



Office of
the Schools
Adjudicator

DETERMINATION

Case reference:	ADA3370/71/79/85/86/87/88/92/94/ADA3414-23/25
Objectors:	Twenty individual parents and representatives from primary schools in the Bishop's Stortford area
Admission Authority:	The Hertfordshire and Essex High School Trust
Date of decision:	31 July 2018

Determination

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 admissions in September 2019 determined by the governing body of the Hertfordshire and Essex High School and Science College in Bishop's Stortford, Hertfordshire.

The referral

1. Under section 88H(2) of the School Standards and Framework Act 1998, (the Act), twenty objections have been referred to the adjudicator about the admission arrangements (the arrangements) for September 2019 for the Hertfordshire and Essex High School and Science College (the high school). It is an academy school which is a part of the Hertfordshire and Essex multi-academy trust (the trust). The trust is responsible for two schools. The high school provides for girls aged 11 – 18. The 20 objections come from representatives of local primary schools and from parents. The objections all concern the same part of the admission arrangements, which is the higher priority in the oversubscription criteria given to girls applying from Manor Fields Primary school than to girls from other named feeder schools. The objections all assert that this is unfair.
2. The local authority (LA) for the area of Bishop's Stortford where the high school is located is Hertfordshire County Council. The LA is a party to the objections as are the trust and governing board of the school and the objectors themselves.

Jurisdiction

3. The terms of the funding agreement between the 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 on 6 February 2018 by the governing board of the Hertfordshire and Essex High School and Science College, on behalf of the trust, which is the admission authority for the school, on that basis.
4. The objectors submitted their objections to these determined arrangements between 8 March 2018 and 14 May 2018. Eight of the individual objectors asked to have their identity withheld from the high school and other parties but, as required by Regulation 24 of the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012, have provided their name and address to the Office of the Schools Adjudicator. I am satisfied the objections have been properly referred to me in accordance with section 88H of the Act and they are within my jurisdiction.

Procedure

5. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).
6. The documents I have considered in reaching my decision include:
 - a. the objectors' forms of objection and subsequent comments;
 - b. the high school governing board's responses to the objections, supporting documents and subsequent comments;
 - c. the LA's comments on the objections;
 - d. the LA's composite prospectus for parents seeking admission to schools in the area in September 2018;
 - e. a map of the area identifying relevant schools;
 - f. information on the Department for Education website Get Information About Schools;
 - g. the minutes of the meeting of the high school's governing board held on 6 February 2018 when the governing board determined the arrangements; and
 - h. the determined arrangements for 2019.

The Objections

7. The twenty objections are all about the same matter. For the September 2019 arrangements, the high school governing board has changed the oversubscription criteria to give girls applying for a place from Manor Fields

higher priority than girls who apply for places from other named feeder schools. Some of the objections use identical arguments, others include different arguments about the same matter. The objectors maintain variously that the arrangements fail to comply with paragraphs 1.8 of the Code which requires that they are “*reasonable, clear and objective*” and “*must not.....disadvantage unfairly a child from a particular social group*” and paragraph 1.15 which requires that “*selection of a feeder school or schools as an oversubscription criterion must be transparent and made on reasonable grounds*”.

