

DETERMINATION

Case reference: ADA/002547

Referrer: A parent

Admission Authority: The Governing Body of Catmose College,
Oakham, Rutland

Date of decision: 13 September 2013

Determination

In accordance with section 88I(5) of the School Standards and Framework Act 1998, I have considered the admission arrangements of Catmose College for admissions in September 2013 and I determine that they conform to the requirements of the legislation and the School Admissions Code in relation to the matter referred to me.

Further, in accordance with section 88I I have considered the arrangements for admissions in 2014 and I determine that they do not conform to the requirements of the legislation and the School Admissions Code in the matter of the determination of the arrangements by 15 April each year.

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. Under section 88I(5) of the School Standards and Framework Act 1998 (the Act) the admission arrangements (the arrangements) for admission to Catmose College (the school) in September 2013 and 2014 have been brought to the attention of the Adjudicator. The school in Oakham, Rutland is a secondary academy for pupils aged 11 to 16 years. The referral questions the fact that the last oversubscription criterion whereby pupils gain admission to the school is based on distance and that as a result the most local children are being refused admission to the school and that this is unfair and against the spirit of the School Admissions Code (the Code).

Jurisdiction

2. The terms of the academy agreement between the proprietor and the Secretary of State for Education require that the admissions policy and arrangements for the academy school are in accordance with admissions law as it applies to maintained schools. These arrangements were determined by

the proprietor, that is, the governing body of Catmose College, which is the admission authority for the school, on that basis.

3. A referral was made about the school's arrangements for admissions in September 2013 in relation to the oversubscription criterion of distance on 22 July 2013. This was well outside the date for receipt of objections about the arrangements for 2013 which should have been made by 30 June 2013 and after the deadline for the receipt of objections about the arrangements for 2014 which is 30 June 2013. However, having reviewed the arrangements for 2013 in relation to the matters brought to my attention, I have also used my power under section 88I of the Act to consider the arrangements as a whole and those for admissions in 2014.

4. I am satisfied that it is within my jurisdiction to consider the arrangements under section 88I of the Act.

Procedure

5. In considering the arrangements for admissions in September 2013 and 2014, I have had regard to all relevant legislation and to the Code.

The documents I have considered in reaching my decision include:

- the referral about the arrangements dated 22 July 2013 and further correspondence;
- the school's initial response to the referral dated 25 July 2013 and a further submission dated 31 July 2013;
- minutes of the local governing body meeting dated 13 June 2013, at which the determined arrangements for 2014 were formally approved;
- the determined arrangements for Catmose Primary School for 2013;
- minutes of the governing body meeting held on 26 January 2012;
- comments from Rutland County Council, the local authority (the LA), dated 28 August 2013; and
- The LA booklet for parents, 'Starting Secondary School in September 2013'.

6. I considered the arrangements and sought a meeting with the school, the objector and the LA to discuss the referral and my additional concerns about aspects of the arrangements which I considered might not be fully compliant with the Code. The referrer offered apologies and was unable to attend the meeting.

7. I have taken account of information received during the meeting I convened at the school on 29 August 2013, and further information which has been submitted since that meeting by the LA.

The Referral

8. The referral questions the fact that the last oversubscription criterion whereby pupils gain admission to the school is based on distance; and that as a result the most local children are being refused admission to the school and that this is unfair.

9. The referral cites the fact that in September 2013 a number of children were unsuccessful in their applications for admission to the school from areas, where in the past the majority of such applicants would have expected to have made successful applications. The objector had expected to gain admission through the oversubscription that relates to the distance from home to school.

10. The Code states in paragraph 14 that 'in drawing up their admission arrangements, admission authorities must ensure that the practices used to decide the allocation of places are fair, clear and objective.

Other Matters

11. At the meeting I held at the school, I raised other aspects of the arrangements for admission to the school in September 2014 that appeared to contravene the requirements of the Code. These relate to the timing of the determination of the arrangements for 2014; the publication of a clearly dated set of arrangements on the school's website and finally, the priority given to children attending Catmose Primary School.

