



DETERMINATION

Case reference: ADA3133

Objector: A Parent

Admission Authority: The Metropolitan Borough of Trafford for Brooklands Primary School, Sale, Cheshire.

Date of decision: 5 July 2016

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 Metropolitan Borough of Trafford for Brooklands Primary School for September 2017.

I have also considered the arrangements in accordance with section 88I(5) and find there is another matter which does not conform with the requirements relating to admission arrangements in the ways set out in this determination.

By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within one month of the date of the determination.

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 a parent, the objector, about the admission arrangements (the arrangements) for Brooklands Primary School (the school), a community school for pupils ages 3 - 11 years for September 2017. The objection is to the distance measurement system used by the local authority.

Jurisdiction

2. These arrangements were determined under section 88C of the Act by the Metropolitan Borough of Trafford, the local authority (LA), which is the admission authority for the school. The objector submitted her objection to these determined arrangements on 28 April 2016. 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. I have also used my power under section 88I of the Act to consider the arrangements as a whole.

5. The documents I have considered in reaching my decision include:

- a. the objector's form of objection dated 28 April 2016;
- b. the LA's response to the objection and supporting documents;
- c. the LA's composite prospectus for parents seeking admission to schools in the area in September 2016;
- d. a map of the area;
- e. confirmation of when consultation on the arrangements last took place;
- f. copies of the minutes of the meeting of the 25 January 2016 of the LA at which the arrangements were determined;
- g. a copy of the determined arrangements; and
- h. correspondence between the objector's solicitor and the Office of the School's Adjudicator (OSA) in November 2015.

The Objection

5. The objector argues that the system of distance measurement used by the LA does not conform to the Code in that:

- the coordinates used do not represent the same point in each school, leading to unfairness contrary to paragraph 14 and paragraph 12;
- the point of measure of the home is not defined appropriately contrary to paragraph 15(a) which requires that arrangements set out how children will be admitted, including the criteria that will be applied if there are more applications than places;
- it is not clear how distance is measured contrary to paragraph 1.13

6. In addition, without reference to the Code, the objector further argues that this "*inconsistency of measuring points*" leads to "*skewed*" catchment areas. She also contends that the LA may not have consulted in the manner required by the Code.

Other Matters

7. When looking at the admission arrangements sent by the LA I did not see that proper reference was made to children with statements of special educational needs (SEN) or Education and Health Care (EHC) plans as required by paragraph 1.6 of the Code.

Background

8. Brooklands Primary School is a larger than average community primary school for pupils aged 3 to 11 in Sale. The school is in the county of Cheshire but falls within the Trafford education authority area. The objector 's solicitor referred the arrangements for the school for September 2015 to OSA by letter of 1 November 2015 but was advised that the objection was outside the time frame for such objections. A case manager at OSA wrote on 9 November 2015 to the LA drawing attention to the matter of the referral, noting that the LA was consulting on the arrangements for 2017.

9. The objector, having seen the arrangements for 2017 considered that they were not compliant with the Code and made an objection.

10. The oversubscription criteria are, in summary:

- I. Children looked after and previously looked after;
- II. Children who live in the catchment area of the school with a sibling attending;
- III. Children who live in the catchment area of the school;
- IV. Children who live outside the catchment area of the school with a sibling attending;
- V. Other children who live nearest the school.

11. The relevant section of the over subscription criteria within the admission arrangements says, in relation to distance measurement:

“Children who live near nearest to the requested school calculated in a direct straight line from the child’s permanent place of residence to the school. For the home address the distance will be calculated using the property co-ordinates provided from Trafford’s Local Land and Property Gazetteer (BS7666), Royal Mail postal address information may be used in some instances. In the case of a child living in a block of flats, co-ordinates will be obtained in the same way. The co-ordinates used for each school are held in Trafford’s School Admissions and Transfer system and are listed in the Alphabetical List of primary schools contained in Trafford’s Composite Prospectus, published on Trafford’s website under the title “Starting Primary School”.”

Consideration of the Case

Distance measurement

12. The purpose of the Code is to ensure that all places for schools are allocated and offered in an open and fair way. Paragraph 12 says *“In drawing up their admission arrangements, admission authorities **must** ensure that the practices and the criteria used to decide the allocation of school places are fair, clear and objective. Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated.”* Paragraph 1.13 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”*. Paragraph 15 a) says *“All schools **must** have admission arrangements that clearly set out how children will be admitted, including the criteria that will be applied if there are more applications than places at the school”*.

13. With regard to the use of coordinates to indicate a point at the school, the objector argues that the coordinates do not represent *“a consistent fair point”* in each school as the coordinates may be set at different place in each school; they are not for example, always at the main gate, or the head teacher’s office and as a consequence are unfair. Furthermore, as the point is not stated in the admission arrangements she considers the arrangements are not clear as required by the Code.

14. The objector makes similar points with regard to the use of coordinates to define the home point. The physical point at the home from which distance is measured is not known, and may vary; in the objector’s view this makes the arrangements unclear. The objector also argues that the system is itself unclear and difficult for parents to use to calculate the distance from home to school as the ‘seed points’ for each home are not published and the parent has to request them from the LA.

