangements and in respect of its administration of the published admission arrangements.
45. One area of the admission arrangements was brought to the attention of the LA at the meeting; the inclusion of a final tiebreaker. The Code requires admission authorities to include a tiebreaker so that in the event of two children living the exact same distance from the school there is a clear process for deciding who should be allocated a place. No such tiebreaker is currently included in the admission arrangements. This addition is needed to fully meet the requirement in paragraph 1.8 of the Code which states 'Admission arrangements **must** include an effective, clear and fair tie-breaker to decide between two applications that cannot otherwise be separated'.
46. At the meeting the LA agreed to consider a clarification to this section of the admission arrangements so that they comply fully with the Code.

Conclusion

47. For the reasons set out above I have concluded that the use by the LA of historical catchment areas to support the arrangements is reasonable. The arrangements are therefore compliant with paragraph 1.14 of the Code. The LA has met the minimum requirements of the Code in respect of consultation on admissions arrangements.

Determination

48. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements determined by Trafford Council for Flixton Infant and Flixton Junior Schools, Trafford.
49. I have also considered the arrangements in accordance with section 88I(5). I determine that the published admission arrangements do not conform with the requirements relating to admission arrangements.

50. 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 as quickly as possible.

Dated: 6 August 2013

Signed:

Schools Adjudicator: Mrs Ann Talboys