



Office of
the Schools
Adjudicator

DETERMINATION

Case reference: ADA3282

Objector: Hampshire County Council

Admission Authority: Bohunt Education Trust

Date of decision: 7 July 2017

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements for September 2018 determined by Bohunt Education Trust for Bohunt School, Liphook, Hampshire.

By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The Trust has already revised the arrangements. At the time of completing this determination, the revised arrangements had not been published on the school's website and this now needs to be done.

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 representative of Hampshire County Council, (the objector), about the admission arrangements (the arrangements) for Bohunt School (the school), an academy school for 11 to 16 year olds for September 2018. The objection is to the accuracy of the map showing the catchment area which was published as part of the school's admission arrangements and to the consultation carried out by the school before it determined its arrangements for 2018.

Jurisdiction

2. The terms of the Academy agreement between the academy trust and the Secretary of State for Education require that the admissions policy and arrangements for the academy school are in accordance with admissions law as it applies to maintained schools. These arrangements were determined by the academy trust on 18 October 2016 on that basis. The objector submitted her objection to these

determined arrangements on 3 May 2017. 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 3 May 2017 and supporting documents;
 - b. the Trust's response to the objection and supporting documents;
 - c. the local authority's composite prospectus for parents seeking admission to schools in the area in September 2017;
 - d. maps of the area identifying relevant catchment and parish boundaries;
 - e. confirmation of when consultation on the arrangements last took place;
 - f. copies of the minutes of the meeting at which the Trust board determined the arrangements; and
 - g. a copy of the determined arrangements for 2017 and 2018.

I have also taken account of information received during a meeting I convened on 28 June 2017 at the school. Representing the school at the meeting were the Headteacher/Chief Executive Officer of the Trust and the head of school and representing the local authority (the objector) were the Principal Admissions Officer and the Head of Transport Information

The Objection

5. The objection says that as the school has changed its catchment area boundaries between the arrangements for 2017 and 2018 it should have consulted on these changes in line with paragraphs 1.42 to 1.45 of the Code. The consultation which did take place did not include reference to the change in catchment area and the objector says this contravenes paragraph 1.42 of the Code which states that "*When changes are proposed to admission arrangements, all admission authorities must consult on their admission arrangements that will apply for admission applications the following school year*".

Background and Consideration of Case

6. The school is in the village of Liphook in Hampshire. It is a popular school which has been oversubscribed each year for a number of

years. The school's admission arrangements have historically included a catchment area. In the arrangements for admission up to September 2017, the arrangements included the following description of the catchment area: "*Children living within the school's designated catchment area (the parishes of Bramshott and Liphook, Liss, Hawkleay, Grayshott and Greatham)*". The arrangements also included – and continue to include - a map of the catchment area.

7. The September 2017 arrangements' oversubscription criteria can be summarised as follows:
 - 1) Looked after and previously looked after children
 - 2) Children with significant medical or psychological conditions
 - 3) Children of staff
 - 4) Children living with the school's designated catchment area (parishes of Bramshott and Liphook, Liss, Hawkleay, Grayshott and Greatham) with a higher priority within this category for children with siblings at the school followed by those at a named linked school
 - 5) Children living outside the school's designated catchment area.
8. The school consulted on changes to the admission arrangements for September 2018 and the oversubscription criteria can be summarised as follows:
 - 1) Looked after and previously looked after children
 - 2) Children with exceptional medical and social needs
 - 3) Children of staff
 - 4) Siblings of children living within catchment
 - 5) Children living within catchment and attending a named linked school
 - 6) Children living within catchment
 - 7) Children living out of catchment.
9. As can be seen, the 2018 arrangements did not include the description of the catchment area referring to parishes, but the same map was retained.
10. In June 2016 a Hampshire resident asked the local authority if his property was within the school's catchment area. The property was within the parish boundary of Bramshott and Liphook but outside the boundary of the catchment area shown on the map held by the local authority and the map on the school's website. The local authority

believed the residence to be within the school's catchment area but realised, at that point, that there was a discrepancy between the maps (both its own and that on the school's website) and the description in the arrangements. This was because the maps did not cover the whole of the parish of Bramshott and Liphook as listed in the description of the catchment area in the arrangements. Until recently, the area "missing" from the maps had been without properties for many years; it adjoins a golf course, and includes a Ministry of Defence prohibited area and a main trunk road. The local authority believes that the discrepancy arose by error and occurred when the catchment maps were redrawn many years ago and converted from hand drawing to electronic drawing. The local authority was concerned that the "missing" area identified might be considered not to fall into any primary or secondary school catchment area (although at that time it was included in the list of parishes). As school planning for the county is based on catchment areas, the local authority re-drew its own map to follow the boundary lines of the parish maps, so including the whole of the parish of Bramshott and Liphook. The local authority alerted the school to what it had learned and done and requested that the map within the school's admissions arrangements be amended.

