



## **DETERMINATION**

**Case reference:** ADA2718

**Objector:** A member of the public

**Admission Authority:** Royal Borough of Kingston upon Thames

**Date of decision:** 31 July 2014

### **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 for community junior schools determined by the Royal Borough of Kingston upon Thames for admissions in September 2015.**

### **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 member of the public, (the objector), about the use of distance from home to school as a tie-breaker if there are more applicants than places in the oversubscription criteria for junior schools in the Royal Borough of Kingston upon Thames. The schools are located in the Royal Borough of Kingston upon Thames which is both the local authority (LA) and the admission authority for these schools.

### **Jurisdiction**

2. These arrangements were determined on 25 March 2014 under section 88C of the Act by the LA as the admission authority for the community junior schools in its area. The objector submitted the objection to these determined arrangements on 30 June 2014. I am satisfied the objection has been properly referred to me in accordance with section 88H(2) 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 30 June 2014 and subsequent submissions about the objection;
  - 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 2014; and
  - d. the minutes of the meeting on 25 March 2014 where the LA determined its 2015 arrangements.

### **The Objection**

5. The objection concerns the use of a distance tiebreaker in the event that there are more applicants than there are places to be allocated within one of the oversubscription criteria used for the three community junior schools where the LA is the admission authority. The first criterion gives priority to looked after and previously looked after children and the second criterion gives priority to children currently within Year 2 of the infant school paired with the junior school. The objector argues that if there are more applicants than places then the lower order criteria of priority for siblings or priority for medical reasons should be used to help break the tie rather than distance.

### **Background**

6. There are five pairs of infant and junior schools in the LA's area. The five infant schools and three of the junior schools are community schools that use the LA's admission arrangements. The remaining two junior schools are voluntary aided (VA) schools that set their own admission arrangements within the context of the pairings.
7. The published admission numbers (PAN) for each infant school and its paired junior school match for 2015. The LA has been managing an increase in demand for places at Year R in recent years and has created expansion classes in schools where it has been possible and necessary to do so. As a result of this, the PANs of some of these infant schools in some recent years have increased temporarily by 30 when an additional class has been added to a year group. The LA has ensured that where an expansion class has progressed through the infant school and reached Year 2 that there are sufficient places within the paired junior school for all the children to progress to Year 3 or has ensured that there are sufficient places in a nearby primary school.

### **Consideration of Factors**

8. The LA states in its 2014 co-ordinated admissions booklet that parents can generally anticipate that their child in a Year 2 class in an infant school will transfer to the Year 3 class in the paired junior school. It comments that this might not happen if looked after or previously looked after children apply for a place in the school because they have greater priority for a place or because the LA has created an expansion class in the infant school that cannot be matched in the junior school. In this second case the LA explains the arrangements that have been made to provide additional places in a neighbouring primary school in Year 3.
9. The objection is about what happens if there are more applicants than places available in a junior school. The arrangements clearly state that if this happens, the places are allocated by using distance from home to school with the shortest distances gaining the places. The LA comments that this is a system that has been in place for over a decade and has the merit of being clear, transparent and predictable.

10. The objector suggests that the use of distance disadvantages those who have a sibling in the school and who live furthest away from the junior school. Paragraph 1.8 of the Code explains that after priority has been given to looked after and previously looked after children, “oversubscription criteria **must** then be applied to all other applicants in the order set out in the arrangements”. The objector considers that this means that where a criterion has more applicants than places within it, the next criterion should then be considered so that priority could be given to children who meet both criteria.
11. I note from the LA’s admissions booklet for 2014 that there are typically many more applicants than there are places available in the infant schools at Year R and oversubscription criteria have to be used to allocate the places. The oversubscription criteria at this point of entry give priority to looked after or previously looked after children; to those children with siblings in the school and then those with medical reasons before distance is used as a criterion. The age group of children passing through an infant school will therefore have been allocated places on the basis of these criteria.
12. The LA is obliged by the Code to run an open admissions process for places at junior schools, but by giving priority to those who are already attending the Year 2 class in the paired infant school it is seeking to guarantee as far as it can a place for these children in the paired junior school. Some of these children have siblings and some may have medical reasons, but at the point of application to junior school they are all attending Year 2 in the infant school. In the event that there are more applicants than places the LA has determined that it is distance from home to school that will be used to decide on allocation of places. This is a clear and objective criterion and I do not consider that it is unfair to use distance in this way.
13. The LA wishes to enable the transfer from infant to junior school to operate with a similar outcome to the way transfer from one age group to the next occurs within a school. Even though the transfer is to a new school and therefore requires an admission process, the LA’s work to try and ensure that there are sufficient places available and avoid the need to use the oversubscription criteria is important.
14. Paragraph 1.8 of the Code quoted above refers to the use of the oversubscription criteria in order. The objector suggests a cumulative set of criteria should be applied so that a child who meets more than one of them takes precedence over another child who only meets one with a distance tie breaker used after this if required. I consider that this is not what is meant by this paragraph.

## **Conclusion**

15. The Code requires that oversubscription criteria should include a tie breaker that is effective, clear and fair. I conclude that the use of distance as the tie breaker, with random selection by drawing lots as a final tie-

breaker if necessary, meets these requirements in this case and I do not uphold this element of the objection. I have carefully considered the objector's interpretation of the Code as set out above concerning the application of the oversubscription in order and I have concluded that I do not agree with this interpretation and I do not uphold this element of the objection.

**Determination**

16. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements for community junior schools determined by the Royal Borough of Kingston upon Thames for admissions in September 2015.

Dated: 31 July 2014

Signed:

Schools Adjudicator: David Lennard Jones