



DETERMINATION

Case reference: ADA3212

Objector: Two parents

Admission Authority: The London Borough of Lewisham for Fairlawn Primary School, Lewisham

Date of decision: 26 August 2016

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the arrangements for admission to Fairlawn Community Primary School, Lewisham in September 2017 determined by the London Borough of Lewisham.

The referral

1. Under section 88H(2) of the School Standards and Framework Act 1998, (the Act), an objection has been referred to the Office of the Schools Adjudicator (OSA) by the parents of a child about the admission arrangements (the arrangements) for September 2015, September 2016 and September 2017 for Fairlawn Primary School (the school), a community primary school for children aged 4 -11. The objection concerns the point in the school used to calculate the distance between a home and the school for the purpose of prioritising applications for admission within the arrangements.
2. The school is located within the London Borough of Lewisham which is the local authority (LA) for the area.

Jurisdiction

3. These arrangements were determined by the LA, which is the admission authority for this community school, on 17 February 2016. The objectors submitted their objection to these determined arrangements on 14 May 2016. The objection was made about the arrangements for 2015, 2016 and 2017. I do not have the jurisdiction to consider the arrangements for 2015 and 2016 because the objection was received after the deadline for objection. The deadlines for these years were 30 June 2014 and 30 June 2015 respectively. However, the objection concerning the 2017 arrangements was made before the deadline of 15 May 2016 so I am able to consider this.

4. I am satisfied the objection concerning the 2017 arrangements has been properly referred to me in accordance with section 88H of the Act and it is within my jurisdiction.

Procedure

5. In considering this matter, I have had regard to all relevant legislation and the School Admissions Code (the Code).
6. The documents I have considered in reaching my decision include:
 - a. the objectors' objection form dated 14 May 2016 and supporting documents together with follow up comments;
 - b. comments from the LA in response to the objection together with supporting documents;
 - c. a map of the area identifying relevant schools;
 - d. the LA's composite prospectus for parents seeking admission to schools in the area in September 2016;
 - e. confirmation of when consultation on the arrangements last took place;
 - f. the minutes of the meeting of the LA on 17 February 2016 at which the arrangements for September 2017 were determined for the schools for which it is the admission authority including this one; and
 - g. a copy of the determined arrangements for 2017.

The Objection

7. The objection is to the way distance is measured within the oversubscription criterion in the arrangements for 2017 that gives priority for children living nearest the school. The objectors made their objection to the arrangements for 2015, 2016 and 2017 because the same measuring system has been used each year. In this determination I am considering the arrangements for 2017 which are within my jurisdiction. The arrangements for previous years have passed the deadline for objections to be made and I have therefore been unable to consider these.
8. Paragraph 14 of the Code says that admission arrangements **must** be "*fair, clear and objective*". The LA measurement system uses a nodal point as the measurement point within a school. The objection is that this is not properly defined and leads to the arrangements being unclear.
9. The objectors have obtained nodal point data from the Ordnance Survey and found that the nodal points used in a sample of ten local schools can be up to 80 metres from the school main gate. As a result, the objectors assert that the system is not objective. The objectors also assert that the system is unfair on children who live close to the

school gate because if the nodal point is not near the gate then these children who live closest to the school gate may find they do not gain a place while those who live further from the gate but closer to the nodal point will gain a place. The objector argues that any measurement system must demonstrate that it consistently represents real distances from the school rather than distances from a notional point in the school.

Background

10. The school is a community primary school for children aged 4 -11. It has a published admission number (PAN) of 60 and is regularly oversubscribed. If the number of preferences for the school exceeds the number of places available at the school in 2017, the arrangements include the oversubscription criteria which are summarised below:
 - i. Looked after children and previously looked after children;
 - ii. Children with exceptional medical or social reasons;
 - iii. Children who at the time of application have a brother or sister at the school;
 - iv. Distance from home to school.
11. In 2016, 489 applications were received for a place at the school. When places were allocated there were 5 looked after children; 32 applicants with a sibling and the remaining 23 places were allocated on distance with the furthest distance being 292 metres from the school. Three appeals were submitted but none of these was successful.

