



DETERMINATION

Case reference: ADA2849

Objector: A member of the public

Admission Authority: The governing body of Stamford Welland Academy, Lincolnshire

Date of decision: 9 July 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 the governing body of Stamford Welland Academy, the admission authority for the school, for admissions in September 2016.

The objection

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 a member of the public (the objector), about the admission arrangements (the arrangements) for September 2016, for Stamford Welland Academy (the school), a secondary academy school for students aged 11 to 16 years. The school is situated in Stamford, Lincolnshire. The objection is that distance is not measured from home to a point in the school but to a point in the centre of the town and that this may cause disadvantage to families who live in social housing located close to the school.

Jurisdiction

2. The terms of the academy agreement between the Cambridge Meridian Academies Trust (CMAT) and the Secretary of State for Education require that the admissions policy and the arrangements for the academy school are in accordance with admissions law as it applies to maintained schools. These arrangements were determined by the full governing body of Stamford Welland Academy, which is the admission authority for the school, on 20 April 2015 on that basis.

3. The objector submitted the objection to these arrangements for 2016 on 15 April 2015. Section 88H of the Act allows objections to be made only to determined arrangements and at that date the school had not determined its arrangements for September 2016. The arrangements were determined on 20

April 2015. This is after the deadline for the determination of arrangements for 2016 which was 15 April 2015. However, the arrangements have now been determined and the objection was made before 30 June 2015 which was the deadline for such objections. I am accordingly satisfied that the objection has been properly referred to me in accordance with section 88H of the Act and it is within my jurisdiction.

Procedure

4. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).
5. The documents I have considered in reaching my decision include:
 - the objection dated 15 April 2015 and further comments dated 20 and 24 April and 29 May 2015;
 - the school's response dated 20 April 2015, with maps and supporting documents; and further information provided on 20 May 2015, in response to enquiries made by the OSA;
 - an initial response from Lincolnshire County Council, the local authority for the area, (the LA), dated 17 April 2015 and further responses dated 20 April 2015 and 13 and 26 May 2015;
 - the LA's composite prospectus for transfer to secondary school in 2015;
 - minutes of a meeting of the full governing body held on 17 November 2014 at which proposed changes to the arrangements for admission in 2016 were considered prior to consultation;
 - the Principal's Bulletin, Volume 3, Issue 1 dated 16 January 2015;
 - minutes of the meeting of the full governing body held on 20 April 2015 at which the arrangements for 2016 were determined; and
 - a copy of the determined arrangements for 2016.

The Objection

6. The first point made by the objector is that distance as defined in the school's arrangements is not measured from home to the school and therefore contravenes paragraph 1.13 of the Code which 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.*" Oversubscription criterion C in the school's arrangements states, "*The distance from the child's home address (3) to Red Lion Square, Stamford. This is the historic centre of Stamford. Stamford Welland Academy is the only state secondary school, serving the whole of the community. Two miles radius from this point covers the whole of Stamford. Priority will be given to the child living nearest Red Lion Square, Stamford...*"

7. The second point is that oversubscription criterion C could indirectly discriminate against children who are more likely to be eligible for free school meals. The objector contends that the school is located in the '*least affluent*' area of Stamford, close to a large housing estate formerly of council housing

which now comprises a mix of social housing and owner-occupied housing. Red Lion Square on the other hand is situated 1.1 miles from the school in what the referrer describes as a '*more affluent*' part of Stamford. The objector is concerned that if the school was oversubscribed, then children living in this more affluent area of Stamford would have priority over children living on the estate and this may contravene paragraph 1.8 of the Code which says, "*Admission authorities **must** ensure that their arrangements will not disadvantage unfairly, either directly or indirectly, a child from a particular social or racial group, or a child with a disability or special education needs.*"

Background

8. The school converted to academy status on 1 November 2011 and replaced a former community school, Stamford Queen Eleanor School. It was supported by the CfBT Education Trust.

