



## **DETERMINATION**

**Case reference:** ADA3321

**Objector:** A parent

**Admission Authority:** Stockport Metropolitan Borough Council for All Saints Church of England Primary School in Marple, Stockport

**Date of decision:** 25 August 2017

### **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 for September 2018 determined by Stockport Metropolitan Borough Council for All Saints Church of England Primary School in Marple, Stockport.**

### **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 about the admission arrangements for September 2018 (the arrangements) for All Saints Church of England Primary School, a voluntary controlled school for children aged between 4 and 11 years. The objection is that the catchment area is unreasonable and that it is not clearly defined.
2. The parties to the objection are:
  - a. the governing body of All Saints Church of England Primary School (the school);
  - b. the parent who has made the objection (the objector);
  - c. Stockport Metropolitan Borough Council which is the admission authority for the school and the local authority for the area in which the school is situated (the local authority); and
  - d. the Diocese of Chester which is the faith body for the school (the diocese).

The determination refers also to Rose Hill Primary School which is a nearby school to All Saints.

### **Jurisdiction**

3. These arrangements were determined under section 88C of the Act by the local authority as the admission authority for the school. The

objector submitted his objection to these determined arrangements on 15 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**

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:
  - a. the objector's form of objection dated 15 May 2017, supporting documentation and subsequent correspondence;
  - b. the local authority's responses to the objection and my questions, and information on the local authority's website;
  - c. the response of the diocese to the objection;
  - d. the local authority's composite prospectus for parents seeking admission to schools in the area in September 2017;
  - e. maps of the area identifying relevant schools, their catchment areas and the home locations of children admitted to the school and Rose Hill Primary School;
  - f. the Department for Education statutory guidance for local authorities, *Home to school travel and transport guidance* published July 2014 (the guidance);
  - g. extracts from the minutes of the meeting at which the arrangements were determined; and
  - h. a copy of the determined arrangements.

### **The Objection**

6. The objection is that the catchment area is unreasonable and therefore does not comply with paragraphs 1.8 and 1.14 of the Code which respectively require oversubscription criteria and catchment areas to be reasonable. The objector says the catchment area is unreasonable because:
  - a. the catchment area boundary does not include children who live about 240 metres from the school (so in easy walking distance) as these children are in the catchment area of Rose Hill Primary School that is over a kilometre from their homes by a difficult route and the parents driving their children to Rose Hill Primary School are creating traffic congestion there;
  - b. some children who are in the catchment area of the school have to walk past the homes of those who live in the catchment area of Rose Hill Primary School in order to reach the school and this does not seem reasonable;

- c. there is no reason, such as being oversubscribed, for the catchment area for the school not to include the street in which the objector lives;
  - d. children who live in the same street and could socialise are in the catchment areas of different schools without good reason;
  - e. it would be better for the community if the children who live close to each other went to the same school; and
  - f. the local authority unfairly constrains the conditions in which it will review a catchment area.
7. The objector further said that the catchment area is not clearly defined. Paragraph 1.14 of the Code requires catchment areas to be clearly defined.

## **Background**

8. The school is in the small town of Marple which is in the local authority area of Stockport. There are two primary schools in the town; both have been judged as good by Ofsted. The school has a published admission number (PAN) of 30 for those who will be admitted to reception in September 2018. The other primary school, Rose Hill Primary School, has a PAN of 75. The local authority has told me that the school's site means that it cannot expand but that Rose Hill Primary School has been expanded to meet recent increases in need for places locally and could be expanded further. The school is located in the area of the Diocese of Chester.
9. The local authority determined the oversubscription criteria in the arrangements as, in summary:
- A. Looked after children and previously looked after children.
  - B. Children with 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 of the school and will have a sibling at the school at the time of admission.
  - F. Any other applicants in order of straight line distance.
10. The arrangements give high priority to those living within the catchment area. The local authority says on its website, "*Every address in Stockport falls within the catchment area of one primary and one secondary school.*" The admission page on the local authority's website provides a facility by which it is possible to find out in which catchment area a house is located by entering the postcode. The maps of the catchment areas for the primary schools are only available on the maps for the secondary school catchment areas and are not clearly indicated as such. The arrangements for 2018 were on the local authority's website under a tab called 'determination notice' and so published but not easily found.