Background

8. The school is an 11 – 18 school for girls with a co-educational sixth form. The high school is located in Bishop’s Stortford and became an academy in April 2014. The overall capacity of the high school set out in the funding agreement is 1042 and includes 350 places in the sixth form. The high school has a PAN of 180 for Year 7 (Y7), which is considerably less than the number of girls leaving the feeder primary schools in Year 6 (Y6). The PAN was increased to 180 from 160 in 2016 and has remained at that level since then. The high school is regularly oversubscribed and in 2018 there were 554 applications for places of which 223 were first preferences. The area is also served by a boys single sex school with a PAN of 156 at Y7. It too is located in Bishop’s Stortford and is a little more than a mile distant from the high school for girls. The area is further served by four co-educational secondary schools. The school has specialisms for music and sport and priority for 10 per cent of the places available in Y7 are given on this basis.
9. There are 17 named feeder primary schools that are listed in the arrangements for the high school.
10. The high school allocates ninety per cent of the places (164) using the oversubscription criteria summarised below:
 1. looked after and previously looked after children;
 2. girls with a sibling at the school;
 3. daughters of staff at the high school who meet the criteria set out in the arrangements;
 4. girls on roll in Year 6 at Manor Fields at the date of application (31 October 2018) and continuing at the school throughout Year 6.
 5. then, of the remaining places, 87 per cent are allocated to groups of schools in proportion to the number of applicants attending schools in each of the groups and the places are then allocated within each group on the basis of straight line distance from the school:
 - a) All Saints, Summercroft and Thorn Grove
 - b) St Joseph's, St Michael's, Thorley Hill and Windhill
 - c) Northgate and Richard Whittington
 - d) Hillmead
 - e) Little Hallingbury and Spellbrook
 - f) Albury, Furneux Pelham, Little Hadham and St Andrew's (Much Hadham).

The remaining 13 per cent of places (up to 90 per cent of the total) are allocated to girls who live closest to the high school by straight line distance. The remaining ten per cent of places (16) are allocated on the basis of aptitude with eight places available for music and eight places available for sport.

11. These arrangements differ from the previous four groupings of feeder schools in criterion five which were as follows:

- a) All Saints, Richard Whittington, St Joseph's, St Michael's, Summercroft, Thorley Hill and Thorn Grove
- b) Hillmead, Manor Fields, Northgate and Windhill
- c) Little Hallingbury and Spellbrook
- d) Albury, Furneux Pelham, Little Hadham and St Andrew's (Much Hadham).

12. The predecessor school to Manor Fields received an Ofsted inspection in 2016 which judged that the school was inadequate and required special measures. Subsequent to that Ofsted inspection, Manor Fields became an academy within the multi-academy trust led by the Hertfordshire and Essex High School and Science College.

13. The Bishop's Stortford North housing development will bring new houses and potentially, new schools to the area. I have been told that the trust has expressed an interest in these proposed new schools joining the academy trust. While this is in the future, the trust advises that its draft arrangements for the new schools, drawn up for when it believed the advertisement for the sponsorship to be imminent, allows for a high level of priority for pupils at the proposed Bishop's Stortford North primary schools to the proposed new Bishop's Stortford North secondary school only. The trust has told me that it does not intend to give any priority for students at any new primary schools to have any priority for admission to the high school which is the subject of this determination.

Consideration of Case

14. The change in the priority for Manor Fields is the subject of all the objections made. The high school governing board explained that it has recently taken Manor Fields into its multi-academy trust and that it wishes to give the school and its pupils additional support. It explains that one part of this support is ensuring that girls who attend the primary school have a high priority within the admission arrangements to the secondary school.

15. The objectors believe that this change means that the high school's admission arrangements do not comply with the Code in paragraph 1.8 as they are not "*reasonable, clear and objective*" and potentially have the indirect effect of "*disadvantaging unfairly children from a particular social group*". Paragraph 14 of the Code requires arrangements to "*fair, clear and objective.*" In addition, they argue that the change does not comply with paragraph 1.15 of the Code which

states that the “*selection of a feeder school or schools as an oversubscription criterion **must** be transparent and made on reasonable grounds*”.

