



DETERMINATION

Case reference: ADA3432

Objectors: A parent

Admission Authority: The Academy Trust for Esher Church of England High School

Date of decision: 23 July 2018

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 2019 determined by the academy trust for Esher Church of England High School, Surrey.

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 September 2019 for Esher Church of England High School (the school), an academy school established within the Esher Learning Trust. The school provides for pupils aged 11 to 16. The objection is to the school's catchment area.
2. The school is located in Surrey and the local authority (LA) for the area is Surrey County Council. The parties in this objection are the school governing body, the objector, the local authority and the Diocese of Guildford (the diocese) which is the religious authority for the school.

Jurisdiction

3. 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, which is the admission authority for the school, on that basis. The objector submitted the objection to these determined arrangements on 15 May 2018. The objector asked to have his or her identity withheld from the other parties to the case but, as required by Regulation 24 of the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012, has provided his or her name and address to me. 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 2018;
 - b. the school's response to the objection;
 - c. the local authority's response to the objection;
 - d. comments from the Diocese of Guildford on the objection;
 - e. the local authority's composite prospectus for parents seeking admission to schools in the area in September 2018,
 - f. a map of the area identifying relevant schools and catchment areas;
 - g. confirmation of when consultation on the arrangements last took place;
 - h. the minutes of the meeting held on 9 February 2018 at which the academy trust determined the arrangements; and
 - i. a copy of the determined arrangements.

The Objection

6. The objection is about the catchment area for the school. The objector is concerned that the catchment areas for the school does not include all of the catchment area for one of its feeder primary schools and does not therefore meet the requirements of paragraph 1.14 of the Code for catchment areas to be "reasonable and clearly defined". The objector also considers that the shape of the catchment area means that a child living significantly further away in some directions would have priority over a child living nearer but in the other direction. The objector proposes that, as the school is a Church of England school, its catchment should include the whole of the catchment area for Esher Church Primary School (the primary school).

Background

7. The school is one of five secondary schools in the district of Elmbridge in Surrey. These schools are Esher Church of England High School, Hinchley Wood School, Three Rivers Academy, Cobham Free School and Heathside School.
8. Each of the other four schools also has a catchment area. The schools serving the two catchment areas adjacent to the catchment area of Esher High School are between one and two miles away from the school measured in a straight line to the east and west respectively. Cobham Free School is located about four miles to the south. The fifth school, Heathside School, is about four miles to the west.

9. Esher's catchment area has been in operation since 2011. It was extended in 2015 to add the village of Claygate. Claygate is also in the catchment area for the neighbouring secondary school to the east, Hinchley Wood School.
10. As noted by the objector, the catchment area extends rather further north and south of the school than it does east or west of the school. It is accordingly long and thin rather than round. The catchment area extends from East and West Molesey in the north to Cobham in the south, a distance of about six miles. For most of its length the catchment area is between one and two miles wide, but is about three miles wide where it has been extended to include Claygate to the east of Esher itself. The school is situated about two miles from the northern extent of the catchment area and is close to its western boundary. East and West Molesey are in the catchment area for the neighbouring school to the west, Three Rivers Academy. The schools to the immediate east and west of the school, Hinchley Wood School and Three Rivers Academy both use oversubscription criteria with a combination of catchment area and feeder schools.
11. The school explained that it was originally established in the place of three schools serving Esher, Cobham and East and West Molesey and it is committed to serving the area with which it has historic links.
12. The school was judged by Ofsted in 2013 to be good. There have been more children living in the catchment area than there are places at the school for some years and it is oversubscribed. The published admission number (PAN) is 240; this was raised from 210 in 2015.
13. The oversubscription criteria for 2019 are summarised as follows:
 1. Looked after children and previously looked after children
 2. Exceptional social and medical needs
 3. Children of staff
 4. Children who have a sibling attending the school at the time of admission
 5. Children who attend one of the school's cluster primary schools (Esher Cobham Molesey Cluster)
 - Chandlers Field School, Molesey
 - Cranmere Primary School, Esher
 - Esher Church School, Esher
 - Hurst Park Primary School, Molesey
 - St Andrew's C of E Primary School, Cobham
 - St Albans Catholic Primary School, Molesey
 - St Lawrence C of E (Aided) Junior School, Molesey
 - St Paul's Catholic Primary School, Thames Ditton

AND whose permanent home is within the catchment area for the school as defined on the map on the school website.