Consideration of Factors

13. The objectors have raised a concern about where distance is measured from in the school. The objectors assert in their objection that the distance measurement system does not comply with the Code's requirement to be "*fair, clear and objective.*"
14. The Code says in paragraph 1.10 that it "*does not give a definitive list of acceptable oversubscription criteria.*" and that "*it is for admission authorities to decide which criteria would be most suitable to the school according to local circumstances. The most common are set out below.*" In this case the LA as the admission authority has decided to use distance as an oversubscription criterion. Paragraph 1.13 of the Code is headed "*Distance from the School*" and says "*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.*"
15. The LA administers the system on behalf of all its community schools. The school in this case is a community school. The LA moved from a

system that used the school gate as the point of reference when measurements were being taken to a nodal point in 2014. It did this following consultation and the committee report at the time states that it had 348 responses to this aspect of the consultation of which 258 agreed with the proposal and 89 people disagreed. The Lewisham Schools Admissions Forum considered the responses and recommended to the LA that this change be made because *“this would standardise measuring distances and make the process simpler”*.

16. The LA said in its response to the objection that *“it uses a pupil database, Tribal, which includes a bespoke integrated measuring system that provides a straight line distances between grid references for two specified address points, for example a school premises and a residential property.... This is supplemented by Ordnance Survey address point data which results in a 7 figure grid reference which is accurate to 10cm.....Data will plot to the delivery point of the main building within each building and not the central point of the plot. So if an address (a school for example) has multiple buildings and a large playing field the address point will be the delivery point of the main building. The delivery point is specified and maintained by the Royal Mail.”*
17. The objectors believe that this methodology is flawed because the nodal point is neither at the centre of the school site nor at the school main gate. When they checked the nodal points for ten local schools they found that the nodal points for some schools fall close to the main gate and others are up to 80 metres away. They argue that *“the nodal points do not enable a school to fine tune its admission criteria to serve a wider range of local pupils but are an arbitrary method to make the work of measuring distances simpler to calculate.... a measurement point to a nodal point set by Ordnance Survey or any other software is not representative of the community the school serves when calculating distance from home to school.”*
18. The Code requires an admission authority to be clear about how distances are measured and I am satisfied that the admission authority in this case, which is also the LA, has clearly set out how it measures distance and how the nodal points in school are defined by use of the Royal Mail delivery point. The nodal points can be verified with the Ordnance Survey as the objectors have demonstrated or can be obtained from the LA as the admissions authority for community school in the area. I do not therefore uphold this part of the objection.
19. The objectors assert that the use of the nodal points is unfair because *“it is a misconception that if a method is applicable to everyone it is at the same time fair”*. They go on to say that in the case of this school the address point is 80 metres from the gate of the school. A child living next to the school gate will register a distance of 80 metres from the nodal point and a child living on the other side of the school could be 80 metres from the nodal point but in reality be living 160 metres

from the school gate. These children would receive the same priority which the objectors feel is wrong.

20. I do not consider that the distance measurement system is unfair because whichever address point is used; whether it is the school gate; the school office; the Royal Mail delivery point or the centre of the school site, there will be parents who will argue that if an alternative system had been used they would have had a greater priority for a school place. To be unfair, the measurement system would need to treat a particular group of children unfairly and I do not see any evidence of this on this occasion. The distances involved in this densely populated urban area are such that whichever measurement point is used it is likely that, to the extent that its capacity allows, the school will serve its local community if the local community is defined as the families who live near the school. I do not therefore uphold this part of the objection.
21. The objectors then argue that the use of the nodal point is neither reasonable nor reliable. I see no evidence that the use of the nodal point is unreasonable. In order to use a distance criterion there must be a clearly defined point from which measurements are taken. School sites will vary in size and shape; the objector argues that the measurement point should be the school gate but in my view the use of the Royal Mail delivery point is entirely valid and provides a clearly defined point within the school as required by the Code. The LA has chosen to use straight line distance as its measure. The LA software can calculate the distances from the grid references, so, as long as the grid references are entered accurately, the distance measurement will be reliable. The grid references for address points can be verified with the Ordnance Survey. The Code requires admission arrangements to be objective and I am satisfied that this distance management system meets this requirement.

Summary of Findings

22. The objectors have asserted that the measurement system used in this case does not comply with the Code's requirement that arrangements are "fair, clear and objective". I have satisfied myself on each of these points and have concluded that the system is clear, and that it is fair and objective. I am also satisfied that the system complies with paragraph 1.13 of the Code which requires an admission authority to clearly set out how distance will be measured. In consequence, I do not uphold this objection.

Determination

32. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the arrangements for admission to Fairlawn Community Primary School, Lewisham in September 2017 determined by the London Borough of Lewisham.

Dated: 26 August 2016

Signed:

Schools Adjudicator: David Lennard Jones