



Office of  
the Schools  
Adjudicator

## **DETERMINATION**

**Case reference:** ADA3456

**Objector:** A parent

**Admission Authority:** Kingsbridge Educational Trust for Oakgrove School, Milton Keynes

**Date of decision:** 30 August 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 local governing board on behalf of the Kingsbridge Educational Trust for Oakgrove School, Milton Keynes.**

### **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 admission to the Reception Year (YR) of Oakgrove School, (the school) a 3 to 19 academy school which is part of the Kingsbridge Education Trust. This is a multi-academy trust (MAT). The objection is to the process of consultation undertaken by the school for arrangements for admission to the school in September 2019. The objector makes further points about the clarity of the oversubscription criteria and the lack of priority afforded to siblings in the arrangements.
2. The local authority for the area in which the school is located is Milton Keynes Council. The local authority is a party to this objection. Other parties to the objection are the objector and the school.

### **Jurisdiction**

3. The terms of the Academy agreement between the MAT 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 local governing board (LGB) of the school, which has delegated responsibility from the MAT as the admission authority for the school, on that basis. The objector submitted her objection to these determined arrangements on 14 May 2018. 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 14 May 2018, supporting documents and subsequent correspondence;
  - b. the admission authority's response to the objection, supporting documents and subsequent correspondence;
  - c. the comments of the local authority on the objection and supporting documents;
  - d. the local authority's composite prospectus for parents seeking admission to schools in the area in September 2018;
  - e. maps of the area identifying relevant schools, defined areas (catchment) and development areas;
  - f. confirmation of when consultation on the arrangements last took place;
  - g. copies of the minutes of the meeting at which the LGB of the school determined the arrangements; and
  - h. a copy of the determined arrangements.

### **The Objection**

6. The objector does not believe that the consultation carried out prior to the determination of the arrangements for September 2019 was in accordance with the Code at paragraph 1.44. This states that "*Admission authorities **must** consult with a) parents of children between the ages of two and eighteen and b) other persons in the relevant area who in the opinion of the admission authority have an interest in the proposed admissions.*" The objector does not believe that she has been properly involved in these consultations and is dissatisfied with communications which she has had with the school.

7. The objector also argues that the arrangements are not compliant with paragraph 1.8 of the Code which states that "*Oversubscription criteria **must** be reasonable, clear, objective, procedurally fair and comply with all relevant legislation including equalities legislation*" as she considers it unreasonable for the oversubscription criteria not to include, as a high priority, children of

families who have previously been in the defined area of the school. In addition, she quotes paragraph 1.12 of the Code which states that “*Some schools give priority to siblings of pupils attending another state funded school with which they have close links. Where this is the case this priority **must** be set out clearly in the arrangements.*” The objector suggests that the MAT should have applied this paragraph when establishing the oversubscription criteria.

## **Background**

8. This oversubscribed academy school was previously a stand-alone academy and in 2016 became part of the MAT. The school is on two sites which are separated by housing developments and roads. It is a through school catering for 3 to 19 year olds and there are separate arrangements for admission to the nursery, primary, secondary and post 16 phases as additional children join the school at different points. This determination is concerned with the arrangements for entry into the school in September 2019 in reception (YR). The published admission number (PAN) for YR for 2019 is 50. For admission in 2018, YR the PAN was 25. The school received 302 applications, for the 2018 intake, 108 of which were first preferences. It is clearly a very popular school and inevitable that not all who would like to go there will be able to do so. The school has catchment areas (which it refers to as “defined areas”) and has a larger defined area for the secondary phase of the school than for the primary phase.

9. Oversubscription criteria for YR in the arrangements for 2018 can be summarised as follows:

1. Looked after and previously looked after children
2. Siblings of children living in the defined area of the primary phase of the school
3. Children of staff
4. Other children living in the defined area of the primary phase of the school
5. Siblings of children living in the defined area of the secondary phase of the school
6. Other children living in the defined area of the secondary phase of the school
7. Other siblings
8. Other children by distance.

The governors agreed to allocate for September 2018 an additional 35 places above the YR PAN to accommodate local in-area demand. The last child to be admitted for this intake for September 2018 was in criterion four at a distance of 0.494 miles from the school.