6. Children who attend Claygate Primary School, Claygate. AND whose permanent home is within the catchment area for the school as defined on the map.
 7. Children whose permanent home is within the catchment area for the school as defined on the map.
 8. Children attending one of the primary schools listed above in category 5 whose permanent home is outside the catchment area for the school as defined on the attached map.
 9. Children attending Claygate Primary School, Claygate whose permanent home is outside the catchment area for the school as defined on the map.
 10. Children who wish to attend this Church of England School.
14. Until September 2016 priority for places was given in the following order with distance used to set priority within the criteria:
1. Looked after and previously looked after children.
 2. Exceptional social and medical needs.
 3. Siblings of children at the school who live at the same address.
 4. Children living in the catchment area.
 5. Other children.
15. The school wanted to tackle its concern that children living at the extreme north and south of the catchment area who attended primary schools which work together with the school in the 'Esher, Cobham, East and West Molesey (ECM) Cluster' were not being allocated places. The school commissioned the local authority to model the impact of introducing oversubscription criteria which gave priority to children attending schools in the cluster. After considering the report from the local authority, the school consulted on changes to their admission arrangements. This consultation showed a high level of support for the changes and the school determined new arrangements for 2016.
16. The new arrangements for 2016 split the former criteria 4 and 5 into two parts and can be summarised as:
1. Looked after and previously looked after children.
 2. Exceptional social and medical needs.
 3. Siblings of children at the school who live at the same address.

4. Children attending named primary schools who live in the catchment area.
 5. Other children living in the catchment area.
 6. Children at one of the named primary schools who do not live in the catchment area.
 7. Other children.
17. The school has made two sets of changes to its arrangements in recent years and the minutes of the meetings where the issues have been discussed show the school's intention to try and ensure that arrangements are clear and fair. The school has consulted as required when changes were made. In addition, when the proposal to add feeder schools into the arrangements was made, the school sought external advice and commissioned research to analyse the data before decisions were made.

Consideration of case

18. The objector has 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.*" The objector has also referred to paragraph 1.14 of the Code which says "*Catchment areas must be designed so that they are reasonable and clearly defined.*"
19. The objector proposes that the high school catchment area be extended to include the catchment area for Esher Church School which like the school is a Church of England school. The primary school has a catchment area which comprises the four church parishes that it serves. Two of these parishes are within the catchment of Esher High School, one is partially within its catchment and one parish is not in the catchment at all but falls within the catchment of Hinchley Wood School.
20. I shall begin by considering the matter of the school catchment area. There is evidence that this has been a matter of active discussion by the school over the years as it set its admission arrangements. The school catchment area was originally established to fit with the catchment areas of neighbouring secondary schools. The shape is long and thin from north to south and this reflects the area traditionally served by the school and its predecessors, the geography of the area, the location of the schools and a desire by the local authority to ensure that all residents lived in a catchment area for one of the local secondary schools.
21. The Code requires a catchment area to be reasonable and clearly defined. The map available on the school website clearly defines the area and I am satisfied that the definition of the area is clear. The objector argues that the catchment area is not reasonable and that this makes the arrangements unfair, in particular because the catchment does not include all of the catchment of the primary school. The minutes of the governing body show that it adjusted the catchment area in 2015 to extend it to cover Claygate and

introduced feeder schools into the admission arrangements. The governing body commissioned research from the local authority to help it make its decision about the introduction of feeder schools into its arrangements. One of the main reported considerations was to try and ensure a fair balance between the influence of the catchment area, distance from the school and attendance at a feeder school. The feeder schools comprise the schools that are in the Esher, Cobham, East and West Molesey Cluster. The neighbouring secondary schools have similar admission arrangements that balance their feeder schools and catchment areas. The objector draws attention to the difference between the admission arrangements for the feeder primary schools and the secondary school. The example of Esher Church of England Primary School is given. As noted above, the primary school has a catchment area that is defined by four Church of England parishes. Two of these parishes are contained within the secondary catchment area of the school, one of them is within the catchment area of the neighbouring secondary school and one is shared between the two secondary schools. I note that the school's catchment area has not included the parish and part of parish which is outside its catchment area at any time since 2011 (which is the earliest information I have).

