



DETERMINATION

Case reference: ADA2592

Objector: A parent

Admission Authority: North Yorkshire County Council

Date of decision: 4 June 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 determined by North Yorkshire County Council 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 parent, (the objector), about the method of calculating distance within the determined admission arrangements (the arrangements) for September 2015 for schools for whom North Yorkshire County Council, the local authority (the LA) is the admission authority.

Jurisdiction

2. These arrangements were determined on 19 February 2014 under section 88C of the Act by North Yorkshire County Council, the admission authority for community and voluntary controlled schools in its area. The objector submitted the objection to these determined arrangements on 16 April 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:

- the objector's email dated 16 April 2014 and subsequent submissions about the objection;
- the LA's response to the objection and supporting documents;
- the LA's composite prospectus for parents seeking admission to schools in the area in September 2014; and
- The minutes of the meeting where the LA determined the arrangements on 19 February 2014.

The Objection

5. The objector is objecting to the distance measuring system used by the LA in its arrangements because it uses the footpaths and roads included on its mapping system to determine the length of a route from a home to a school. The objector refers to paragraph 1.8 of the Code and states that the system is unfair because it does not take account of all footpaths and because some parents are disadvantaged if they have a footpath they use that is not recognised by the LA's mapping system. The objector says that there is also an issue for parents in knowing the distance that the system shows for them so that they can easily understand how the system is applied.

Background

6. The LA determined a change to its arrangements in February 2011 to come into effect for admissions in September 2012. The new arrangements include the statement "All distance measurements are based on the nearest route recognised by the County Council's electronic mapping system.....using footpaths and roads. The routes measured to determine the allocation of school places will be those recognised by the electronic mapping system used by the school admissions team..."
7. The arrangements applied for 2011 admissions and for previous years stated that "...distance measurements are based on the nearest **walked** route from a child's home address to school..... using footpaths and roads...." The change was the removal of the word "walked".
8. At different times prior to 2012, the objectors, and other parents, have challenged details on the map and at the time the LA accepted the challenges. It reviewed the journeys on the ground and, where appropriate, it recognised footpaths not recorded on the digital map. In the objector's case the LA included a footpath that the objector uses to walk to school. The map's alternative route used a road that does not have a footpath. The objector says that when this was accepted by the LA the distance to school that then applied was reduced by 0.1 mile.
9. The objector observes that since the LA changed its procedure for admissions in 2012, the LA will now only use routes that are recognised by its chosen mapping system and the opportunity to make amendments to the map has been lost. This means that for some families the most direct route that they can take to school is not measured and instead they are judged on a virtual route drawn up by a computer.
10. The LA's integrated management system hosts the mapping system which includes the Ordnance Survey footpaths layer. The LA considers this more consistent with published maps than its previous system. The system does not allow the LA to make changes to the base data originating from Ordnance Survey. The LA considers that it is reasonable and consistent to rely on these nationally provided maps and that by introducing small local changes in response to parental queries the consistency of the system would be reduced.

