



DETERMINATION

Case reference:	ADA3059
Objector:	A parent
Admission Authority:	Hampshire County Council for The Wavell School, Farnborough
Date of decision:	11 April 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 Hampshire County Council for The Wavell School, Farnborough.

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 The Wavell School (the school) for September 2017. The school is a community school for children aged 11 to 16 in Farnborough, Hampshire. The objection is to the low priority given in the arrangements to children who live in a part of Surrey which is close to the school.
2. The objector also said she was objecting to the arrangements for September 2016.

Jurisdiction

3. The 2017 arrangements were determined on 20 January 2016 under section 88C of the Act by Hampshire County Council, the local authority (the LA), which is the admission authority for the school. The objector submitted her objection to these determined arrangements on 21 March 2016. As required by regulation 24 of the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012, the objector has provided me with her name and address.
4. I am satisfied the objection to the 2017 arrangements has been properly referred to me in accordance with section 88H of the Act and is within my jurisdiction.

5. The deadline for submitting objections to the 2016 arrangements was 30 June 2015. I am not therefore able to consider an objection to those arrangements.

Procedure

6. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).
7. The documents I have considered in reaching my decision include:
 - a. the objector's form of objection dated 21 March 2016 and revised form of objection dated 29 March 2016;
 - b. the school's response to the objection;
 - c. the LA's response to the objection and supporting documents;
 - 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 at which the arrangements were determined; and
 - g. a copy of the determined arrangements.

The Objection

5. On the first objection form submitted the objector referred to a previous version of the School Admissions Code (the Code). I asked the objector to clarify the objection so it was clear which parts of the current Code the objector considered were not being complied with. The objector did so on a second objection form.
6. The objector said that the use of the county border as the eastern boundary of the catchment area and the inclusion of feeder schools in the oversubscription criteria led to children living in part of Surrey, having lower priority for places than those living a greater distance from the school at addresses in Hampshire. The objector considered that this was neither fair nor objective and so did not comply with paragraph 14 of the Code.

Background

7. The school opened in 1970 and is a designated technology college; it also has specialist provision for children with special educational needs. The school is situated in the south of Farnborough, close to the airport.
8. The school has a published admission number (PAN) of 200. Its oversubscription criteria can be summarised as:

1. Looked after and previously looked after children.
 2. Children with a serious medical, physical or psychological condition which makes it essential they attend the school.
 3. Children living in the catchment area who have a sibling at the school.
 4. Other children living in the catchment area.
 5. Children living outside the catchment area who have a sibling at the school.
 6. Children living outside the catchment area who attend one of four named feeder schools.
 7. Children of staff at the school.
 8. Other children.
9. There are clear definitions of the terms used in the arrangements and a catchment area map is available on both the school's and LA's websites. Distance from the school, followed by a ballot is used as a tie-breaker. For applicants living outside the catchment area, distances are measured not to the school, but to the catchment area boundary.
10. For September 2016 there were 244 first preferences for the school. Following discussion between the school and the LA, it was agreed to offer 214 places which meant that all applicants meeting criterion six or higher were offered places.

Consideration of Factors

11. On the objection form the objector referred to Paragraph 14 of the Code which 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.*" The objector said "*I accept that The Wavell has clearly stated how places will be allocated in the case of over being subscribed, [sic] **however**, that is based on flawed/illegal criteria as places are not allocated in a fair and objective way.*" The objector went on to explain why she considered the arrangements to be unfair.
12. The first part of the objector's argument was that part of the catchment area boundary follows the county border and this meant that children living in Ash Vale in Surrey do not obtain places at the school even though they live closer to the school than people who are allocated places. The objector specifically referred to the sixth oversubscription criterion, which is attendance at a named feeder school leading to children living more than 2.6 miles from the school being offered places when a child living 1.2 miles from the school and outside the catchment

area was not. The objector said "*Whilst, I do not think that everyone has the automatic right to attend their nearest secondary school, surely we legally have the right to be treated fairly for the chance to attend our nearest secondary school.*"

13. The objector went on to note that while there are four schools named as feeder schools in the arrangements, the school's website lists other schools as "*partner schools*", one of which, Holly Lodge Primary School, is in Surrey and serves Ash Vale. The objector said that children from Holly Lodge had been involved in maths, literacy and sporting events at The Wavell School. The objector said that one of the feeder schools, which she says is farther away from The Wavell School, St Peter's Church of England Primary School, serves a more affluent area than Ash Vale.
14. The objector maintains that it is unreasonable for a child not to be able to attend their closest school while children from farther away are offered places. She goes on to quote the school's website where it says the school serves "*the civilian and military communities of North Camp, Farnborough, Aldershot and Surrey borders*". The objector then says the catchment area makes it "*very difficult if not impossible to get in [for people outside the catchment area].*"
15. In the final part of her argument, the objector says that people living in Hampshire "*get a better deal*" because Surrey schools do not use catchment areas with, after non-geographic criteria, places being allocated on distance alone.
16. The school said that as it was a community school, the LA was its admission authority and therefore it would leave the LA to comment on the objection.
17. In its response the LA said that it "*operates catchment areas for all of its community and voluntary controlled schools to ensure that each school serves its local community.*" It said that catchment areas of secondary schools are usually an aggregation of linked primary school catchment areas. The LA continued to say it uses catchment areas as a planning tool to ensure there are sufficient places for children living in its administrative area; therefore catchment areas often align with part of the county border.
18. The LA drew my attention to the inclusion of Talavera Junior School in Aldershot among the named feeder schools. This school is not within The Wavell School's catchment area. The LA has included Talavera Junior School as a feeder school because the secondary school whose catchment area it is in would not be able to accommodate all children from its catchment area if they all applied for places there. The LA explained that together with the measurement of distance from children's homes to the catchment boundary, this gives children from the military community which Talavera Junior School serves priority for a secondary school that also serves a military community.
19. The LA drew a distinction between the four schools which it as the