16. The objectors collectively advanced a large number of arguments, with some objections making the same points as others. I have studied each objection carefully and I summarise below the points made in the objections taken together:
- a. There is no other local single sex girls school and therefore all local girls should have an equal chance of accessing that education if that is how they wish to be educated.
 - b. All the feeder primaries have close links and historic relationships and connections with the high school. To change the admissions criteria so that girls from Manor Fields “automatically gain admission” to the school changes the balance of admissions to secondary education in the town.
 - c. Manor Fields is on the other side of Bishops Stortford to the high school, with no direct walking route. It is very likely that car usage will increase if more children who live near to and attend Manor Fields travel from that area to the high school.
 - d. A guaranteed place at the high school, with none of the concerns or worries over where a girl will get a place, will override common sense and normal judgements used when families select schools both for primary and secondary admissions. It could also lead to in-year transfers into Manor Fields. As a result, Manor Fields could end up as a single sex primary school.
 - e. This change will set a precedent. If another primary school joins the academy trust and receives the same priority, the disadvantages to other primary schools and their pupils would increase.
 - f. The predecessor school to Manor Fields was rated as inadequate by Ofsted, but it appears from the Ofsted monitoring report in July 2017 that the reasons for the inadequate rating are well on the way to being rectified.
 - g. There are other ways that the high school can support Manor Fields without making changes to the high school’s admission arrangements to give greater priority to girls leaving Manor Fields.
 - h. It is not possible to make an accurate estimate of the increase in the number of girls admitted to the high school from Manor Fields because there was no discrete priority for girls from Manor Fields alone in past years. The high school’s own estimate of an increase of six students each year, based on figures from the past few years, is doubtful. There could be a much bigger increase.
 - i. St Michael’s is a voluntary-aided Church of England school. At present it is prevented by the terms of the Memorandum of Understanding (2016),

made between the Department for Education and the National Society, from joining any multi-academy trust that is not led by a church school, except in the most exceptional circumstances. There is no local Church of England secondary school which could offer its pupils a similar priority in admissions. This would put the children attending St Michael's at a disadvantage if other primary schools seek to join the high school's multi-academy trust in order to secure the same high level of priority afforded to Manor Fields girls.

- j. The change in the arrangements could indirectly disadvantage local girls who qualify for the pupil premium. Data shows that there are more girls eligible for pupil premium in some of the other primary schools compared with Manor Fields.
 - k. The alignment of governance and ethos between Manor Fields and the high school must be independent of the admission policy because Manor Fields has to prepare all its pupils equally well for any future secondary school; none of its male pupils can attend the high school.
 - l. The new priority given to one feeder school contravenes paragraph 1.15 of the Code, because the selection has not been made on "reasonable grounds".
 - m. The high school did not properly comply with the consultation requirements set out in paragraph 1.44 of the Code before it determined these new arrangements.
 - n. The change in the arrangements has meant that the groups of primary schools that determine the way the places are allocated on a proportional basis have also changed. Objectors suggest that because Hillmead is now in a group on its own, the girls there will have a greater chance of gaining a place at the high school.
17. The high school's governing board has provided a comprehensive response to the objections. I set out the arguments it put forward below:
- a. The high school governing board determined to include a criterion giving a high priority to students from Manor Fields because it considered that the positive effects of the change on Manor Fields outweighed the arguments for not making the change. Manor Fields had received a special measures Ofsted judgement, making the school unique amongst the primary schools in Bishop's Stortford. Herts and Essex Multi-Academy Trust was the multi-academy trust invited by the Regional Schools Commissioner to take Manor Fields School into its multi academy trust. There is an obligation placed on the trust, in these circumstances, to do what it can to provide support to Manor Fields.
 - b. A special measures Ofsted judgement can have a deleterious effect on a school and on its attractiveness to families and therefore to its admissions which can then exacerbate the difficulties inherent in the Ofsted judgement. Several departures of children from Manor Fields in the

immediate aftermath of the inspection finding are reported. The governing board believes that the change will mean that Manor Fields remains an attractive option for parents whilst it improves with the support of the multi academy trust.