Background

12. Catmose College converted from a foundation school to an academy school on 1 April 2011. The school has a planned capacity for 900 pupils aged 11 to 16 years and a published admission number of 180. In April 2012 the school combined with Catmose Primary School which is located approximately one mile from the College, to form a new multi-academy federation, the Catmose Federation, which has a single principal.

13. The school is situated in Oakham and serves both the town and the surrounding area; although as a result of previous admission arrangements students are drawn from a much wider area through parental choice. Prior to conversion to academy status, when only 650 of the 900 places were filled, the school was able to meet the demand from local families and those from further away, including Melton Mowbray, which is approximately ten miles away at its nearest point. The principal says that without these applications when the school had places available, the school would have been barely viable. At that time the school had a number of feeder primary schools and successful applications were made from families attending those schools that lived some distance from the school. Although the feeder school link has been removed from all schools with the exception of Catmose Primary School, the sibling link has been retained.

14. As the school has developed over the years, standards have improved

and achievement has risen steadily so that results at the end of Key Stage 4 are now well above average. In the last Ofsted inspection report in February 2012 inspectors said, 'Catmose College is an outstanding school led by an inspirational and visionary Principal, with strong and effective leadership and management at all levels, including the governing body. This is a highly successful school that is relentless in its quest to improve further.'

15. The school has become increasingly popular with parents and all the lower year groups are full. There are now 877 pupils on roll for September 2013 and the school has now been oversubscribed for each of the past four years, with the number of first preferences increasing from 199 for admissions in 2011 to 270 for 2013.

16. There are several independent secondary schools in the immediate area and a number of scholarships are awarded each year. As a result, after the first round of offers there are usually about a dozen places available to be offered in the second round of offers.

Consideration of Factors

17. The referral relates to the last oversubscription criterion whereby pupils gain admission to the school. This is based on distance and the objector contends that as a result, the most local children are being refused admission to the school and that this is unfair and against the spirit of the Code.

18. The arrangements for admission to the school for both 2013 and 2014, the oversubscription criteria are as follows:

- Looked after children and previously looked after children
- Where there is already a sibling at the College and the sibling will either still be at the College or attended the College within the last five years at the time of admission
- A child who currently attends Catmose Primary School, Sandringham Close, Oakham, Rutland, LE15 6SH.
- A child of staff at the College
- Children who live nearest the College by distance.

19. The school provided a record of the outcome of the 2013 admissions round. Places were offered to:

- 86 pupils with a sibling link, of whom 17 live in Melton Mowbray. Melton Mowbray.
- 10 pupils from Catmose Primary School, also under the sibling criterion;
- 18 other pupils attending Catmose Primary School;
- 1 child of a member of staff; and
- 73 children met the distance criterion

20. In 2012 the consultation about the admission policy of the school for

2013 included a question about the oversubscription criterion of distance. Over 95 per cent of respondents agreed that distance should be the final criterion; and information published on the school's website says that distance was perceived by respondents as the fairest way of determining the remaining places at the school because it prioritises those children who live most locally to the school.

21. The principal explained that in previous years it had become apparent that an increasing number of applications were from children in the feeder schools; and later on from their siblings, with the result that fewer local children had been admitted. The governing body had reviewed the situation and decided to consult on removing the link to the feeder schools for admissions September 2013. A decision was made to remove the link to all feeder schools except Catmose Primary School, a mile away, where there was a loose federation arrangement and plans to formalise the link in a multi-academy federation in April 2012. Families whose children attended the group of schools that would no longer be feeder schools, with children already on roll at the school, would continue to benefit from the sibling criterion, which affords a higher priority than the distance criterion, which is the final oversubscription criterion.

22. For admissions in September 2013 there has again been a very high number of applications from siblings and this has changed the previous pattern of admissions based on distance with fewer successful applications from families living over six miles from the school. As a direct result there has also been an increase in the number of admission appeals to 30. However, the school says it wanted to retain the priority for siblings from families who had chosen the school in earlier years, when it was less popular and that the number of siblings would reduce naturally in the coming years. This would enable the school to achieve its aim of admitting as many local children as possible.