15. The LA acknowledges that the exact points of the coordinates do not represent a named specific point such as the front door of the child’s home or the main gate of the school. They argue that the coordinates are themselves fixed and represent *“an objective point at each separate school that notionally represented an entrance to each school. Although the LA is the admission authority for all community and voluntary controlled schools, each school has its own set of co-ordinates to identify this very exact, and objective point. The point that is used at one school is not connected or relevant to the point used at another school, rather it is relevant to the children applying for a place at a specific school since all applications will be measured to this point.”*

16. The LA also acknowledges the seed point coordinates for each home address are not published. The LA says that as there are approximately 96,000 residential addresses in Trafford, it would not be practical but will supply the coordinates on request. The LA is of the view that even if a parent could calculate exactly the distance from home to school, *“the parent cannot know who else has applied or where they live so they cannot use this measure with any certainty to decide whether or not they might achieve a*

place. However, applicants can be assured that every other applicant will be measured to the same point year on year.”

17. I acknowledge that the science and technology on which this system is based is complex but I do not find that it is necessary for the LA to explain how the technology works in order to be clear as required by the Code. It is clear that the LA uses an objective system of coordinates to measure the distance, and to determine addresses.

18. The LA does not identify the point by name in the school. However, as the same point is used at the school to measure the distance from home of each child, I find this to be fair. The Code does not require that the admission authority specify a physical point, such as a gate or door, nor that it be the same for every school. It uses coordinates, which it may do. The objector says she did not find these on the LA’s website. I did find them within the composite prospectus on the LA’s website as explained by the LA. The composite prospectus is outside of my jurisdiction but I can see that it may be helpful to parents to find them but I do not think it necessary for them to be published in the admission arrangements

19. I find that the LA has set out how distances are to be measured in a manner that conforms to the Code and has defined the point in the school from which distances are measured. I do not uphold this part of the objection.

20. With regard to catchment areas, the objector argues, through her solicitor, that having a point of measure which may not be the centre of the school or the most commonly used entrance may “skew” the catchment area. The LA argues that catchment areas are not concentric circles around the buildings but rather the area of the local school community.

21. The Code at paragraph 1.14 says “*Catchment areas must be designed so that they are reasonable and clearly defined.*” I have considered the catchment area of the school; I cannot see that the point of distance measure is relevant to it. I acknowledge that the point of measure will have an impact on applicants within the catchment area if not all are successful. The objector gave as an example the case where the last successful applicant lived at 0.65 miles from the school and another child lived 0.666 miles from the school and made the point that a different point of measure may have brought about a different result. It is true that different approaches to measurement will lead to different results. It is also true that when priority is based on distance – however it is measured – it is likely that the last child to gain a place will live only a short distance from the first child who does not gain a place. That does not, however, make a particular approach to measurement or a particular catchment area unfair and not in conformity with the Code. I do not uphold this part of the objection.

22. The objector says that she considers that the arrangements were not subject to proper consultation as required by the Code. She says she saw them on “*the Council’s website*” but did not see them in any local paper and wonders “*how much effort does the LA make to reach prospective parents.*” The LA has supplied evidence of consultation, for example copies of emails sent to various parties and a copy of the notice published in a newspaper, to

satisfy me they met the requirement of the Code at paragraph 1.42 “*When changes are proposed to admission arrangements, all admission authorities **must** consult on their admission arrangements*”. I do not uphold this part of the objection.

Other matters

23. I wrote to the LA as I did not see in the admission arrangements the information required about children with a statement of SEN or an EHC plan. The LA wrote back to me to saying that the arrangements do not contain that and it is possibly because the LA was advised in 2007 or 2008 that SEN was not an oversubscription criterion and will “*ensure that this statement is included in the LA’s composite prospectus*”. This is insufficient; such a statement is required by the Code at paragraph 1.6 ‘*All children whose statement of special educational needs (SEN) or Education, Health and Care (EHC) plan names the school **must** be admitted.*’ and should be included with the admission arrangements as soon as possible and within one month of the date of this determination.

Summary

24. The objector argues that the use of a system of coordinates to represent homes and the school in the system of measuring distance does not comply with the Code. I find that the Code does not oblige the LA to name a physical identifying point such as door or gate, nor to use the same point for each school, and that to use fixed coordinates is compliant. I find that the catchment areas comply with the Code and that the LA consulted on the arrangements as required. I do not uphold the objection for these reasons and those outlined in the determination above. When I consider the arrangements as a whole, I find that the LA does not comply with the Code in as it does not include a statement about pupils with SEN and EHC plans.

Determination

25. In accordance with section 88 H94) of the School Standards and Framework Act 1998, I do not uphold uphold the objection to the admission arrangements determined by the Metropolitan Borough of Trafford.

I have also considered the arrangements in accordance with section 88I(5) and find there is another matter which does not conform with the requirements relating to admission arrangements in the ways set out in this determination.

By virtue of section 88K(2) the adjudicator’s decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within one month of the date of the determination.

Dated: 5 July 2016

Signed:

Schools Adjudicator: Miss Jill Pullen