10. The LGB proposed changes to these arrangements for admission in September 2019 and a consultation was held between 13 December 2017 and 30 January 2018. The following groups and venues were notified of the consultation and, after the arrangements were determined, the same groups were notified of the determined arrangements:

- All parents/carers of students on roll at the school via messages sent via school communication (emails)
- Notices placed in reception at both secondary and primary sites for the duration of the consultation
- Information placed on the school website
- Changes publicised via Twitter
- All local parish councils
- Local councillors
- All schools in Milton Keynes
- All nurseries in the school's defined areas
- Bedford Local Authority and Fulbrook Middle School
- All Oakgrove school staff
- Milton Keynes Local Authority
- Mark Lancaster (MP)

11. There were two responses to the consultation, one from the local authority and the other from a parent. The LGB's admissions, discipline and welfare committee discussed these in detail at their meeting of the 6 February 2018 and recommended to the full LGB that the proposed arrangements should be determined. At the meeting on the 22 February 2018, the full LGB determined these arrangements. This decision was then communicated to all those parties listed in paragraph nine (above).

12. The 2019 arrangements have a YR PAN of 50 and the oversubscription criteria can be summarised as follows:

1. Looked after and previously looked after children
2. Siblings of children living in the defined area one
3. Children of staff
4. Other children living in the defined area one
5. Siblings of children living in the defined area two
6. Other children living in the defined area two
7. Siblings of children living in the defined area of the secondary phase of the school
8. Other children living in the defined area of the secondary phase of the school
9. Other siblings
10. Other children by distance.

The main amendments introduced from 2018 to 2019 are the increase in PAN from 25 to 50 and the introduction of a second defined area – between defined area one and the defined area of the secondary phase of the school. Maps showing these areas form part of the arrangements. The defined area one is the immediate area around the primary phase site. Defined area two is a larger area which covers the secondary phase I site and the third defined area is the larger geographical area from which the secondary phase of the school admits students.

### **Consideration of Case**

10. The objector lives 0.8 miles from the school. She has other children who attend the school. These children had priority for places at the school because at the time of the first application, the family's address was within the defined area of the primary phase of the school. Younger siblings were then admitted under the sibling oversubscription criteria. The objector does not believe that she was appropriately consulted on the changes to the arrangements which defined a smaller first priority area immediately surrounding the primary phase of the school. The objector's property is within the second defined area and she believes that it is unlikely that her son, who is due to start primary school in September 2019 will be admitted because of this change in defined areas. She believes that the oversubscription criteria are unreasonable because they have not taken into account families living in the previous priority area but who now, because of the change in arrangements, live in the second area which has lower priority. She also thinks that the admission authority should have prioritised siblings who live in the second area above children who do not have siblings in the school but who live in the first area.

11. The objector shared a document from Milton Keynes Council concerning the 'Oakgrove Millennium Community'. This document was published in 2004 and covers the development of the area. The area enclosed by the site boundary, as indicated in this document, includes both sites of the school, another primary school and the objector's house. The document states that "*Education in the immediate area will be provided at the Combined and Secondary Schools contained within the site boundary*". The objector believes that this means her address would stay in the defined area of the school. The school, on the other hand, interprets this statement as meaning the objector lives in the defined area of the other primary school. The map in the document indicates only the boundary which encompasses both primary schools and is therefore not clear. I note that the document while of some relevance is of limited importance as admission arrangements must be determined annually and are subject to change in the light of changing circumstances. Much will have changed in the area since 2004.

12. The main objection refers to the consultation process and I have outlined at paragraph nine the groups who were sent the consultation documents and response forms. First on that list are the parents and carers of pupils in the school. The school has provided me with a copy of the agreement signed by the objector as part of the information and permission record 2017 which states that "*I have read the letter regarding communication from the school via email and would like to receive school notices in this way*".

This is followed by the objector's email address and her signature. The school has also sent me copies of two emails sent to the objector's email address. The first is dated 13 December 2017 and announces the consultation and explains how parents can respond and the second is dated 1 March 2018; this thanks parents for their comments and announces that the arrangements for 2019 were determined at the LGB on 22 February 2018.

13. The objector says that she did not receive either of these emails even though she has received many emails from the school to this address. She says she became aware of the consultation only after it has been completed and she wrote to the school on 9 March 2018 expressing the concerns she has outlined in the objection. This letter was acknowledged by the school on the 13 March 2018 and a substantive response was sent on 1 May 2018 by the chair of the admissions, discipline and welfare committee of the LGB. This response states that the school sent the emails about the consultation to the objector and that, even though it was after the closing date of the consultation the LGB had considered the objector's letter.