Consideration of Factors

11. The Code in paragraph 1.13 states that , “Admission authorities **must** clearly set out how distance from home to the school will be measured, making clear how the ‘home’ address will be determined and the point in the school from which all distances are measured.”
12. Paragraph 14 of the Code requires arrangements to be “...fair, clear and objective” and that “parents should be able to...understand easily how places....are allocated”.
13. Paragraph 1.8 of the Code says “oversubscription criteria **must** be “...clear, objective, (and) procedurally fair.....”.
14. I shall first consider whether the LA has clearly set out how distance will be measured. The system described is clear about how the home address is determined and the point in the school from which distances are measured is also clear. The system asks the computer to calculate the distances using footpaths and roads and the arrangements state: “All distance measurements are based on the nearest route recognised by the County Council's electronic mapping system from a child's home address to school. The measurement is made from a fixed point within the dwelling, as identified by Ordnance Survey, to the nearest school entrance using footpaths and roads. The routes measured to determine the allocation of school places will be those recognised by the electronic mapping system used by the school admissions team.” The LA comments that this is not an assessment of the actual route taken to school but is a virtual, computer generated route using the maps on the mapping system. The distance measured is then used to place applicants for a school place in rank order by distance should this be required.
15. The Code requires admission authorities to set out clearly how distance is measured and I consider that the LA has done this in its arrangements and in this respect is compliant with paragraph 1.13 of the Code.
16. The second consideration is whether the measuring system is fair, clear and objective. The LA has received challenges from parents in the past because the route used to measure distance was not the walked route that they used to take their child to school. At that time, the LA re-measured some routes to take account of these specific routes identified by parents. These routes were then included into the mapping system and used by the admissions and transport teams at that time. In other cases parents had argued that their distance measurements using an alternative mapping system were less than the distance measured by the authority on its mapping system and these were also checked and, where appropriate, were adjusted.
17. The objector considers that the LA should continue to be willing to accept amendments to the map that it uses in the interests of fairness and says that if any child has been allocated a place using footpaths or/and roads then to be fair, all families have a right to have their distance measured using footpaths and/or roads. However, the LA comments that it has

changed the system to prevent amendments so that the system can become an objective tool that works with a consistent set of national data to produce a distance that could then be used for admissions purposes. The system is not intended to be measuring the exact route to school taken by any child but to produce a set of routes that are generated from the standard set of maps that are used. These maps are used for all applicants.

18. I have considered this point and am persuaded by the LA's argument that consistency is more important than the accuracy of the actual compared to the virtual distance measured. For the people who felt that the system was made fairer by the amendments made to the maps, others will have been disadvantaged by being displaced by those for whom changes were made. It is always possible to argue about distances measured on a map. In this case the LA seeks to ensure a consistent system for distance measurements used in the allocation of school places across the county. From the evidence presented to me, I do not consider that the arrangements are unfair.
19. The objector goes on to argue that if the map cannot be amended to reflect the accurate situation concerning footpaths and roads in a locality then it would be fairer to use the straight line method for measuring distance since there is no ambiguity in the measurement.
20. I have considered this point and the use of the straight line for measurement has some attractions; the main one is that it is simple to replicate and that anyone can use a ruler to measure a distance on a map. However, there will be situations where a straight line system has its own difficulties. For example, a family might live only a short distance from a school in a direct line but on the opposite side of a canal, river or dual carriageway road and in order to travel to school have to travel a mile to get to the nearest crossing point. This family will benefit from a short straight line distance in terms of admissions and they will have priority over people who live a shorter travelling distance from school but a longer straight line distance. It could be argued that this is unfair and could lead some parents to ask for exceptions to be made to the system. This example illustrates that even an apparently simple system as measuring the straight line distance from a home to school can be faulted despite the benefits of this system described above.
21. In this case the LA has chosen to use a system that measures a route travelled to schools rather than a straight line. The system is described clearly and is easy to understand in general terms. The LA said in its response to me that if any parent queried the distance that applied to their application, the admissions team would always check the distance and provide a copy of the route the computer used. The system would be made more transparent if the LA could find some means to enable parents to see the map that is used and to model distances to different schools for themselves.

Conclusion

22. I have considered the arguments made about this system of distance measurement against the requirements of the Code. The Code requires admission authorities to set out clearly how distance is measured and I consider that the LA has done this in its arrangements and in this respect is compliant with paragraph 1.13 of the Code.

23. The fact that the LA has decided not to accept amendments to the map is positive in terms of retaining the objectiveness of the map and ensuring consistency in measurement and applying this to all applicants. In this way I consider that the system is applied fairly and the system itself is easy to understand. The simple change made to the arrangements for September 2012 has helped to ensure a consistent method of measurement using a standard set of Ordnance Survey maps.

Determination

24. 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 for admissions in September 2015.

Dated: 4 June 2014

Signed:

Schools Adjudicator: David Lennard Jones