## **Consideration of Case**

11. Paragraph 1.10 of the Code says, *“This Code does not give a definitive list of acceptable oversubscription criteria. It is for admission authorities to decide which criteria would be most suitable to the school according to the local circumstances.”* I start with this because the objection in this case in effect puts forward an alternative catchment area for the school. However, it is not for me to decide the optimum catchment area or the best other oversubscription criteria for the school. My role is to consider whether the arrangements determined by the admission authority comply with the requirements relating to admissions as set out in legislation and the Code.
12. Paragraph 1.8 of the Code says, *“Oversubscription criteria **must** be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation.”* The Code permits the use of catchment areas in oversubscription criteria and paragraph 1.14 of the Code says, *“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.”*
13. The local authority said to the objector in correspondence dated 21 October 2016 that *“Changes are made to catchment areas in the following circumstances*
- *School closure – catchment area dispersed*
  - *School opens or is extended – catchment area expanded or created*
  - *When the number of residents living within a catchment area far exceeds the places available at the school and the school cannot be expanded.”* The objector said that this approach, *“leads to unfairness and amounts to a refusal to consider other relevant considerations.”*

The requirements as to consultation are set out in the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) 2012 (the Regulations) and the Code. Subject to these requirements it is for the admission authority to decide when to consult and on what basis. There is no requirement for the local authority to review its arrangements except to consult at least once every seven years as required by the Regulations and by paragraph 1.42 of the Code. The local authority consulted on its arrangements for admissions in 2018 in 2016 and this would have been the opportunity for anyone with concerns on any aspect of the arrangements to raise them. I do not uphold this aspect of the objection.

14. The arrangements prioritise those who live in the catchment area over those who do not. The local authority provided me with a map that shows the home locations of the children currently attending the school and Rose Hill Primary School. The catchment areas for the two schools border each other and the catchment areas for schools in surrounding villages and towns. The map shows that there has been considerable movement across the catchment area boundaries with children living in both catchment areas attending schools outside of their catchment area. The local authority has explained, as above, that

every child will have a high priority for at least one school as they will live within its catchment area, but, of course, parents can state preferences for other schools.

15. Oversubscription criteria apply, by definition, when there are more applications than there are places available at a school. In this instance, the objector has been clear that he is making this objection so that his children have a better chance of being admitted to the school when of an age to apply for a place. He wants his address to be in the catchment area for the school. The particular situation of his children is not within my jurisdiction but I will consider the case made by the objector that the arrangements are unreasonable and the catchment area is not clearly defined.
16. The objector's primary argument for the catchment area being unreasonable is that the objector's home is about 0.2 miles from the school but about 0.6 miles from the catchment area school, Rose Hill Primary School. He points out that the school is about 0.15 miles from the catchment area boundary and argues that the catchment area should be extended to include his road as that would be a reasonable walking distance from his home. In contrast he describes the walking route to Rose Hill Primary School as "*down a narrow road heavily lined with parked cars (the one-way part of Church Lane as it leaves Stockport Road) and across two main roads (Hibbert Lane and the very busy and congested Stockport Road).*" He says that the children from his road are more likely to be driven to Rose Hill Primary School and that this is undesirable for health and environmental reasons and including his road would help meet the core objectives of the local authority's transport plan and reduce traffic congestion at Rose Hill Primary School.
17. In its response to the objection the local authority commented that the distances to both schools "*fall within the tolerances considered as reasonable by this LA (local authority) and many other LAs who refer to the Home to School Statutory Guidance (July 2014) which states the statutory walking distance for a child under the age of 8 to be 2 miles.*" It is my view that the distances concerned are not sufficient to render the catchment area unreasonable. It is certainly desirable that children can walk to school but other factors, as explored below, need to be taken into consideration.
18. The detailed response provided to me by the local authority demonstrates that it has considered the possible journeys to schools and judged some routes as unsafe or unreasonable; this has implications for the design of the catchment areas. The local authority has to take all children into account when determining its arrangements and I will discuss this further below.
19. The local authority said, "*Catchment area boundaries are inherently discriminatory, a boundary must always exist and someone will always live on the wrong side of it. In many cases school sites existed before*

*catchment areas were implemented as a means of priority and as such do not form simple geometric shapes a set distance away from the school. A catchment area must give consideration to the size of the school it represents, the distance the boundaries exist from the school, geographic features and infrastructure present.”* These points provide a working description of factors to be considered when defining a catchment area.

20. The local authority's response also provided considerable detail on some of the matters the objector has raised. The local authority described, with examples, what it termed as the '*fine balance*' between the capacity of schools; the potential number of children of school age living in a catchment area; and safe and reasonable routes to schools when it decides catchment areas.
21. No admission arrangements can guarantee the admission of any child but the design of a catchment area for a primary school would usually give a child who lives in the catchment area, and puts the school as a first preference, a good chance of being offered a place at the school. Matters such as faith based criteria for a school with a religious character will have an effect, but this is not the case here as while the school has a religious character it does not have faith based admission arrangements. The number of people seeking a place at a school will vary over time: schools can become more popular or less popular; the demography of an area can change so that more or fewer families with school age children are resident there; and new houses built. This means it is not possible for a catchment area consistently to match exactly the population as preferences and numbers change. There is also the need, for example, to admit children with education health and care plans that name the school or to give the highest priority to looked after and previously looked after children wherever they may live. It is important that catchment areas are kept under review. Unless some particular circumstances apply, as noted above, a school catchment area which usually has more children living in that area and seeking places at the school than it can accommodate will be unlikely to be able to serve the whole of its catchment satisfactorily.
22. The majority of the children who attend the school live to the south of the school and they will live further from both schools than a person who lives near to the objector. This can lead, as pointed out by the objector, to children travelling past his house, which is in the catchment area of Rose Hill Primary School, to get to the school. This may appear odd at first glance but there is nothing intrinsically unreasonable in this when catchment areas are defined, as here, to give a priority to every child for a school within a reasonable walking distance from his or her home. A change to a catchment area which may benefit one group of families may mean that others face a much longer journey to an alternative school.
23. The local authority said that in this instance the catchment area has to include properties some distance to the south of the school and the