- c. The governing board believes that the particular circumstances under which Manor Fields has joined the trust are a "sufficient reason" to warrant the giving of particular priority for admission.
- d. The effect on other primary schools will be minimal and will not "*unreasonably disadvantage*" other students. The governing board estimates that there will be six additional places per year given to girls who attend Manor Fields. This should be seen in the context of having increased the high school's PAN by 20 places in September 2016.
- e. The concerns around a significant increase in traffic through Bishop's Stortford as a result of this additional priority are likely to be unfounded on account of the small number of students involved.
- f. The procedure the governing board has in place supports an even distribution of places amongst the named primary feeder schools, and the numbers involved in giving priority to Manor Fields will not make a sufficient difference to put this at risk.
- g. The governing board does not think that there is a risk of an increase in the number of girls applying to Manor Fields to the detriment of boys. Gender analysis for the current academic year shows that 53 per cent of the pupils on roll are male, compared to 47 per cent who are female. The projection for the forthcoming academic year is the same.
- h. The numbers for September 2018 for Nursery, Reception and Y1 at Manor Fields are all below the school's capacity. If the assertion made by the objectors is correct and more parents will want their daughters to attend Manor Fields, then the governing board would expect these year groups to be full or the school to be receiving an increase of in-year applications, neither of these are happening.
- i. There is no discrimination against the schools with higher numbers of girls eligible for the pupil premium. Currently 6.4 per cent of pupils on roll at Manor Fields are eligible for pupil premium.
- j. In the period 2016 to 2018 the number of children in Reception places across all primary schools in Bishop's Stortford fell from 494 to 426 children. This is a reduction of 14 per cent and at Manor Fields the comparable figure was 15 per cent. Between 2017 and 2018 the comparable figures are three per cent and seven per cent showing that the decline in numbers at Manor Fields is greater than the decline in numbers across the other primary schools in the area.
- k. The high school governing board confirmed that safeguarding at Manor Fields is now deemed to be effective. This was a result of a one day HMI Inspection, looking specifically at this issue. The Inspector's brief was not to consider other aspects of the Ofsted judgement, which included other

aspects of the school. Although the school is improving, the governing board says there is still much work to be done.

- I. The governing board said girls at Hillmead would not have an advantage over other girls because the number of places allocated to each group was determined by the number of girls in the group. A small group would have a proportionately small number of places.

18. The LA responded to the various objections with some points and information. The following table shows the number of girls from Manor Fields who applied for places at the high school in the last three years.

	Number of girls applying for a place at Herts and Essex from Manor Fields	Number allocated a place at Herts and Essex	number allocated places at other coeducational schools in the town for which they had a higher preference	Number who remained without a higher preference place
2016	29	10	9	10
2017	37	15	17	5
2018	27 of whom 17 were first preference	16 (four had siblings and 12 were on the grounds of feeder and distance).	9	2

19. The LA agrees that it is not possible to predict the level of preferences or number of first preferences for the high school from girls at Manor Fields in 2019. However, under the current equal preference system, the local authority thinks it is difficult to understand why families currently ranking the school as a lower preference would choose to rank it higher because of a change in admission arrangements. Parents with a girl at a named Bishops Stortford feeder primary school can already rank the school “without prejudice” on the secondary application form
20. The LA commented on the relative distances between schools. It agreed that Manor Fields is one of the most distant feeder primary schools from the high school. However, it pointed out that the high school is actually the nearest non-faith secondary school which admits girls to Manor Fields School (distance 1.88 miles). The only closer secondary schools are St Mary’s Catholic (0.93 miles) and Bishops Stortford High for Boys (1.4 miles). These distances are for transport purposes and are measured along a network of roads and paths.
21. In addition to the main objection points listed above, objectors raised some other matters in their objections. These are slightly separate to the main argument and I include them here.

