

DETERMINATION

Case references: ADA 2242, 2247, 2248 and 2249

Objector: Castle Point and Rochford Secondary Heads Group

Admission Authority: The Proprietors of Southend High School for Boys, Southend High School for Girls, Westcliff High School for Boys and Westcliff High school for Girls, Southend

Date of decision: 21 June 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 the proprietors of Southend High School for Boys, Southend High School for Girls, Westcliff High School for Boys and Westcliff High school for Girls.

The referral

1. Under section 88H (2) of the Schools Standards and Framework Act 1998, (the Act), an objection has been referred to the Adjudicator by the Castle Point and Rochford Secondary Heads Group (the objectors), about the consultation concerning the admission arrangements (the arrangements) for Southend High School for Boys, Southend High School for Girls, Westcliff High School for Boys and Westcliff High school for Girls (the Schools), a group of Academy Grammar Schools, for September 2013. The objection is to the brevity of the consultation carried out by the Schools. The objectors believe that this breached the School Admissions Code (the Code).

Jurisdiction

2. The terms of the Academy agreements between the proprietors and the Secretary of State for Education require that the admissions policies and arrangements for the Academy Schools are in accordance with admissions law as it applies to maintained schools. These arrangements were determined by the proprietors, who are the admission authorities for the Academy Grammar Schools, on that basis. The objectors submitted their objection to these determined arrangements on 24 April 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.

The documents I have considered in reaching my decision include:

- a. the objector's letter of objection dated 24 April 2012;
- b. the response of the four Schools to the objection and supporting documents;
- c. the local authority (the LA) composite prospectus for parents seeking admission to schools in the area in September 2012;
- d. maps of the area identifying relevant schools;
- e. figures for recent years showing selective and grammar admissions in the area;
- f. confirmation of when consultation on the arrangements last took place;
- g. the response of the LA to the objection and supporting documentation;
- h. copies of the minutes of the meetings at which the proprietors of the Schools determined the arrangements;
- g. a copy of the determined arrangements; and
- i. Ofsted inspection reports for the Castle Point and Rochford schools.

The Objection

4. The objectors are a group of nine secondary schools in the Castle Point and Rochford area of Essex. This area borders Southend and includes the non Southend postcodes which form part of the new priority area for admission to the Schools. The objectors believe the consultation process undertaken by the Schools which introduced this new priority area was in breach of the Code. They cite paragraph 15b) of the introduction to the Code in support of their objection, "where changes are proposed to admission arrangements.... consultation must be for a minimum of eight weeks and must take place between 1 November and 1 March....consultation must be completed by 1 March 2012."

5. They state that they first received notice of the proposed changes on 7 February 2012. The arrangements were finalised by the end of March. They say that this left them with insufficient time to respond or to meet as a group and discuss the proposed change. They believe that the proposals will have a significant impact on their schools and will affect the nature of their cohorts at a time of falling secondary rolls in the area.

Background

6. The Schools embarked on their admissions consultation in January with no intention of making changes to their arrangements. However, on 16 January 2012 the LA officer with responsibility for admissions was alerted to the fact that the admissions criteria of the Schools, as they then stood, would be inadmissible under the new Code which was due to take effect from the 1 February 2012. The previous criteria gave priority to children attending unnamed schools within a defined priority area. This fell foul of 1.9b) and l) of the new Code. These clauses prohibit the taking in to account of previous schools attended, unless they are named feeder schools, as well as the naming of fee paying schools as feeder schools. Thus the arrangements had to be changed to comply with mandatory requirements in the Code.

7. The officer duly alerted the Schools to this issue. They convened joint four school and individual governing body meetings to decide how to respond. Having agreed a response, they then circulated their proposal, publicised it in the local press and radio and set up a public meeting for 21 February 2012. Responses were taken up until late March when the governing body meetings were held to agree the final arrangements.

8. Paragraph 15(3)(ii) of The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 states that admissions authorities are not required to consult on their proposed admission arrangements for the academic year 2013-14 and any subsequent admission year where there is no change or where a change is being made to comply with the School Admissions Code or the Regulations. In this case, the changes were being made to comply with the mandatory requirements of the Code, so the Schools were not obliged to consult on them.

