

DETERMINATION

Case reference: ADA/002366

Objector: a parent

Admission Authority: North Yorkshire County Council

Date of decision: 4 September 2012

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 North Yorkshire County Council.

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, AM, (the objector), about the admission arrangements (the arrangements) made by North Yorkshire County Council (the County Council) for September 2013, and their application to admissions to South Milford Community Primary School (the School) in particular. The objector submits that the School's catchment area is unreasonable and that there have not been appropriate consultations about this aspect of the arrangements.

Jurisdiction

2. These arrangements were determined under section 88C of the Act by the County Council which is the admission authority for the School. The objector submitted her objection to these determined arrangements within the prescribed timescales. I am satisfied the objection has been properly referred to me in accordance with section 88H of the Act and that 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 letter and form of objection dated 20 June 2012;
 - b. a letter in support of the substance of the objection as it relates to the catchment area from the Chair of the governing body of the

School dated 12 July 2012;

- c. the County Council's response to the objection and supporting documents submitted to me on 13 July 2012;
- d. the County Council's composite prospectus for parents seeking admission to schools in the area in September 2012;
- e. a map of the area identifying relevant schools;
- f. a summary of the consultation arrangements and relevant documents supporting the consultation; and confirmation of when these took place;
- g. copies of the minutes of the local Admissions Forum and of the meeting of the County Council at which the arrangements were considered and determined; and
- h. a copy of the determined arrangements.

The Objection

- 5. The objection is based on two principal points which can be summarised as follow.
 - a. The School's catchment area is not reasonable. The boundary is based on an historic parish boundary, and does not take into account development within the village over the last 40 years. The road known as Bridge Garth, for example, is not within the School's catchment area, despite these homes having been built nearly 35 years ago and being within the village. The school designated as this area's catchment area school is much further away than South Milford Community Primary School.
 - b. The catchment area does not appear to have been the subject of consultation within the last seven years, contrary to the requirements of the Code. If the catchment area has been the subject of consultation it has not included the public including residents of Bridge Garth, potentially interested parties.
- 6. The objector argues that these are breaches of paragraphs 1.14 and 1.42 of the Code respectively.

The County Council's Response

- 7. The key points of the County Council's response are as follow.
 - a. The catchment area for South Milford Community Primary School is well established; like the majority of North Yorkshire catchment areas it is based on civil parish boundaries. The civil parish boundary for South Milford does not include Bridge Garth. This fact does not mean that the catchment area is unreasonable.

- b. Bridge Garth sits within the civil parish of Sherburn-in-Elmet for which Athelstan Community Primary School is the designated primary school.
- c. It is not uncommon for parents living towards the boundary of their own designated catchment area to live closer to a school in the adjacent catchment area.
- d. In previous years the level of demand for places at the school has been such that it has been possible for out of catchment families, including those living at Bridge Garth, to be allocated places at South Milford Community Primary School. Because, prior to the 2012 admission round, this has been the case families within the local area have never raised any issues about the catchment area of the school with the County Council.
- e. The catchment area of both South Milford and Athelstan CP Schools are clearly defined, catchment maps are available upon request from either the school or the local authority.
- f. Any change to a catchment area has the potential to disadvantage one group of families in order to benefit another. The County Council does not propose changes to catchment areas unless there is a compelling reason to do so, but requests for catchment area reviews are responded to as they arise.
- g. The County Council undertakes an annual admission arrangements consultation for all community and voluntary controlled schools within North Yorkshire. The most recent of which began on 14 November 2011 with a closing date of 16 January 2012. This involved direct consultation with the governing bodies of all schools, neighbouring authorities, diocesan bodies and the admission forum, as required by the Code. Parents and others with an interest in the proposed admission arrangements were made aware of the consultation through a public notice published in the local press and publication on the County Council's website.
- h. Some time after determining the arrangements, the County Council received representations from a number of parties relating to the aspect of the arrangements now objected to. In response the County Council gave an undertaking to examine the situation. It was explained that it would initially seek the views of the local schools and parish councils informally, and then decide whether to initiate a formal consultation on a possible change. It undertook to inform parents of the outcome of the initial contact. Correspondents were also advised that the County Council could give no indication of what the outcome of any consultation might be and that no change in catchment area could take effect before 2014.
- i. The County Council has advised that, if it does proceed to a formal consultation, all interested parties will have the opportunity to contribute.

Consideration of Factors

Reasonableness

- 8. Reasonableness can be difficult to define, and, in respect of a school's catchment area, is likely to be perceived variously depending on one's point of view. The objector's position on this point is understandable:

simply put, houses ought to be in the catchment area of the school which is nearest to them. Equally, the County Council's position that the existing catchment area has served the local community well for many years and that there has not hitherto been any reason to change it is justifiable, so long as that continues to be the case.

9. The use of parish boundaries as a basis for school catchment areas, which the County Council has advised has been its underlying rationale for many years, is clearly not unreasonable in the sense of being irrational or random. It provides a reasonable starting point for determining catchment area boundaries. But reliance on such historic boundaries is likely to require revision and adjustment from time to time, especially where populations have changed significantly. On the other hand, some of the benefits of catchment areas as an oversubscription criterion, most notably predictability and the reinforcement of community links, can be lost if they are changed too frequently.
10. Although I accept that catchment areas ought to be drawn with accessibility in mind, I cannot agree that catchment areas need to ensure a position where children are effectively guaranteed a place at their nearest school. If they do not do so, this cannot be taken as evidence of unreasonableness.
11. I have therefore concluded that the current catchment area for the School cannot be regarded as unreasonable and that I would not be justified in coming to any other conclusion. It does, however, seem that a re-examination of the boundary in the light of recent demographic changes and increasing demand for places at the School is appropriate. I am pleased to note that the County Council has initiated a process which could lead to a formal review of the catchment area in question. I note that the School's governors share this view, and I am sure that this is the best way forward.

Consultation

12. Paragraph 1.42 of the Code sets out the requirements as to consultation on admission arrangements and the Code goes on to specify the steps which admission authorities are required to take in this regard. It is clear from the evidence submitted by the County Council that these statutory requirements were met. It has not consulted on a change to the School's catchment area which the objector would like to see, but it is not required to do so.

Conclusion

13. For the reasons set out above I have concluded that the catchment area of the School is not unreasonable and that the County Council has met the minimum requirements of the Code as regards consultation on admission arrangements. Although the reasons for the objection are understandable, it cannot be supported.

Determination

14. 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 North Yorkshire County Council.

Dated: 4 September 2012

Signed:

Schools Adjudicator: Mr Andrew Baxter