9. A Deed of Novation and Variation dated 3 October 2014 (the deed) records the transfer of the school to the CMAT multi-academy trust which has assumed responsibility for the management and operation of the school, in succession to CfBT. CMAT entered into a Master Funding Agreement on 30 August 2013 and the original Supplemental Funding Agreement for the school has therefore been transferred from CfBT to CMAT, with admission information detailed in Schedule 2 of the deed. With effect from the transfer date the school's name was changed to the Stamford Welland Academy.

10. The planned capacity of the school is 540 places. There are approximately 400 students in total on roll at the school and it has been significantly undersubscribed each year for several years. The published admission number (PAN) was increased after consultation in 2015 from 108 to 120 in the arrangements for 2016. LA projections of pupil numbers indicate that the school is unlikely to admit up to its PAN in any year up to 2023, the period for which data is currently available. The highest current projections are 98, 97 and 99 year 7 entrants for the years 2021 to 2023 respectively, which would indicate a total roll of 440, 445 and 459 for those years.

11. The town of Stamford is located in the extreme south eastern corner of the county, in the South Kesteven District which borders the LA areas of Rutland and Cambridgeshire. It sits in an area which is predominantly rural and is surrounded by large areas of open farmland. In the 1980's the town and its rural hinterland were served by two secondary schools. Following reorganisation, the area has been served by one school which is located on the site occupied by one of the two schools which previously served the town. The school is situated near to the northern boundary of the town and to the east. Information provided by the LA indicates that the majority of pupils admitted to the school live in the town, although a small number of students are admitted from outlying villages such as Carlby to the north and from the Royal Air Force (RAF) station at Wittering to the south.

12. Prior to the school's conversion from community school to academy, distance for the purpose of priority for admissions was measured by driving distance calculated by Microsoft MapPoint from the post office address of the

home to the school. Following the consultation on a proposal to change to the point from which home to school distance is measured, the governing body introduced a new point in the centre of the town. Oversubscription criterion C now states:

“The distance from the child's home address (3) to Red Lion Square, Stamford. This is the historic centre of Stamford. Stamford Welland Academy is the only state secondary school, serving the whole of the community. Two miles radius from this point covers the whole of Stamford. Priority will be given to the child living nearest Red Lion Square, Stamford, as defined in note 4. If the distance criterion is not sufficient to distinguish between two or more applicants for the last remaining place then a lottery will be drawn by an independent person, not employed by the school or working in Children's Service Directorate at the local authority.”

Consideration of factors

13. The first point made by the objector is that distance will not be measured from home to the school, but from home to Red Lion Square which is 1.1 miles from the school site and this therefore contravenes paragraph 1.13 of the Code.

14. In its response the school says that the only other publicly funded secondary school in the town was closed in the 1980's and a new school was established using the current site which is located near the northernmost point of Stamford and to the east. A major proportion of the area that comprises the northern part of the radial distance from the school is farmland and fields. In response to concerns voiced by parents and members of the community about the school's geographic location and after discussions with the LA, the school proposed a new point from which to measure home to school distance. The new radial area from the centre of Red Lion Square covers the historic catchment areas of both previous secondary schools.

15. The LA said it had not raised an objection to the proposal. *“Although Red Lion Square is not "in the school", to use the words of section 1.13 of the Code we accept the Academy's preference to measure from a point in the centre of the community for the reasons it gives.”* Taking account of the LA's view the governing body issued proposals to change the arrangements for 2016 and launched a consultation on 1 January 2015 which ran for eight weeks. The full proposals in the consultation document stated:

“Stamford Welland Academy proposes that the school admission policy for the academic year 2016-17 (for applications in October-December 2015) is altered to include the following changes:

- *It will increase its published admission number for Year 7 to 120.*
- *It will use a grid reference point in Red Lion Square – the historic centre of Stamford, as the measurement for distance in the distance over-subscription criterion. Stamford Welland Academy is the only state secondary school, serving the whole of the community. Two miles radius from this point covers the whole of Stamford. Priority will be*