9. It is to the credit of the Schools that they did consult nonetheless. Some important issues were raised in consequence and these are considered below.

Consideration of Factors

10. Among the factors I have considered are the projected pupil numbers in the area, the levels of oversubscription at the schools in question, the pattern of admissions in the area in the recent past and the impact of the arrangements on other schools. I have also considered the views of both Southend and Essex local authorities.

11. Local authority figures show a rising birth rate and increasing demand for primary school places, with additional places currently being offered to match demand. Secondary schools in the local authority area have a negligible number of surplus places, only 1.2 per cent. Cohorts coming through from primary will not increase for the next two years, but after that they will rise considerably and hit a high point in 2018. I am not therefore convinced that these changes pose a threat to rolls in the objectors' schools.

12. The Schools are all oversubscribed. All had appeals in 2011.

Southend Girls had the greatest number, 18, of which seven were successful.

13. Data for the last five years show a fairly consistent pattern of cross border migration. In 2006/7, 176 Southend pupils attended Essex schools and 405 Essex pupils attended Southend schools. In 2010/11, 168 Southend pupils attended Essex schools and 404 Essex pupils attended Southend schools. Roughly 300 of the Essex incomers attend the Schools.

14. The previous admissions criteria allocated 470 priority places to those attending primary schools in Southend. This included children living outside Southend but attending maintained or independent primary schools in Southend. However, the number of "Southend" pupils securing the pass mark has always been well below 470. The balance of places has therefore been filled by pupils from outside the priority area. Local authority analysis of the prospective September 2012 admissions show that, if the new arrangements had applied, there would be 254 Southend pupils plus 104 Castle Point and Rochford (CPR) pupils admitted to the Schools, filling 358 of the priority places in all.

15. Once priority places are allocated, remaining places are allocated in priority order according to 11+ test scores. This will not change under the new system. However, CPR pupils who simply pass the test will be allocated priority places, whilst currently they may be displaced by higher ranking pupils from outside CPR. It is therefore not unreasonable to suppose that there will be some increase in the number of CPR pupils admitted to the Schools.

16. Local CPR schools which are fully comprehensive in intake have some grounds to fear that such an increase might in time make their own intake less comprehensive and therefore alter their characteristics. However, the CPR schools are all rated either good or outstanding by Ofsted. They are successful schools and many parents prefer a good local school.

17. The Schools consulted both the local authorities involved. Essex welcomed the inclusion of the CPR postcodes in the priority area on the basis that there was a historical precedent for this and that it would maximise opportunities for parents to obtain a place at the school they wanted. Southend acknowledged the "desire to minimise changes and to continue to serve Southend children". It went on to say that, "The proposed priority area sensibly seeks to incorporate only those areas of Essex County Council that are most aligned to Southend. We are supportive of this and are pleased that this has not been widened any further as any further extension of the priority area would cause the Council concern". The local authority also suggested an annual review of the numbers of children admitted to the Schools from the priority area.

Conclusion

18. I have given careful consideration to the issues raised by the objectors. I accept that they have legitimate concerns about the possible impact on their intakes. But these are successful, good schools with well-deserved local reputations. They are well placed to fight their corner in attracting pupils. Moreover, though rolls may have dipped momentarily, projections show that

they will rise substantially in two years' time.

19. However, the objection on which I have to rule concerns the consultation undertaken by the Schools. The objectors believe that it breached the Code. But the School Admissions Regulations 2012 state clearly that authorities are not required to consult on changes to the arrangements for 2013/14 made in response to mandatory requirements of the Code. I accept that this change was made in order to comply with the new Code. I cannot uphold the objection to the consultation because there was no requirement to consult.

20. Given the requirement to change the arrangements, both the local authorities involved support what is being proposed. Given that it is not easy to predict the impact of these changes with any precision, Southend local authority's suggestion of reviewing the impact of the priority area annually is a good one. I recommend that the Schools adopt the proposal.

Determination

21. 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 the proprietors of Southend High School for Boys, Southend High School for Girls, Westcliff High School for Boys and Westcliff High school for Girls.

Dated: 21 June 2012

Signed:

Schools Adjudicator: Mrs Janet Mokades