22. The first point was that there appeared to be a section missing from the wording of criterion 5. Having compared its admission arrangements for entry in September 2019 with those for September 2018, the governing board has confirmed that a sentence has been deleted in error and this has been reinstated using the permission given in paragraph 3.6 of the Code to vary determined arrangements in certain circumstances including where there has been a misprint in the arrangements.
23. Concerns were expressed about the consultation process. Objectors allege that the consultation was not sufficiently well publicised and the school did not undertake the consultation as it was required to by the Code. The governing board responded that the consultation documents were on the high school's website on the pages relating to admissions to the high school. It acknowledges that they were not specifically flagged up on the home page of the website; however, the board does not believe that this negatively affected the number of responses to the consultation. It is clear from the number of responses to the consultation that the community was well aware of the proposal. In addition, the high school's admissions officer spoke to anyone enquiring about making a response to the consultation late on in the process and confirmed with each one that their responses would be included in the information taken to the admissions committee of the governing body on 9 January 2018, which then duly happened.
24. These then are my summaries of the arguments made by the objectors and the responses from the governing board and the LA. I shall now take these arguments into account but come to my own views on the matter. My jurisdiction is about whether or not the 2019 arrangements comply with the Code and its associated legislation. To this end, I consider that the relevant sections of the Code are paragraph 1.15 concerning transparency and reasonableness of the grounds for the selection of feeder schools; paragraph 14 concerning fairness, clarity and objectivity of arrangements and 1.8 concerning procedural fairness, clarity, objectivity and reasonableness of oversubscription criteria.
25. In respect of feeder schools, the Code says that "*the selection of a feeder school or schools as an oversubscription criterion **must** be transparent and made on reasonable grounds.*" In this case the selection is without doubt transparent. The governing board has set out clearly which schools are feeder schools and these are clearly listed in the arrangements. I note also that Manor Fields and the other primary schools listed as feeder schools have been established as feeder schools for many years. So far as the reasonableness of the grounds for the giving of higher priority to girls from Manor Fields is concerned, the governing board has articulated clearly its reasons for doing so. I consider that these grounds are rational. I have no reason to consider that the grounds for the selection of feeder schools is unreasonable. In this respect, therefore, I conclude that the arrangements meet the requirements of paragraph 1.15 of the Code.
26. Not only must there be reasonable grounds for the selection of feeder schools, but the effect of that selection must also be reasonable and fair in order to meet the requirements of paragraphs 14 (fairness) and 1.8 (reasonableness). It is in that context that I have considered the issue of the relative level of priority that girls from Manor Fields are being given compared to girls from the other named

feeder schools. The selection has been made transparently and on reasonable grounds but are the consequences of the selection *fair* and reasonable?

27. The objectors, the governing board and the LA have all referred to potential consequences of the changes to the oversubscription criteria. These can be broadly summarised as follows:
- That parents of girls attending Manor Fields feel supported and do not choose to move their children to another school in-year because of the poor Ofsted judgement
 - There will be a reduction in opportunity to attend the high school for girls who attend schools other than Manor Fields.
 - There is no other local single sex girls school and therefore all local girls should have an equal chance of accessing the high school if that is how they wish to be educated.
 - There is a possibility that Manor Fields will become predominantly girls if more parents choose to send their daughters there.
 - That fewer girls might as a result attend the other feeder primary schools.
 - That a precedent could be set if other schools join the multi academy trust in the future.
 - That the boys who attend Manor Fields could be disadvantaged if Manor Fields aligns its transition arrangements with Herts and Essex High School and fails to ensure proper links with other high schools.
28. The first point in the paragraph above is the high school's main justification for making the change to the arrangements. The high school is expected to ensure that Manor Fields improves as part of the multi-academy trust. The high school reports that some children left Manor Fields following the Ofsted inspection and this action is intended to encourage families not to move their girls from the school and to prevent the number of children applying to join Reception from falling year by year.
29. In considering this argument I make three observations. The first is that although a small number of children are reported to have moved school following the inspection, there have been no more recent reports of movement as a result of the inspection and any post-Ofsted judgement related movements appear to have ended. The second is that the primary school is co-educational and broadly speaking the cohorts are evenly split between boys and girls. The change made in the high school's admission arrangements can bring no benefit to around fifty per cent of Manor Field's population. Thirdly, although the cohorts applying for Reception places in the area are falling and the fall for Manor Fields has been a couple of percentage points higher than in other schools in the area the differences between Manor Fields and the other schools could be described as small. It therefore appears questionable whether this change in admission arrangements will address these matters.
30. The beneficiaries of the change for 2019 will be girls who will be in Year 6 in September 2018 at Manor Fields school. The table above shows the number of girls from Manor Fields who applied to the high school. If the 2019 arrangements had been in place in 2018, two additional girls would have been

offered places at the school. It seems unlikely that the small number of girls who did not apply for places would have done so or that families would have changed their preferences. The local authority has a similar view.