- given to the child living nearest to the point in Red Lion Square.*
- *Greater commitment is offered to the children of Armed Forces personnel to meet the government's military covenant and to avoid disadvantage to children of forces personnel and crown servants returning from abroad."*

16. The school provided links to the document which was published on the school's website and separately on a linked website which highlighted that changes were about to be made. It was also published on the LA's admissions service website; and details were provided in the Principal's Bulletin which is circulated to all families, to primary school head teachers, local councillors and the local MP, as well as other local community and business groups. A press release was then prepared and the consultation was covered in an article in the local paper. The head teacher says that the school received many positive verbal comments but only two written responses, one from the objector and one from a representative of the RAF. A meeting was held at the school to discuss the concerns directly with the objector and a written response was made to the second respondent who had acknowledged the greater commitment that would be offered by the school to the children of armed forces personnel and welcomed the positive move to strengthen our existing relationship between the school and RAF Wittering. Both responses were considered by the governing body and a decision was then taken to proceed with the changes. I have examined the process undertaken by the school before it changed the point from which home to school distance is measured and am satisfied that it met the requirements relating to consultation set out in paragraphs 1.43 to 1.45 of the Code.

17. The Code says in paragraph 1.13 that "*Admission authorities **must** clearly set out how distance from home to school will be measured,...*" and it requires admission authorities to consider how 'home' address will be determined and the point in the school from which all distance are measured. Although relatively rare, there are instances where home to school distance is not measured from a point in the school but from a point in the area which takes account of the particular geographic location of the school and thus provides a greater degree of fairness to all families within the local community. In this instance, there is now only one school serving the area whereas there were previously two schools on different sites. This has meant that the previous practice of measuring distance from a point in the school, places families that live in the former catchment of the closed school at a disadvantage. As most of the housing development built since the closure of one school is to the west of the town, the number of such families has increased. Some homes in the new developments are over two and half miles from the school site.

18. Paragraph 1.13 says that schools **must** set out how distance from home to school will be measured. The school has – as the objector rightly says – chosen to measure from home to a point which is not within the school's site. However, it has done so in response to concerns expressed by parents and after a full consultation with the community about the school's location away from the centre of the town. The Code also states in paragraph

1.8 that, “*Oversubscription criteria must be reasonable, clear, objective and procedurally fair.....*” In my opinion the new point, in the centre of the geographic area served by the school introduces procedural fairness for families across the whole town and not just for those living close to the school.

19. In the second point the objector contends that oversubscription criterion C also has the potential to contravene paragraph 1.8 of the Code by indirectly discriminating against children who are more likely to be eligible for free school meals. The objector notes that the school is located close to a large estate which comprises a mix of social housing and owner-occupied ex-council houses, whereas the new point for home to school measurement is Red Lion Square is situated in a more affluent part of Stamford. If the school was oversubscribed, the objector is concerned that children living in the more affluent area of Stamford would have priority over children living on the estate and in receipt of free school meals. The concern relates to the possibility that the school may be oversubscribed in 2016 and may therefore need to apply the oversubscription criteria. In the objector’s words: “*Changing the distance marker from [Stamford Welland Academy] SWA to Red Lion Square is not likely to have any effect on children in Rutland Heights [an area in the west of town] but would have a negative effect on children who live adjacent to SWA. If the new distance marker were accepted, then children living on SWA’s doorstep could find there was no place for them at SWA if the oversubscription criteria were used.*”

20. The LA provided projections of pupil numbers which take account of historic pupil intakes, migration patterns and housing. The projections indicate that the school will have the capacity to admit the projected number of students and is likely to remain significantly undersubscribed for several years, up 2023/24 the last year for which information is available. The LA commented that it had, “*.... never known a Lincolnshire secondary school to have to refuse places within the town where it is located. For this reason I think it unlikely that Welland Academy measuring distance from Red Lion Square as proposed will have any impact, even in an oversubscribed year.*” The head teacher confirmed that only 40 Year 7 students had been admitted in September 2014 with approximately 80 due to be admitted in September 2015. The school is trying to recruit sufficient students to remain viable. From the data that is available it seems unlikely that the school will be oversubscribed for several years. However, whether or not the school is likely to be oversubscribed it must have admission arrangements that are lawful and that do not disadvantage unfairly applicants from a particular social group.