23. It is expected by the governing body that in the longer term the revisions to the admission arrangements that were agreed for September 2013 following wide consultation; and which remain unchanged in the arrangements for admissions in 2014 will work through the system. This will ensure that as far as possible in any one year, and taking account of the number of applications that meet the higher criterion of siblings or the named feeder school; that pupils living nearest to the school will have a greater chance of making a successful application. While the school does not have a designated catchment area, the evidence shows that local children are not disadvantaged. Forty one per cent of children admitted to the school were admitted on the distance criterion (those living closest) and lived within six miles. When the children attending Catmose Primary School are included this accounts for more than 50 per cent of the cohort for 2013. The school strongly asserts that the oversubscription criteria do not disadvantage local children and that 69 per cent of the Year 7 intake live within three miles of the school and overall, 86 per cent live within 6 miles. This clearly shows that local children make up the majority of the year group.

24. Admission arrangements for the primary school will also prioritise children who live most locally to it, to ensure children living in Oakham will continue to have priority for admission to the school. This will then ensure that children at the primary school who subsequently gain priority in admissions to the school through the feeder school link will all be local children. The majority of children who currently attend the primary school live very close to it.

25. Paragraph 1.6 of the Code states, '**Oversubscription criteria** - 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.' The Code does not provide a definitive list of acceptable oversubscription criteria but does set out those criteria that are most commonly used, of which distance is one. Paragraph 1.13 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.....' The arrangements explain that distance is measured from the centre point of the child's home address to the centre point of the school and that the route is defined as a driving route or safe walking route, whichever is the shorter, using a computerised mapping system.

26. However, the objector asserts that after the national offer date of 1 March, parents had successfully applied for admission to Catmose Primary School; the feeder school which had places available. They subsequently gained admission to the school in the second round of offers under the feeder school criterion, ahead of children who lived closer to the school.

27. The school confirmed that a small number of applicants who had previously made on-time applications, but had been unsuccessful under the distance criterion, had subsequently moved their children to the feeder school and had then been successful in gaining a place in the second round of offers. The school does not expect that there will be vacancies in Year 6 in future years.

28. The LA booklet explains that, 'If the number of applications received, expressing a preference for a particular school is higher than the planned admission number for the school, the admission authority for the school must rank the preferences in order to determine who can be offered a place. The preferences will be ranked against the oversubscription criteria for the preferred school which are included within the school's admission arrangements.'

29. Having investigated the referral, it is apparent that the concern of the referrer is not that the distance criterion is itself unfair to applicants, but rather that the way places were made in the second round of offers was unfair. The LA and the admissions authority are responsible for the operation of the co-

ordination scheme with regard to applications and the offering of places. Therefore this aspect of the referral is not a matter over which I have jurisdiction.

30. The criterion itself, 'Children who live nearest the College by distance' complies with the requirements of the Code. I must therefore conclude that the arrangements with regard to the distance criterion do conform to the requirements of the legislation and the Code in relation to the oversubscription criterion of distance.

Other Matters

31. As referred to above, there were other matters where the arrangements as a whole appeared not to comply with the mandatory requirements of the Code and I discussed these with the school. These relate to the timing of the determination of the arrangements for 2014; the publication of a clearly dated set of arrangements on the school's website and finally the issue of the priority given to children attending Catmose Primary School.

32. It became evident during my consideration of the arrangements for admission to the school in September 2014 that the school had not determined its arrangements as required by the paragraph 1.46 of the Code which says, '**Determination** – All admission authorities must determine admission arrangements by **15 April** every year, even if they have not been changed from previous years and a consultation has not been required'.

33. In compiling its response, the school acknowledged that it had not complied with the Code in respect of determining the admissions policy for September 2014, although the governing body had sent a copy of the arrangements for admissions in 2014 to the local authority prior to 1 May 2013 as required. The school confirmed that it has made a note of the requirement to determine the arrangements annually, regardless of whether or not there has been a consultation about any proposed changes. It will ensure that arrangements are formally determined and recorded in the minutes of the governing body meeting on or before 15 April annually. I must conclude that the arrangements for 2014 did not comply with the requirements of the Code.