31. Concerns have been expressed that some girls attending other primary schools would be disadvantaged because they would not get a place at the high school because the place had been taken by a girl who attends Manor Fields. This point is acknowledged by the school. The judgement I have to make is whether this amounts to making the arrangements unreasonable in their effect and unfair for girls who do not attend Manor Fields.
32. The school is the only single sex school in the area. It is oversubscribed and cannot admit all who would like a place there. This will be the case whatever the arrangements. I understand that it has long standing arrangements which seek to give some chance of securing a place to girls living in the whole of the area it seeks to serve. That is the reason for its having a large number of feeder schools and apportioning places between them. The approach of apportioning places pro rata to the number of applicants from each group of schools further refines this approach. This is a relatively complicated approach compared to, say, a small catchment area or simply giving most priority on the basis of distance from the school. The combined PAN of the feeder schools is 595. If, in any given year, half of those children are girls it can readily be seen that not all of those could possibly secure places at the high school.
33. The increased level of priority for Manor Farm girls will mean fewer places to be shared among girls from the other feeder schools. Each year, there will be subtle changes in the mix of girls depending upon the numbers in the various feeder schools and where the applicants live. There are already a high number of allocations per year from Manor Fields so it is difficult to argue that the 2019 arrangements are therefore unfair in this respect. If the two additional places had been allocated in 2018 the chance of gaining a place for any other girl would have reduced by around one per cent. To put it another way, there is a real reduction in the chance of girls from other schools gaining a place at the high school but it is a small reduction. I have to consider whether this is unreasonable for these girls or unfair to them. There are as I have noted other schools in the area. I have been provided with no evidence that there will be no suitable school place for any girl as a result of the changes. Nor has any objector argued that a girl would face a much more difficult or longer journey to an alternative school. Indeed, to the extent that more Manor Fields girls do go to the high school, there will be places available in other local secondary schools. I conclude that there is no particular child or group of children who will be disadvantaged or treated unfairly in 2019. The effect of the arrangements is not unreasonable.
34. There are some further points to be considered. The objectors assert that the change in admission arrangements could lead to more girls seeking a place at Manor Fields for Reception in 2019. I have already discussed the fall in the cohort sizes across the area so there is likely to be some spare capacity in schools and there is the potential to admit more girls. On the basis of the evidence discussed above, it seems unlikely that any such change will be entirely attributable to the change in the admission arrangements if it were to

occur at all. It is not within my jurisdiction to speculate about what might happen in 2020 or later years. However, I observe that the governing board is required by the Code to determine the high school's admission arrangements every year. When it does so, it must consult on any changes it wishes to make. Parents who make their primary school admission choices on the basis of assumptions about what will be in secondary school admission arrangements that will be set in 2020 and beyond may find the arrangements have changed. At the same time, I also observe that it is open to parents or other interested parties to make an objection in the future about admission arrangements.