22. The objector argues that the primary school and the school should have contiguous boundaries for the areas to be reasonable and fair for parents. I do not agree with this argument for two reasons. The first is that there is no requirement within the Code for primary and secondary schools to work together to co-ordinate their catchment areas in this way. The second is that the primary schools in the area have individual admission arrangements and although the Church of England primary school may define its area by the parishes that it serves, the Catholic school and other cluster primary schools use different admission criteria. This means that the sum of primary school catchment areas where they are used does not necessarily equate to the secondary catchment area.
23. I am satisfied that the catchment area can be considered to be reasonable and in this respect compliant with the Code. The objector makes a suggestion that the catchment area should be changed to match the boundaries of the four church parishes better. This would not, in my view, make the catchment area any more reasonable and would introduce an area of further overlap with the catchment area of the neighbouring secondary school. I can see that the interaction between the catchment area and that of some of the feeder schools is not entirely straightforward as I have explained above. That does not, however, make the catchment area unreasonable. Indeed, a child attending a feeder school for the school may also live in the catchment area for a neighbouring school.
24. I shall now consider the issue of fairness. The objector gives two different examples of unfairness. In the first it is because the catchment area is long and thin with distance used as a criterion. In the second it is because the primary school and the secondary school catchment areas are not the same. The objector explains the perceived unfairness where distance from the school is used to prioritise places for those living within catchment. The consequence of this is that a child living a mile to the east of Esher Church of

England High School and attending a feeder school such as Esher Church School will be in criterion eight of the oversubscription criteria. A child living four miles to the north of the school, who does not attend a feeder school but lives within the catchment area would fall into category seven. The objector considers that this does not seem fair or reasonable.

25. Where catchment areas are used it is almost inevitable that some children living in catchment will live further from the school than other children who do not. The only way for this to be avoided is for catchment areas to be drawn by means of a radius from the school. The problem with this is twofold: it means that either neighbouring catchment areas must overlap to ensure that all areas are covered or significant areas will not be included in any catchment and, secondly, it ignores the realities of the locations of schools and of population distributions.
26. In this case, I have evidence that the school has thought carefully about its catchment along with other schools and the local authority. In considering this matter, the school commissioned a report by the local authority and as a result consulted on the introduction of feeder schools to work with the catchment area in its arrangements. The school reported at the time that the consultation responses were broadly in support of their proposed change. I do not think that these arrangements are unfair to any particular group of children. All oversubscription criteria work to give more priority to some groups and less to others. I note that the school comments in its response to the objection that it would support an area wide review of catchment areas. However, as I have commented above, there is no requirement in the Code for schools to coordinate their admission arrangements. The schools in the area are diverse and have different priorities for the children that they wish to prioritise for admission. The objector would like to see a common catchment area based on the Church of England parishes but there will be others who will have different views.
27. The Diocese commented on the objection. It said that it replied to the school's consultation on its 2019 admission arrangements and commented about a proposal to divide the feeder schools into tiers in the admission arrangements. It said that if the school were considering giving a different priority to one or more feeder schools over other feeder schools then it would prefer the school to give higher priority to the Church of England schools because the High School was also a Church of England school. These are Esher Church School, St Andrew's Primary School and St Lawrence Junior School.
28. The local authority commented that as an academy, it is down to the school to determine its own admission policy, including any catchment area that it wishes to use. It confirmed that the local authority is satisfied that the catchment area that is used by the school is reasonable and compliant with the Code.
29. I do not uphold the objection.

Summary of case

30. I have considered the points made by the objector concerning the catchment area of the school and have concluded that it is compliant with the requirements of paragraph 1.15 of the Code. I have noted the objector's suggestion about increasing the size of the catchment area to align with the parish that are used by one of the seven feeder schools to define its catchment area. In noting this comment I have observed that there is no requirement in the Code for individual admission authorities to coordinate their admission arrangements. I am satisfied that the High School has given serious consideration to ensuring that, while complex, its admission arrangements are fair in their operation and clear about how places are prioritised. For these reasons I do not uphold the objection.

Determination

31. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objections to the admission arrangements for September 2016 determined by the academy trust for Esher Church of England High School, Surrey.

Dated: 23 July 2018

Signed:

Schools Adjudicator: David Lennard Jones