

DETERMINATION

Case reference: ADA/002346 and 002347

Objector: Two parents

Admission Authority: Ealing Council

Date of decision: 1 August 2012

Determination

In accordance with section 88H (4) of the School Standards and Framework Act 1998, I do not uphold the objections to the admission arrangements determined by Ealing Council for admissions to Montpelier Primary School in September 2013.

The referral

1. Under section 88H (2) of the Schools Standards and Framework Act 1998, (the Act), two objections have been referred to the Adjudicator, each by two separate parents, the objectors, about the admission arrangements (the arrangements) for Montpelier Primary School (the School), a community school, for September 2013. The objections both relate to the lack of priority for the siblings of children already on the School's roll who live outside the School's designated catchment area over other children who live inside the catchment area.

Jurisdiction

2. These arrangements were determined under section 88C of the Act by Ealing Council (the Council), which is the admission authority for the School. The objectors both submitted their objections to these determined arrangements on 30 June 2012. I am satisfied the objections have been properly referred to me in accordance with section 88H of the Act and they are 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:

the objectors' forms of objection dated 30 June 2012, and a letter from one objector dated 26th July 2012;

in the case of one objection, supporting documentation in the form of a

letter to the objector from the Council's Legal and Democratic Services department, and a report to the Council's Portfolio Holder for children's services for consideration on 27 March 2007;

a response from the Council the dated 12 July 2012, with supporting documentation;

evidence of the Council's consultation in 2011 with regard to the draft arrangements for 2013;

the report for and minutes of the meeting of the Council' Cabinet on 20 March 2012 at which the arrangements were determined;

the Council's composite prospectus for parents seeking places for their children in 2012; and

a copy of the determined arrangements.

5. No response has been received from the School.

The Objection

6. The objections, although couched very differently, are both in essence that some families are disadvantaged through the failure to give priority to siblings who live outside the designated catchment area to other children who live inside the catchment area.

7. One objector quotes paragraph 1.8 of the Code, which says that 'Admission authorities must ensure that their arrangements will not disadvantage unfairly, either directly or indirectly, a child from a particular social or racial group . . .'. The objector argues that, in the present straightened economic circumstances, working parents should be considered a social group, and that a significant economic impact is felt by such families as a result of having children at different schools.

8. The other objector's argument relates mainly to the fact that all children within the School's catchment area have priority for admission over siblings of existing pupils outside the catchment area. The objector draws attention to personal experience of living just outside the catchment area, having a first child offered a place at the School because there was none available at the catchment school, and then being denied a place at the School for a second child. The objector suggests that catchment areas could usefully be replaced by simple distance priority, or that the catchment area school for younger siblings in the situation described could be 'redefined' as the school where the older child was caused to be registered.

9. The second objector cites the letter from the Council's Legal and Democratic Services department, which provides the numbers of families with children at different primary schools (excluding those who subsequently gain places at the same school and those who have chosen different schools) as gradually increasing from 26 in 2007 to 61 in 2011.

10. The letter in question also refers to a report to the Portfolio Holder for

Children's Services for a decision on 27 March 2007 about school admission arrangements for 2008. Consultation prior the report had produced 38 responses in favour of introducing an overall sibling criterion at primary schools and 37 responses against. Officers recommended that siblings, from within or outside the catchment area, should have priority after looked after children for admission to community primary schools. The advantage stated for this proposed change was that all siblings would be able to attend the same school, while preserving places for catchment area children; the disadvantage stated was that some parents might move close to a school to gain a place for one child, but then move away while retaining sibling priority for other children. The Portfolio Holder did not accept the recommendation, and the proposed change was not made.

Consideration of Factors

11. I am conscious of the fact that the issue at stake has potential wider implications than for the School alone.

12. The arrangements include siblings in the catchment area as second priority (after looked after children or children who were previously looked after), but then other categories relating to children in the catchment area before siblings from outside the catchment area (who are the first category relating to children outside the catchment area).

13. The Code contains no requirement, or even recommendation, that an oversubscription criterion relating to siblings should be provided; it only lists the possibility of such a criterion among those acceptable criteria that are 'most common' (Code, paragraph 1.10).

14. The Code provides no definition of 'social groups'. However, I believe the term refers mostly to degrees of poverty and affluence. Even it were to be defined more broadly, I do not believe that such a definition could include 'working parents', since such a definition could be deemed contrary to paragraph 1.10 f of the Code, which forbids priority being given to children on the basis of, among other things, their parents' financial status, and since, as suggested by the Council, it could be seen as discriminating against parents who are unable to work. I do not believe either (although this has not been suggested by the objectors) that the definition would be extended to include parents with more than one child, since this could be deemed irrational and without foundation.

15. For these reasons, my conclusion will be based on the simple issue of reasonableness, as required by paragraph 1.8 of the Code.

16. The Council has cited the current example of the position over 14 applicants from outside the catchment area, eight of whom had moved out of the catchment area after their first children had gained places at the School. The Council has set out its priority of enabling primary-age children to gain places at their local primary schools, so as to avoid long distance travelling, which it believes would be compromised by giving priority to siblings from outside catchment areas.

Conclusion

17. There are inevitable tensions between the various options available to admission authorities for oversubscription criteria. Each admission authority has to balance the options, bearing in mind the attractiveness of different options to different parents. Although some parents will be disappointed that the Council has not chosen to include a criterion for primary schools giving equal priority to siblings inside and outside catchment areas, I believe the Council has made the decision on the principle of preserving primary school places largely for local children. There has been no breach of the Code, and I do not find the Council's decision or the resulting arrangements to be unreasonable. I am therefore not upholding the objections.

18. However, the Council has not responded to the suggestion from one of the objectors that the 'catchment area school' for a younger sibling from a family where an elder child was placed of necessity at a school beyond the catchment area of residence could be 'redefined' as the school where the older child was caused to be registered. I find this suggestion worthy of consideration by the Council, and recommend that it give it consideration for possible adoption for future admission years. Such a change would require careful evaluation and consultation, and would probably have to be implemented across more than the one School to which these objections relate.

Determination

19. In accordance with section 88H (4) of the School Standards and Framework Act 1998, I do not uphold the objections to the admission arrangements determined by Ealing Council for admissions to Montpelier Primary School in September 2013.

Dated: 1 August 2012

Signed:

Schools Adjudicator: Canon Richard Lindley