town as they have no reasonable walking route to any other school. The objector raised the possibility of two schools outside of Marple as alternatives for those children living to the far south of the school so that the boundary on the west edge of the catchment area can move to include his street. One school the objector suggested is Hague Bar Primary School in the local authority area of Derbyshire. It is my view that it is reasonable for the local authority to define its catchment areas so that any child living within the local authority's area has a priority for at least one school within the local authority's area. This would exclude Hague Bar Primary School which is the area of another local authority.

24. The other school is High Lane Primary School in the village of High Lane. The local authority told me that the only safe walking route to High Lanes Primary School, as opposed to the direct route, is more than two miles for those living in the south of the catchment area. The objector has argued that, as the distance to All Saints from one of these houses is a minimum of 1.2 miles, these children are unlikely to walk to the school anyway so this is irrelevant. I refer again to the statutory guidance issued by the Department for Education, *Home to school travel and transport guidance*. The guidance sets two miles as reasonable distance for a child under eight years of age to walk to school on a safe route; these families could chose to walk to school. I am satisfied that there are good reasons why those who live to the south of the school and the town are not in the catchments areas of other schools.
25. The objector pointed out that his street has a proportion of houses that are unlikely to have children living in them as they are sheltered apartments for the elderly and other properties unlikely to contain children. He said that it would cause little additional pressure on places to include his street in the catchment area for the school as data published by the local authority showed that all those who lived in the catchment area and seven who lived outside were admitted to the school in September 2016. Table one below shows the numbers admitted to the school in 2015 and 2016 and allocated places for 2017. This gives an indication of demand for the school. Demand will vary from year to year but in these years all children who applied to the school from its catchment area were allocated places.

Table one: admissions to the school from within and outside its catchment area

|                    |                    |                                     |                             |
|--------------------|--------------------|-------------------------------------|-----------------------------|
| School's PAN<br>30 | Number<br>admitted | Number admitted<br>from outside the | Number in<br>catchment area |
|--------------------|--------------------|-------------------------------------|-----------------------------|

| Year                         |    | catchment area including siblings | on waiting list |
|------------------------------|----|-----------------------------------|-----------------|
| 2015                         | 31 | 4                                 | 0               |
| 2016                         | 30 | 6                                 | 0               |
| 2017<br>(as at 21 June 2017) | 30 | 0                                 | 0               |

26. The local authority has estimated that the inclusion of the objector's street into the catchment area would probably increase the number of children living within the catchment area by about two or three for each year of admission. In 2017 this could have led to insufficient places for those who lived in the catchment area as all 30 places allocated were from within the catchment area. An additional two places would have made the number of places at the school insufficient to meet demand from within the catchment area. The local authority commented that, *"the impact from the inclusion of these properties would have resulted in applicants living further away being unsuccessful – applicants who do not have a priority for a different school and who the local authority consider it unreasonable to travel to an alternative school."* In effect, in 2017 the inclusion of the road in which the objector lives into the catchment area could well have led to other children having a much more unreasonable journey to another school. It is therefore fairer to give these other children a higher priority for a place at the school even though some children live closer.

27. I have not seen any evidence relating to distance, journeys to school or numbers of children which has led me to judge the catchment area unreasonable. The local authority provided me with rational reasons for the current borders of the catchment area. Other factors that the objector raised were that it is better that children who live near each other to attend the same school for social activities and the benefits to the community. He has also argued that changing the catchment area could reduce traffic congestion at Rose Hill Primary School. These are worthwhile matters but insufficient to render unreasonable the existing catchment area. I do not uphold this part of the objection.

28. Another aspect of the objection was that the catchment area was not clearly defined. This is based on a letter the local authority sent to the objector dated 21 October 2016 as the objector had asked questions about the catchment area. In the letter the local authority provided further detail on the design of the catchment area in the street in which the objector lives. The objector does not think that the information was provided was accurate. I have studied the maps and the information provided and I have assured myself that the catchment area is clearly defined. I do not uphold this part of the objection.

### Summary of findings

29. The objector said that the catchment area was unreasonable and not



clearly defined. The local authority's explanations for the design of the catchment area have led me to judge that the area is reasonable. I have seen no evidence that the catchment area is not clearly defined. I do not uphold the objection.

### **Determination**

30. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements for September 2018 determined by Stockport Metropolitan Borough Council for All Saints Church of England Primary School in Marple, Stockport.

Dated: 25 August 2017

Signed:

Schools Adjudicator: Deborah Pritchard