admission authority includes as feeder schools and those listed on the school's website as partner schools which the school works with as a technology college.

20. Paragraph 1.14 the Code permits the use of a catchment area as an oversubscription criterion. It says "*Catchment areas must be designed so that they are reasonable and clearly defined.*" Footnote 23 to this paragraph in the Code must also be considered in this case, it notes "*R v Greenwich London Borough Council, ex parte John Ball Primary School (1989) 88 LGR 589 [1990] Fam Law 469 held that pupils should not be discriminated against in relation to admission to the school simply because they reside outside the local authority area in which the school is situated. Section 86(8) of the SSFA 1998 places an equal duty on local authorities to comply with parental preference in respect of parents living within and outside their boundary.*"
21. I have noted that the northern boundary of the catchment area follows a railway line and the western boundary follows a main road until it reaches the airport, then it passes through the airport; the southern boundary runs through a military base. The Ordnance Survey map shows that the eastern catchment area boundary, the one questioned by the objector, deviates from the county border in places. These deviations are small and do not include any residential areas. More significantly, both the catchment area boundary and the county border run through a corridor which includes the A331 dual carriageway, the River Blackwater, a number of lakes and a railway line. While the LA may justify the use of the county boundary on the basis of meeting its duty to provide sufficient places for children living within its area, these physical features appear to me also to justify the course of the catchment area boundary and meet the requirements of paragraph 1.14 and its footnote.
22. I have, however, noted that Ash Vale is sandwiched between the transport corridor, described above, to its west and the Basingstoke Canal and a firing range to its east. The Wavell School is the closest secondary school to Ash Vale. This has led me to consider whether the location of other secondary schools in the area leads to it being unreasonable and unfair that the catchment area for the school does not include Ash Vale.
23. The Department for Education (DfE) database called Edubase lists five secondary schools, including The Wavell School, within a three mile radius of the objector's postcode. Three are in Hampshire and two are in Surrey, they are a mix of community, foundation and academy schools. Considering the location of these schools on an Ordnance Survey map I do not consider it unreasonable for children of secondary school age to travel to any of them from Ash Vale. While it might be, as the objector says, easier for children to walk or cycle to the Wavell School than the others, children from Ash Vale are not faced with an unreasonably difficult alternative.
24. I am satisfied that the boundary of the catchment area complies with

paragraph 1.14 of the Code and does not unfairly discriminate against children from Ash Vale.

25. The use of feeder schools as an oversubscription criterion is permitted by paragraph 1.15 of the Code. This says "*The selection of a feeder school or schools as an oversubscription criterion **must** be transparent and made on reasonable grounds.*"
26. It is unfortunate that one part of the admissions section on the school's website does not distinguish between its feeder schools and other partner schools. This could give parents an incorrect impression although the admissions arrangements themselves on the school's website are clear on which four schools are included as feeder schools in the oversubscription criteria.
27. In its response the LA explained that it consults on all community school admission arrangements every year. The LA also set out the rationale behind the inclusion of a feeder school which was not situated within the secondary school catchment area. I consider this to be transparent and reasonable.
28. I have also considered the objector's assertion that one of the feeder schools, St Peter's Church of England Primary School, serves a more affluent area than Ash Vale. The DfE performance tables show that at St Peter's 11.1 per cent of pupils were eligible for free school meals at any time during the past six years, while at Holly Vale Primary School, which serves Ash Vale, the figure was 9.1 per cent. From this I conclude there is little difference in the relative affluence of the areas served by the two schools.
29. I am satisfied that each of the oversubscription criteria set by the LA for the school complies with the requirements of the Code. Oversubscription criteria are intended to discriminate between applicants for places at a school, but paragraph 14 of the Code requires they do fairly.
30. While it might be easiest for children from the Ash Vale area to attend the nearest secondary school, there are four other secondary schools within a reasonable distance of Ash Vale. When a school is oversubscribed, some applicants will be disappointed. There can be no guarantee of a place at the nearest secondary school and the LA has given sound reasons for adopting the arrangements it has chosen for The Wavell School.

Conclusion

31. For the reasons set out above I do not uphold the 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 admission arrangements determined by Hampshire County Council for The

Wavell School, Farnborough.

Dated: 11 April 2016

Signed:

Schools Adjudicator: Phil Whiffing