21. Admission authorities must take full account of local circumstances to ensure that no one group of children is placed at an unfair disadvantage. The school’s view is that the estate is by no means large and that the area close to the school also contains more expensive housing. The school maintains that moving the marker does not discriminate against those living in the social housing near to the school, as they live around one mile from the new distance marker. Were the school to become oversubscribed in future years,

the school believes it is unlikely that the oversubscription criteria would have any impact for families living only a mile from the new point.

22. The objector accepts that Stamford is one of Lincolnshire's more affluent towns and is not deprived in the way some coastal towns in the county are deprived but says there are small pockets of deprivation and these are more likely to be in the estate of social housing and ex-council houses adjacent to the school. Two particular roads are mentioned by the objector, Kesteven Road which traces an L-shape thus making exact measurements difficult and Masterton Road to the north of it, and both contain social housing. They are close to the school and will be approximately one mile from the new marker.

23. At the other side of town close to the western boundary, Primrose Way in a more affluent area is also mentioned by the objector. It is nearly two and a half miles from the school and after the change will be approximately two miles from the new point: and thus further from the new measuring point than either Kesteven or Masterton roads. Based on the distance from the new point families who live in social housing in the named roads would retain a higher priority than many other families in the town who live to the east of the two named roads or to the western boundary of the town.

24. The objector's view is that changing the point from which home to school distance is measured is unlikely to affect the preferences expressed by parents who live in the more affluent areas on the western boundary of the town and closer to a school in the neighbouring LA area of Rutland. The implication here is that families in the area to the west of the town that may in the past have stated a first preference for their nearest school in Rutland are unlikely to change their preference because the point of home to school measurement has moved to the centre of the town. If one follows the line of reasoning of the objector, and the preferences of families to the west do not change, then there is unlikely to be any effect on the pattern of admissions to the school. It follows, therefore, that the chances of children living in social housing will not be affected. It is possible that patterns of expressed preferences may change and more families from the western part of the area will express preferences for the school. Even so, it is still unlikely in my opinion that those living in the social housing will be unable to secure a place at the school given the distance they live from the new marker point.

25. The Code explicitly acknowledges the benefits of using distance as an oversubscription criterion. It has the advantage of being clear and objective. As with all oversubscription criteria admission authorities must take account of factors that might unfairly disadvantage one group of children compared to another. I understand the objector's concern about the possible impact of the revised measurement of distance on children who are eligible for free school meals and I need to be satisfied as to the general fairness of the arrangements and to compliance with all the requirements of the Code.

26. In this case, the school has made a change to its oversubscription criteria in response to concerns expressed by parents in the town about the

location of the school which is intended to serve the whole town but which is located in the north eastern area of the town. After fully consulting the community the decision was made to select a location that is central to the whole town. In my opinion this introduces a greater level of fairness to a larger number of families, particularly those who live in the catchment area of the school that closed. If numbers at the school increase to the point where the oversubscription criteria may need to be applied in future years, the new point of measurement will secure fairness for the greatest number of families in the town.

27. It seems likely then that moving the point from which distance is measured to the centre of the town will not cause any particular disadvantage to any one group of children but will instead, in response to parental concerns, demonstrate that the school is intended to serve the whole of the town and its hinterland. I am not therefore persuaded by the arguments of the objector and for these reasons I do not uphold the objection.

Conclusion

28. Having considered the matters raised in the objection, I am not persuaded by the arguments put forward by the objector that paragraphs 1.13 or 1.8 have been contravened. For the reasons given above I therefore do not uphold the objection.

Determination

29. 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 governing body of Stamford Welland Academy, the admission authority for the school, for admissions in September 2016.

Date: 9 July 2015

Signed:

Schools Adjudicator: Mrs Carol Parsons