11. The school's map was not amended and the local authority failed to follow up the request for amendment. When the 2017 application round identified two applicants for the school who were resident in the small area which was still not included in the school's map there was further correspondence between the school and the local authority. The school maintained that the catchment area had been in place for many years and it was reluctant to change it citing the intention to remove the description of the catchment areas as comprising the parishes of Bramshott and Liphook, Liss, Hawkley, Grayshott and Greatham from its arrangements for 2018. The result of this would, of course, be that the only definition of the catchment would be what was shown on the map. The local authority considered this to be a change in the catchment area and objected to the Office of the Schools Adjudicator (OSA) that this change had not been included in the consultation when the school had changed other elements of the arrangements.
12. The school's response was that the catchment area had remained the same for many years and that for the September 2018 arrangements there was no reference to parish boundaries. The school said therefore that the catchment area had not changed and accordingly did not require mention in the consultation process. I agree with the local authority that if the map had been amended as suggested in 2016 then a return to the original map in the 2018 arrangements would have constituted a change in catchment area.
13. I have carefully studied the arrangements for 2017 and 2018. The map which appears on the school's website is part of the arrangements. So too is the written description of the catchment area which applied up until 2017. Each element of the arrangements must conform with the Code. It is also important for admission arrangements to be internally

consistent. If they are not, then arrangements are likely to be unclear. I have studied a map of the Parish of Bramshott and Liphook and it is clear that a small area of land which is within the parish boundary is not covered by the catchment area map on the school's website and – historically – on the local authority's website. The 2017 arrangements state in the text that the area is covered by the catchment area but the area is not covered on the accompanying map and this means that the arrangements are not clear. This contravenes paragraph 14 of the Code which states that *"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."* If the school's map had been amended when the discrepancy between the map and the description of the catchment as comprising the parishes was first recognised then the map would have been aligned with the area described in the arrangements. Against this background I have considered the question of whether the consultation on the 2018 arrangements met the requirements of the Code.

14. The school consulted on new arrangements for September 2018. These new arrangements included an additional feeder primary school and the removal of the description of the catchment area which referenced the parishes and their boundaries. The consultation made no reference to the catchment area. I am of the view that, for the 2017 arrangements, a parent would understand that living within the boundaries of the parishes listed within the arrangements meant living within the school's catchment area. The assumption would be that the map also covered the same area. The fact that the map did not tally with the written description does not alter my view. It is quite likely that a parent would see the list of parishes first and would have no cause to check this against the map. In my view, the whole of the areas of the parishes described in the arrangements up to and including 2017 constituted the catchment area, including the area not included in the map. Looking then at the consultation on the 2018 arrangements and with no mention in the consultation process of changing the catchment area, a parent might reasonably assume that the boundaries had remained the same. The map put forward in the 2018 arrangements is the same as that in the 2017 arrangements and does not cover the whole of the parish of Bramshott and Liphook. The local authority considers that the disputed area is the only area in Hampshire which does not fall within any secondary catchment area. Up until 2017 that area was part of the school's catchment by virtue of the description in the arrangements. I agree with the local authority that the school changed its catchment area and I also agree with the local authority that the school's consultation failed to refer to this change. The consultation stated that the only change being made to the arrangements was to add a further linked school. That was not the case and I consider that the consultation was misleading and did not satisfy the requirements of the Code. I therefore uphold the objection.

15. The school and the local authority agreed at the meeting that the school's map in the 2017 arrangements did not accurately reflect the catchment area. The question then arises as to whether the 2018 arrangements as determined are fair because they mean that a small part of Hampshire does not fall within the catchment for any secondary school and is alone in the county in this circumstance. In the event, I have not had to make a determination on this point. That is because following discussion at the meeting on 28 June 2017 the school agreed to amend the map in line with the parish boundaries. This is welcomed. The map was amended within days of the meeting and I have received a copy of the amended map. The school was able to do this without consultation or discussion under paragraph 3.6 of the Code which states that *"Once admission arrangements have been determined for a particular school year, they cannot be revised by the admission authority unless such a revision is necessary to give effect to a mandatory requirement of this Code, admissions law, a determination of the Adjudicator or any misprint in the admission arrangements."*
16. I am satisfied that the amended arrangements now conform with the Code. At the date of completing this determination, the revised arrangements are not yet published on the school website and this requires urgent attention.

Summary of Findings

17. A discrepancy between the map showing the school's catchment area and the description of that area by reference to parishes was identified by the local authority in 2016 and the school was alerted to this. The school did not amend the map and allowed it to be brought forward without change from the 2017 to the 2018 admission arrangements. The removal of reference to the parish boundaries in the arrangements for 2018 along with the incorrect map constituted a change in catchment area. The school did not consult on this change in accordance with the Code. Following a meeting with the school and the local authority the school amended the map so that it accurately reflected the description of the catchment area in the 2017 arrangements. This correct map is now part of the 2018 arrangements. I therefore uphold the objection and am grateful for the school's rapid amendments. The arrangements conform with the Code and the school is now required to publish these on the school's website.

Determination

18. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements for September 2018 determined by Bohunt Education Trust for Bohunt School, Liphook, Hampshire.

19. By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The Trust has already revised the arrangements, at the time of completing this determination, the revised arrangements had not been published on the school's website and this now needs to be done.

Dated: 7 July 2017

Signed:

Schools Adjudicator: Ann Talboys