

DETERMINATION

Case reference: ADA/002517

Objector: A representative of a school

Admission Authority: St Mary's Church of England Primary School,
Saffron Walden

Date of decision: 30 August 2013

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objection to the admission arrangements determined by St Mary's Church of England Primary School, Saffron Walden.

I have also considered the arrangements in accordance with section 88I(5). I determine that they do not conform with the requirements relating to consultation prior to changes being made by an admission authority to its 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 representative of a local school (the objector), about the admission arrangements (the arrangements) for St Mary's Church of England Primary School, Saffron Walden (the school), a voluntary aided primary school, for September 2014. The objection is to the inclusion in the school's catchment area of part of the catchment area of the school which the objector represents.

Jurisdiction

2. These arrangements were determined under section 88C of the Act by the school's governing body, which is the admission authority for the School. The objector submitted the 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.

3. I am also using my powers under section 88I to consider the arrangement as a whole.

Procedure

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

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

- a. the objector's email and form of objection dated 28 June 2013 and 5 August 2013 respectively;
- b. the school's, the local authority's (Essex County Council's) (the LA's) and the Diocese of Chelmsford's (the diocese's) responses 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. a map 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 governing body at which the arrangements were determined, and
- g. a copy of the determined arrangements.

The Objection

6. The objector has described a geographical area which is part of the catchment area of The R A Butler Academy, which is an academy school comprising an infant school and a junior school with a single headteacher. This area has been added to the catchment area which the admission arrangements determined by St Mary's Church of England Primary School have defined for admissions in September 2014.

7. The objector says that her own school was not aware initially that St Mary's was proposing to make this change to its admission arrangements, but nevertheless responded within the eight week period following the start of the consultation that is required by the Code. She says that the school had not allowed the eight weeks specified by the Code for such consultation and had determined its arrangements before the receipt of the comments on its proposal by the objector's school, and was therefore in breach of the requirements concerning consultation in the Code.

8. The objector has also stated that she believes that the inclusion of the disputed area in the catchment area of two schools makes the arrangements unclear for parents.

Other matters

9. I have raised with the school my concerns regarding the extent to which the consultation which it carried out on proposed changes to its arrangements met the requirements set out in the Code concerning those who must be consulted.

Background and Consideration of Factors

10. The governors of the school determined its admission arrangements for September 2014 at their meeting on 20 March 2013. The minutes of the meeting record that no comments had been received on its proposed arrangements during the consultation which it had carried out on them.

11. The school carried out this consultation by sending a copy of its proposed arrangements to all primary schools in the LA's area, to the diocese and to the LA. It did so in the form of an e-mail dated 4 February 2013 addressed to each of these parties. The minutes of the school's Admissions Committee (of the governing body) on 6 February 2013 record that consultation was to last for six weeks. I have verified with the school that there was no explanatory text included with its e-mail, and so anyone reading it did not know that the school intended to close its consultation on or about 15 March 2013, or where to forward any comments.

12. The school's arrangements give priority to children living in its catchment area after the priority given to looked after and previously looked after children and to children given priority on religious grounds. The arrangements set out the changes made to this catchment area for September 2014, and where a map of the area can be viewed.

13. Paragraph 1.43 of the Code states that consultation **must** last for a minimum of eight weeks in the period 1 November to 1 March in the determination year. The school and the objector dispute whether the objection raised by the latter in an e-mail dated 2 April 2013 was made within the period of eight weeks from when the school started its consultation. By my calculation it was not, and so this objection would not necessarily have been considered even if the required period for consultation had been observed by the school.

14. The Code sets out in paragraph 1.44 the list of those whom admission authorities **must** consult when changes are proposed to their arrangements, and this includes "parents of children between the age of two and eighteen", and "any other persons in the relevant area who in the opinion of the admission authority have an interest in the proposed admissions", as well as "other admission authorities in the relevant area". The relevant area for this purpose is the area of the LA

15. I have referred the school to the various requirements set out in the Code concerning consultation on proposed changes to admission arrangements, and have asked it to comment on the extent to which its consultation met them concerning both the period of consultation and those who must be consulted.

16. The school has accepted that it did not consult for the required period, and I therefore uphold that part of the objection to the school's determined arrangements for September 2014 which has been made on these grounds.

17. The school has not commented as I had requested it to concerning those who it consulted, and it has also provided me with no evidence of consultation other than that set out above. Its communication to schools described above contained no explanatory text and made no request therefore for schools to bring the school's consultation to the attention of parents, as might at least be expected if this approach were intended as a partial means of fulfilling the requirements of the Code. This means of communication used by the school fails entirely to reach the parents of younger children however, and this is particularly important since the proposed changes are concerned with admissions to the reception year of the school. My view is that the school has failed to meet the requirements which the Code places upon it concerning those who it must consult.

18. The objector also believes that having a geographical area which falls within that designated as part of the catchment area of more than one school is confusing. This view is supported in her objection by the statements that "all of Saffron Walden is divided between three schools" and "no road in Saffron Walden is allocated to two schools, so parents clearly know which their allocated catchment school is". The diocese and the LA have both expressed to me their view that it is not unusual for schools to use a catchment area which overlaps that of another school. The LA made no comment when consulted on the school's proposal to include the new area in its catchment area and believes that overlaying another school's catchment area does not render a school's admission arrangements in contravention of the Code. The LA has also informed me that there had been recent uncertainty concerning another area which falls in the catchment area of the school and that of the school represented by the objector, so such matters are not unknown to the school or to the objector.

19. The Code requires in paragraph 1.14 that "catchment areas **must** be designed so that they are reasonable and clearly defined". However, there are no requirements placed on the designation of a school's catchment area concerning the relationship which it must have with that of any other school. Catchment areas are a means only for giving priority for admission to those living in a defined catchment area in relation to admissions to a particular school. They do not give a right to a place at a school, and do not inhibit those living outside them from expressing a preference for the school to which they apply, as the Code makes clear in paragraph 1.14. So if the catchment areas for two schools overlap, those who live in the area concerned simply have a high priority within the oversubscription criteria of more than one school. I do not see that this is in any way as confusing, and so I cannot agree with the objector on this point.

Conclusion

20. I have explained above my reasons for concluding that the school has failed to meet the requirements of the Code concerning both the period for which it should have consulted on proposed changes to its admission arrangements, and those it should have consulted. I have said why I uphold the objection made to the arrangements concerning the period of consultation.

21. I have also said why I do not agree with the objector that the change made to the arrangements introduces a lack of clarity for parents. I do not uphold this aspect of the objection.

22. The process leading to determination of its arrangements by the school has not been in accordance with the requirements set out in legislation and the Code concerning consultation. The school may consider that it would be advisable that it engage in a consultation that will meet in full the requirements set out in paragraphs 1.42 to 1.45 of the Code prior to determining its arrangements for admissions in September 2015, whatever their contents.

Determination

23. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objection to the admission arrangements determined by St Mary's Church of England Primary School, Saffron Walden.

24. I have also considered the arrangements in accordance with section 88I(5). I determine that they do not conform with the requirements relating to consultation prior to changes being made by an admission authority to its admission arrangements.

25. 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: 30 August 2013

Signed:

Schools Adjudicator: Dr Bryan Slater