

## **DETERMINATION**

**Case reference: ADA/002373**

**Objector: the Governing Body of Caroline Chisholm School**

**Admission Authority: Northamptonshire 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 Northamptonshire 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 the head teacher of Caroline Chisholm School (CCS), Northamptonshire on behalf of that school's governing body (the objectors) about the admission arrangements for 2013 (the arrangements) made by Northamptonshire County Council (the County Council) in so far as they relate to Elizabeth Woodville School (the School), a school maintained by the County Council. The objectors submit that the arrangements fail to comply with a number of requirements of the School Admissions Code (the Code).

### **Jurisdiction**

2. These arrangements were determined under section 88C of the Act by the County Council which is the admissions authority for the School. The objectors submitted their objection to these determined arrangements on 20 June 2012. 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 Code.
4. The documents I have considered in reaching my decision include:
  - a. the objectors' completed objection form dated 20 June 2012;
  - b. the County Council's response to the objection dated 12 July 2012, the relevant pages of its website and that of the School;

- c. the County Council's composite prospectus for parents seeking admission to schools in the area in September 2012;
- d. maps of the area identifying relevant schools;
- e. confirmation of when consultation on the arrangements last took place; and
- g. the determined arrangements.

### **The Objection**

- 4. It is submitted that the arrangements (or the processes followed in determining them) fail to comply with paragraphs 1.8, 1.14, 1.42, 1.44 and 1.45 of the Code.
- 5. Paragraph 1.8 specifies that oversubscription criteria must be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation.
- 6. Paragraph 1.14 specifies that catchment areas, where used, must be designed so that they are reasonable and clearly defined.
- 7. Paragraphs 1.42, 1.44, and 1.45 set out requirements relating to consultation in cases where admission authorities are proposing changes to admission arrangements.
- 8. The objectors' key points are reproduced in full here:
  - a. *The admissions authority has published criteria which are not clear - parents and schools have been left in doubt about the linked area.*
  - b. *The over-subscription criteria are not reasonable - they remove a whole area from the linked area for Caroline Chisholm School so that parents will have a much lower chance of securing places here and will instead find that they live in an area now linked, without consultation, with Elizabeth Woodville School.*
  - c. *The arrangements are not procedurally fair - the fact that the admissions authority has two versions of the linked area in its own proposals leaves both schools open to criticism. Parents are at risk of stating their preferences without proper knowledge of how the admissions criteria may affect them.*
  - d. *The catchment area for Elizabeth Woodville School is not clearly defined. Two different versions proposed. The catchment area is not reasonable - it causes significant change at our school (accounting for the loss of about one third of our total admissions area and the loss of a key cluster primary school if the changes go ahead) and has not been properly communicated to parents. There is no mention of any of these changes on the Elizabeth Woodville School website.*

- e. *The admissions authority has sought to rely on a consultation completed in different circumstances in 2010 and has not complied with the consultation requirements for changes in 2013.*
- f. *The admissions authority did not give other interested parties, including parents, an opportunity to discuss their proposals for changes to the Elizabeth Woodville School admissions area and consequent changes to our school's admissions area. They relied on a consultation from 2010, despite our pointing out the need to consult in the year prior to changes being made. When approached and asked whether or not a consultation had taken place, evasive answers were given and no evidence of a consultation was offered.*

### **The County Council's Response**

- 9. In response to the objection the County Council accepts that the presentation of the arrangements could be clearer and undertakes to address this in the booklet published to assist parents with the admissions process.
- 10. On the other hand, it asserts that the arrangements themselves, including the disputed criteria are clear and consistent with the Code.

### **Consideration of Factors**

- 11. I will consider the arguments made in this case against the relevant sections of the Code.

### **Paragraph 1.8**

- 12. This paragraph specifies that oversubscription criteria must be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation.
- 13. The oversubscription criterion objected to is the inclusion of an area known as Grange Park in the School's catchment area. It is argued that this is unfair, unreasonable and unclear because that area is also included in the catchment area of CCS, the objectors' school.
- 14. I have to say that I do not share the objectors' view. Families living in this area are not disadvantaged in any way. It is clear that they have a degree of priority for more than one school. This is often the case. Parents might take catchment areas into account when assessing the likelihood of securing a place, but the exercise of parental preference is in no way constrained by them.
- 15. It seems to me that the objectors are more concerned with the potential effect of Elizabeth Woodville School's intake on their own school. This is a legitimate concern, but it is not appropriate to seek to use the provisions of the Code to protect the interests of individual schools.

#### **Paragraph 1.14**

16. This paragraph specifies that catchment areas, where used, must be designed so that they are reasonable and clearly defined.
17. I do not accept that by including in the catchment area of the School an area which is also in the catchment area of CCS the County Council is unreasonably and unilaterally removing that area from CCS. The governors of CCS are themselves the admissions authority for that school; the County Council has no powers in respect of its admission arrangements.
18. No evidence is submitted to support a view that the inclusion of a named area in the catchment area is in itself unreasonable or not clearly defined. Indeed I note that the objectors take the same approach in defining the areas which make up their school's catchment area. On the other hand, the County Council itself implicitly accepts that the presentation of the information could be clearer and, indeed, undertakes to effect improvements in the presentation when the arrangements are published in the form of a booklet for parents. Even as an experienced reader of admission arrangements on websites, I found the County Council's presentation unhelpful. It will need to ensure that its website (and that of the School) are revised to improve accessibility and consistency of presentation.

#### **Paragraphs 1.42, 1.44, and 1.45**

19. These paragraphs set out requirements relating to consultation on changes to admission arrangements.
20. It is clear from the records that the County Council included a change to the admission arrangements for the School in its composite consultation on admission arrangements for 2013. Indeed, the objectors kindly provided an extract from the relevant document which demonstrates this. I have not seen evidence of any more proactive seeking of views from those potentially affected by the change objected to.
21. The question is whether the reliance on the routine annual consultation process through the County Council's website was adequate. If the change actually did have the impact on CCS which the objectors appear to fear, effectively reducing parents' chances of securing a place at their school, I might well have concluded that the consultation arrangements were not adequate. But this is clearly not the case. The change gives parents in the Grange Park area more opportunities to secure a place at Elizabeth Woodville School, but has no effect on their chances of securing a place at CCS. A consultation, albeit limited, took place. No family is disadvantaged by the subsequent change. I cannot accept that any deficiencies which there might have been in the consultation arrangements were in any way sufficient to invalidate the change which the County Council has made.

## **Conclusion**

22. For the reasons set out above I have reached the following conclusions.

- a. The inclusion of Grange Park in the catchment area of Elizabeth Woodville School is consistent with the requirements of paragraph 1.8 of the Code.
- b. The determined catchment area of Elizabeth Woodville School is clearly defined and reasonable as required by paragraph 1.14 of the Code, although the presentation of this aspect of the arrangements needs to be improved.
- c. The consultations conducted by the County Council, whilst limited, were adequate in the circumstances, there being no detriment to any party.

## **Determination**

23. 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 Northamptonshire County Council.

Dated: 4 September 2012

Signed:

Schools Adjudicator: Mr Andrew Baxter