14. The objector believes that the school should have communicated by letter to parents as it does for other events. She gives examples of letters sent concerning after school clubs and nursery places. The school says that the normal mode of communication is through emails if that is what the parent has agreed to. There is no requirement in the Code for communications concerning consultation on admission arrangements to be sent by letter. I consider it reasonable that the school, having gained permission from parents to communicate via email should do so.

15. I am of the view that the school conducted the consultation process in line with the Code. The consultation documents were sent to a wide range of parties within the local area and to others outside the area in line with paragraph 1.44 of the Code. I am sorry that the objector did not receive the emails as the copies indicate clearly that they were sent to the correct email address. I therefore do not uphold this part of the objection.

16. The objector states that other questions posed to the LGB have not been satisfactorily answered and these concern the discussions and decisions of the LGB. These do not fall within my jurisdiction and the appropriate course of action for the objector, after the publication of this determination, is to request a meeting with the school to discuss them.

17. The objector cites paragraph 1.8 of the Code and says that, although she understands that criteria have to change due to changing local needs she nevertheless considers the oversubscription criteria to be unreasonable because of the families affected by the change. The school responded that the primary phase site serves a developing area and the community immediately surrounding the school has grown significantly in the last few years. The school says that the number of children in the area will continue to increase in the next few years. As there is another primary school in the area, the LGB made the decision to propose a smaller, clearly defined area in order to serve the local community in the knowledge that the wider community had access to the other primary school. The local authority did not raise any objection to this change in the defined areas. The areas served by the two

schools are clearly defined on maps I have received; the schools are not situated in the centre of their defined areas but it is clear that specific housing developments have been included with defined areas bordered by main roads.

18. With the degree of oversubscription (108 first preferences for 25 places for admission in 2018), it was reasonable for the LGB to decide to restrict the defined area. This provides stability and assurance for families living in the developments near to the school. I have looked at the maps and the first area has been defined to include housing developments near to the school. In addition I am assured that there are sufficient places at the nearby primary school to accommodate the children in the area. Whenever defined areas are changed there will always be families who are unhappy with the change and I understand the objector's concerns. However, I do think that the defined areas are reasonable and clear. I therefore do not uphold this element of the objection.

19. The objector cites paragraph 1.12 of the Code which permits schools to prioritise siblings in their oversubscription criteria. She believes that the MAT should be providing priority places for siblings of all children so that children from a family can all attend the same school.

20. Two responses were received as part of the consultation, one from the local authority. The second response was from a parent who identified the same issues as the objector, that is the change in the defined area which has resulted in some families who were previously in the area and siblings of these families now having a lower priority for places at the school than they previously enjoyed. These responses were discussed at the LGB meeting on the 6 February 2018. The governors decided that priority should be given to children in the first defined area over and above siblings of children who attend the school but live in the second area. They also agreed that siblings living in defined area two should have priority over other children living in that area. I consider this a reasonable decision.

21. Paragraph 1.12 (and 1.11) make clear that schools can and do give priority to siblings of existing pupils (along with former pupils and siblings of those who attend schools with close links). However, the Code does not require priority to be given to all or even some siblings. Paragraph 1.9 of the Code says that "*It is for admission authorities to formulate their admission arrangements*" and paragraph 1.10 states that "*It is for admission authorities to decide what [oversubscription] criteria would be most suitable to the school according to the local circumstances*". I am of the view that the LGB considered the issues concerning sibling priority and came to a decision which led to reasonable and clear oversubscription criteria. I therefore do not uphold this element of the objection.

### **Summary of Findings**

22. The consultation process undertaken by the school in preparation for determination of the arrangements for admission in September 2019 was extensive and thorough. The process was in line with the Code requirements as laid out in paragraph 1.44. I conclude that due consideration of the defined

area and sibling priority was given by the LGB during discussions as a result of the consultation and that the arguments for and against the change were considered. I consider the determined arrangements to be reasonable and clear. The arrangements were determined in line with the Code and I therefore do not uphold this objection.

### **Determination**

23. 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 local governing board on behalf of the Kingsbridge Educational Trust for Oakgrove School, Milton Keynes.

Dated: 30 August 2018

Signed:

Schools Adjudicator: Ann Talboys