34. The second issue I raised was the requirement under The School Information (England) (Amendment) Regulations 2012, for the governing body to publish the arrangements on the school's website. When I had looked for the arrangements for 2014 on the school's website I had only been able to find the arrangements for 2013. I had searched under the heading 'Admissions' and had followed the guidance which said, 'The College's admissions policy can be found [here](#) and is used to allocate places', but this link only provided access to the 2013 arrangements. At our meeting the principal was able to demonstrate online that the arrangements for 2014 were on the school's website but they were accessed through the headings of 'Governance' and the sub-heading of 'Policies'. The school said it had been trying to avoid placing the arrangements in two separate places on the website. The arrangements for 2014 were undated and included a sentence

that explained that they had been adopted in 2012.

35. The school agreed that the arrangements for each year must be clearly dated to avoid confusion; and that it would be more likely that parents would look for arrangements under the heading 'Admissions' rather than 'Governance'. A link must be provided for parents, so that arrangements for the current year and for the next academic year are easily accessible. The arrangements for 2014 were published on the website and in this respect the school has met the requirement to publish and has complied with the Code. However it is most unfortunate that the school did not place them under the heading 'Admissions', as the most likely place that parents would search for them.

36. Finally I considered the naming of Catmose Primary School within the oversubscription criteria. Paragraph 1.15 gives permission for a school to name a primary or middle school as a feeder school and says that 'the selection of a feeder school or schools as an oversubscription criterion **must** be transparent and made on reasonable grounds.'

37. The school explained that there had been a loose federation of the two schools and that this had been later formalised through the establishment of the Catmose Multi-Academy Federation in April 2012. The school consulted on the proposal to name Catmose Primary School as a feeder school and published the outcome of the consultation on the school's website. The school intends to add text to the arrangements to ensure that there is clarity for any parents new to the area and who might wish to make an application for admission in 2014, that Catmose Primary School is a feeder school. It is possible for the governing body to amend the determined arrangements in the following circumstances. The Code in paragraph 3.6 says that once arrangements have been determined for a particular academic year, they cannot be revised by the admission authority unless such revision is necessary to give effect to a mandatory requirement of the Code, the admissions law, a determination of the adjudicator or any misprint in the admission arrangements. The governing body is therefore entitled to make this change to their determined arrangements.

38. Having discussed this oversubscription criterion with the school it has been confirmed that the school consulted on this change before it named Catmose Primary School as a feeder school and I am satisfied that the arrangements in this regard are compliant with the Code.

39. However, in relation to the requirement to determine the arrangements for admissions in 2014 by 15 April 2013, the arrangements as presented do not comply with the requirements of the Code.

Conclusion

40. With regard to the referral and the oversubscription criterion of distance I have concluded that the arrangements for admissions to the school in 2013 comply with the requirements of legislation and the Code.

41. In addition I have also considered the arrangements for admissions in 2014 and have concluded that aspects of the arrangements do not comply with the Code for the reasons given above.

42. Once admission arrangements have been determined for a particular academic year, they cannot be revised by the admission authority unless such revision is necessary to give effect to a mandatory requirement of this Code, admissions law, a determination of the Adjudicator or any misprint in the admission arrangements. If an admission authority makes any amendments after arrangements have been determined, it must take responsibility for ensuring that both the local authority and parents are aware of the changes that have been made.

43. The school has readily accepted that aspects of its arrangements did not meet the requirements of the Code and agreed to make the necessary amendments in the revised arrangements.

Determination

44. In accordance with section 88I(5) of the School Standards and Framework Act 1998, I have considered the admission arrangements of Catmose College for admissions in September 2013 and I determine that they conform to the requirements of the legislation and the School Admissions Code in relation to the matter referred to me.

45. Further, in accordance with section 88I I have considered the arrangements for admissions in 2014 and I determine that they do not conform to the requirements of the legislation and the School Admissions Code in the matter of the determination of the arrangements by 15 April each year.

46. 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: 13 September 2013

Signed:

Schools Adjudicator: Mrs Carol Parsons