35. The primary schools that are expressing concern about potential loss of girls in their schools in the future are working on a hypothesis that may or may not prove to be accurate. The LA considers that "*Manor Fields may well become more attractive to parents of girls seeking a single sex secondary education. If Manor Fields starts to attract a higher number of applications from females than males in its natural "catchment" it could potentially lead to a gender imbalance at Manor Fields and other schools, although it is likely that there would be less of an impact upon other schools.*" In terms of my jurisdiction for 2019, the figures for 2018 do not suggest that there is going to be a substantial gender balance change to manage for children applying for Manor Fields. The primary school admission arrangements give priority on the basis of it being an applicant's nearest school and then on distance.
36. A concern has been raised that the change in arrangements for 2019 sets a precedent for further schools in the multi-academy trust to become priority feeder schools. The governing board has said that it would not have made the current change if Manor Fields had not been in special measures and that the change will be kept under review. It has also said that if other schools become part of the trust they would not necessarily receive the same priority for admission as that offered to girls from Manor Fields. Adding any further feeder schools or making any further changes to the relative priority afforded to different feeder schools would require consultation and there would be scope for objections to any such changes. For the avoidance of doubt, the change to the arrangements for 2019 does not in fact set any precedent.
37. A view was expressed that if there are more children travelling to the high school from Manor Fields there will be an increase in car journeys and increased traffic congestion around the high school. On the basis of the prediction that there will only be a small number of additional girls from Manor Fields I do not think this is a matter that makes the admission arrangements unreasonable in their effect.
38. A concern was expressed that the level of entitlement to free school meals at Manor Fields was lower than that at other feeder schools and that this might make the higher priority for Manor Fields pupils contravene the requirement in paragraph 1.8 of the Code that arrangements "*will not disadvantage unfairly, either directly or indirectly, a child from a particular social... group.*" Entitlement to free school meals is a widely used and accepted proxy for low socio-economic status. The governing board told me that the level of free school meal entitlement at Manor Fields was 6.4 per cent. I have looked at the proportion of children entitled to free school meals at the other feeder schools, taking the

information from the Department for Education website Get Information About Schools. The proportions range from 1.6 per cent to 8.8 per cent. I conclude that the arrangements do not disadvantage children from a particular social group.

39. I need to comment about the boys who attend Manor Fields. The school is working with the high school within the multi-academy trust. The high school is a school for girls and so its admission arrangements must of necessity deal with the admission of girls. About half of each cohort who must therefore, attend a different secondary school because they are male and for whom alternative transition arrangements are required and who are not supported by this change in admission arrangements. In other words, the multi-academy trust must ensure that it supports transition to secondary school for all the children who attend the Manor Fields and not just the girls. No concerns about this have been expressed and the school will want to ensure that this remains the case.
40. Questions were raised about the consultation process but I am satisfied by the explanations that I have received concerning this and also note the considerable number of consultation responses and subsequent objections which indicates that there has been a high level of engagement in these matters. As a result of my enquiries, I am satisfied that the governing board undertook the consultation that it was required to do by the Code in paragraphs 1.42 – 1.45.

Summary of case

41. I have looked carefully at the submissions made by the objectors and the further comments from the school and other parties. I have examined the information against the requirements of the Code and I have noted that my jurisdiction is to the 2019 arrangements and not to arrangements in future years.
42. I have concluded that the arrangements concerning feeder schools are clearly described and the schools have been selected on reasonable grounds. They therefore comply with paragraph 1.15 of the Code.
43. I considered whether the result of the change to the feeder schools could be unfair. Having discussed the various aspects to the changes above, I have concluded that the change made has not created an unfairness for a particular individual or group of individuals in 2019. I agree that the chance of getting a place at the high school for a girl attending a feeder primary school other than Manor Fields may reduce. However, on the basis of the 2018 admission numbers this chance would have reduced by a small proportion and I do not think that this level of reduction makes the arrangements unfair. I have observed that whenever a change is made to admission arrangements there can be a change to the priorities and this is permitted by the Code.
44. The school has said that it will be keeping this matter under review and I commend this approach. While the change that has been made to the admission arrangements does not in my view create unfairness in 2019 because of the small numbers involved. If the numbers had been larger then I might have come to a different view. On this occasion therefore, I do not uphold these objections.

Determination

45. 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 admissions in September 2019 determined by the governing body of the Hertfordshire and Essex High School and Science College in Bishop's Stortford, Hertfordshire.

Dated: 31 July 2018

Signed:

Schools Adjudicator: David Lennard Jones