



Office of
the Schools
Adjudicator

DETERMINATION

Case reference: ADA2939

Objector: A parent

Admission Authority: Stockport Metropolitan Borough Council for Moss Hey Primary School

Date of decision: 26 October 2015

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 Stockport Metropolitan Borough Council for Moss Hey Primary School.

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 admission arrangements (the arrangements) for Moss Hey Primary School (the school), a community primary school for 4 to 11 year olds for September 2016. The admission authority is Stockport Metropolitan Borough Council, the local authority (the LA). The objection is to the fairness of catchment areas and the priority given to siblings in the oversubscription criteria.

Jurisdiction

2. These arrangements were determined under section 88C of the Act by Stockport Metropolitan Borough Council which is the admission authority for the school. The objector submitted his objection to the determined arrangements on 28 June 2015. 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 School Admissions Code (the Code).
4. The documents I have considered in reaching my decision include:
 - a) the objector's form of objection dated 28 June 2015;

- b) the LA's response to the objection and supporting documents dated 16 July 2015;
- c) the LA's composite prospectus for parents seeking admission to schools in the area in September 2016;
- d) maps of the area identifying relevant schools;
- e) confirmation of when consultation on the arrangements last took place;
- f) copies of the minutes of the meeting of the LA on 17 March 2015 at which the arrangements were determined;
- g) further communications from the objector and the LA; and
- h) a copy of the determined arrangements.

The Objection

5. The objector states that the objection is to the arrangements of Moss Hey Primary School and that arrangements contravene paragraph 1.14 of the Code which states that "*Catchment areas **must** be designed so that they are reasonable and clearly defined. Catchment areas do not prevent parents who live outside the catchment of a particular school from expressing a preference for the school.*" The objector suggests that the catchment area of his local catchment school, Lane End Primary School, is not fit for purpose and fails to serve the community as there have been more children from the catchment area applying for places than there were places at the school. In addition, the objector considers the priority given to siblings in the oversubscription arrangements is unfair. This relates to the siblings of children who have not been successful in being admitted to their preferred, catchment school and have been allocated a place at an out of catchment area school. He suggests that parents would prefer siblings to attend the same, out of catchment school and the criteria do not provide sufficient priority for this to happen.

Background

6. The school is a LA maintained community primary school for 4 to 11 year olds in the Bramhall district of Stockport. The school has a published admission number (PAN) of 30 for admission to the reception year (YR) in September 2016. The PAN has remained unchanged for many years. The school is regularly oversubscribed with 35 applications for 30 places in September 2015. There are currently 199 children on roll and the capacity is 203.
7. The LA undertook a consultation between 24 November 2014 and 8 February 2015 on proposed changes to other catchment areas in the LA and to specific changes in the oversubscription criteria for the schools in the changed catchment areas. The arrangements for the

school remained the same as in previous years. Following consultation a paper was presented to the LA's executive board on 17 March 2015. At that meeting the arrangements for admission in September 2016 were determined and they were subsequently published as required by the Code.

8. The oversubscription criteria for the school are as follows;
 - a. Children in Care (Looked after children and previously looked after children)
 - b. Children considered to have highly exceptional medical/social reasons
 - c. Children who live in the catchment area of the school and will have a sibling at the school at the time of admission
 - d. Children who live in the catchment area of the school
 - e. Children who live outside the catchment area and will have a sibling at the school at the time of admission
 - f. Any other applicants in order of straight line distance measured between home and the school
 - g. Applications received after the closing date ordered by the criteria detailed at a – g above

Consideration of Factors

9. The objection was presented as an objection to the catchment area of the school. In his reasons for the objection, the objector elaborated on his family's circumstances. I have also considered the compliance of the arrangements in terms of the catchment area and the reasonableness of the oversubscription criteria against the requirement of paragraph 1.8 of the Code which states that "*Oversubscription criteria **must** be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation*".
10. The objector's first child was one of a number of children not admitted to a different school, Lane End Primary School, the local catchment school for the family. These children were allocated places at out of catchment schools in September 2014. The objector provides details of the numbers of children who were not admitted at that time and suggests that this demonstrates that the catchment area of Lane End School was not fit for purpose and failed to serve the community. My jurisdiction is for the arrangements for admission in September 2016 and not those for a different school for 2014. I do not therefore make a judgment about the catchment area of Lane End Primary School.
11. The objector explains that his second daughter will be entering a YR in September 2016 and, in line with a number of other families, he would like his child to go to the same school as her sister. The families live out of the catchment area for this school and the children would have to be admitted under criterion e – children who live outside the catchment area but with a sibling at the school. He considers this unfair and believes that the LA should accommodate the wishes of parents who find themselves in this position by adding an extra criterion before the catchment area criterion d and suggests this criterion should read

“Children who live outside the catchment area of the school and will have a sibling at the school at the time of admission who applied for and were not allocated a place at their own catchment school”. He suggests that in cases like these the allocated school for the first child should have *“effectively become our de-facto catchment school for our family”*. He goes on to explain his family circumstances and concludes that if the children went to different schools it would be *“emotionally, financially and logistically horrible”* for the whole family.

12. The headteacher of the school responded on 19 July 2015 and said that she had every sympathy with the objection, but that the school does not determine its admission arrangements and has to follow the arrangements decided upon by the LA.
13. The LA responded to the objection on 16 July 2015. It provided details of the unsuccessful applications for September 2014 which show that there were 13 unsuccessful applicants for admission to Lane End School and four of those children were admitted to the school. It then shows the allocation of children under criterion e – *“children who live outside the catchment area of the school and will have a sibling at the school at the time of admission”*. The data show that in the last five years (2011 to 2015) all those children in this category have been allocated the school of their choice. The LA goes on to say that an element of choice still exists for families who find their eldest child attending a school other than their catchment area school. The LA states that *“families in this position can be assured that a reasonable expectation exists for gaining a place at their catchment school and /or as a sibling at a non-catchment school.”*
14. The LA contends that the addition of a criterion as suggested by the objector would not be fair. It says that such a criterion would give these families two catchment area schools and two priorities whereas all other families in the LA receive only one catchment school priority. In response to this the objector suggests that if his proposed criterion was put in place then parents would choose to waive their priority in respect of the catchment school.
15. I have considered all the papers provided for me by the objector and the LA. I do not consider there is any evidence to indicate that the catchment area for the school contravenes the Code. I am also of the view that the existing oversubscription criteria are reasonable, clear and objective in line with the Code. The Code does not require any priority to be given to siblings, only that there is a definition as to which children qualify as siblings if there is any priority given to siblings for admission. I am satisfied by the data from the LA which suggest that these families will have a reasonable expectation of gaining a place at the non-catchment school attended by their older children. As I am not persuaded that the criteria for the school are unreasonable they do not contravene the Code and therefore there is no requirement for any amendment. If the LA were to consider amending the arrangements as proposed by the objector there can be no guarantee that the objector's view that all parents would necessarily wish to waive their priority in

respect of the catchment school. I do not uphold the objection.

Conclusion

16. I do not consider that the catchment area for the school contravenes the Code and I have no jurisdiction to consider the catchment area of Lane End Primary School as it applied in 2014. I do not accept that the arrangements for the school contravene the Code in respect of priority for siblings or that they are unreasonable.

Determination

17. 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 Stockport Metropolitan Borough Council for Moss Hey Primary School.

Dated: 26 October 2015

Signed:

Schools Adjudicator: Ann Talboys