



DETERMINATION

Case reference: ADA3473

Objector: The London Borough of Hillingdon

Admission Authority: The Haydon School Trust for Haydon School,
Pinner, Hillingdon, London

Date of decision: 23 October 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 Haydon School Trust for Haydon School situated in the local authority area of the London Borough of Hillingdon.

I have also considered the arrangements in accordance with section 88I(5) and find there are other matters which do not conform with the requirements relating to admission arrangements in the ways set out in this determination.

By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of the date of the determination.

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 the London Borough of Hillingdon about the admission arrangements for September 2019 (the arrangements) for Haydon School which is an academy secondary school for children aged between 11 and 18 years. The objection is to the reduction in the published admission number (PAN) for Year 7 (Y7) from 312 in 2018 to 300 for 2019.
2. The parties to this objection are:
 - a. The governing board, which is also the academy trust and admission authority (the trust), for Haydon School (the school); and

- b. The London Borough of Hillingdon which is the local authority area in which the school is situated and the objector (the local authority).

Jurisdiction

3. The terms of the academy 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 by the trust on that basis. The local authority submitted its objection to these determined arrangements on 15 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. I have also used my power under section 88I of the Act to consider the arrangements as a whole.

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 local authority's form of objection, supporting documents and responses to my questions;
 - b. the trust's response to the objection, supporting documents and responses to my questions;
 - c. maps of the area identifying relevant schools and the home locations of those Y7 children who had been allocated a place at the school for September 2018 (provided 24 August 2018);
 - d. the funding agreement for the school;
 - e. information on the websites for the school, the local authority and the Department for Education (DfE);
 - f. an extract from the minutes of the meeting at which the trust determined the arrangements; and
 - g. a copy of the determined arrangements.

The Objection

6. The objection is to the reduction in the PAN from 312 for admissions in 2018 to 300 for admissions in September 2019. The local authority said that this is not in the interests of local residents as any reduction in the number of secondary school places leaves the local authority at serious risk of not being able to fulfil its statutory duty to secure sufficient school places for the children of the area.

Other Matters

7. When I considered the arrangements I found other matters which I considered might not meet the requirements of the Code. These are (with the most relevant paragraphs of the Code in brackets):
 - a. The arrangements are unnecessarily convoluted which may make them unclear (14).
 - b. It may not be clear that children with an education, health and care plan in which the school is named will be allocated a place at the school (14 and 1.6).
 - c. Criterion 1 in the oversubscription criteria and the priority given to looked after children may not be clear (14, 1.7 and 1.8).
 - d. Criterion 4 relating to the children of staff may be unclear and appears to say that additional places above the PAN will be allocated to these children and not in the order of the oversubscription criteria (14, 1.2, 1.7, 1.8 and 2.14).
 - e. The information on the admission of children outside of their normal age group may not be clear (14 and 2.17).
 - f. It is not clear how the home address will be determined when parents have shared responsibility but live at different addresses and the child stays with each for part of the week (14 and 1.13).

Background

8. The London Borough of Hillingdon is on the western edge of Greater London. It shares its borders with the local authority areas of Hertfordshire, Buckinghamshire, Hounslow, Ealing and Harrow. The school is close to the border with Harrow, which is to the east. Indeed, the postal address for the school is the town of Pinner which is in the local authority area of Harrow Council.
9. There are 22 state-funded secondary schools in the local authority area of which four are university technical colleges so normally admitting students to Year 10 (Y10) rather than Y7 as the other secondary schools do. The local authority plans the provision of secondary school places in two geographical areas, north and south. The A40 road provides a divide between the two areas. The school is to the north of the local authority area where there are eight state-funded secondary schools which admit children to Y7.
10. The oversubscription criteria for the school for admissions in 2019 are in summary:
 - 1) Looked after and previously looked after children
 - 2) Siblings of children already attending the school

- 3) Children living nearest to the school in a straight line
- 4) Children of staff.

Consideration of Case

11. The local authority's objection to the reduction in the PAN from 312 to 300 is that the school places removed would leave the local authority at serious risk of not being able to fulfil its statutory duty to ensure sufficient places and make reasonable school place offers to children. Admission arrangements, including the PAN, must be determined each year and anyone can make an objection if they believe that the arrangements do not comply with the requirements of the Code. However, no objection can be made to an admission authority of an academy determining to keep the same PAN. This is set out in paragraph 3.3 b) of the Code. This means that the local authority can object (as it has done) to the decision to reduce the PAN for 2019. However, if I do not uphold the objection and the PAN remains at 300 for 2019 and it is set again at that level for 2020 then neither the local authority or any other person or body would be able to make an objection. If the decision to reduce the PAN means that there are insufficient school places available in the area then this has serious implications for the local authority and its duty to secure sufficient school places for the children in its area.
12. In these circumstances I need to consider the need for school places over time, not just for 2019. I will consider the trust's reasons for reducing its PAN; the capacity of the school; and the forecast demand for school places.
13. The trust explained that before 2015 the PAN for the school was 300 and provision was then organised on the basis of 12 forms of entry with classes of around 25 students. The trust said that it increased the PAN to 312 for admissions in 2015, in order to create the opportunity to have 12 forms of entry with up to 26 students in each class. The trust now wishes, consistent with its views about making the most effective use of its budget, to organise provision on the basis of a model of 10 forms of entry with classes of up to 30 students. The purpose of reducing the PAN to 300 is accordingly to reduce teaching staff costs and the trust described this as simply returning to its previous position of a PAN of 300. The trust said that if the PAN were 312 then it could not afford to operate with the 12 groups in each year group with 26 to a class that this could necessitate. An alternative if the PAN were 312 would be ten groups with 31 to 32 students to a class and the trust said that many of the classrooms cannot accommodate classes of 31 or 32. I have noted, as discussed below, that these class models are notional as the numbers admitted in recent years have been lower than would support their creation.
14. The DfE website, '*Get Information about Schools*,' records the school's capacity as 2040. A net capacity assessment of the

school written in 2010 when the school had a PAN of 300 says the net capacity based on teaching spaces is 2167 or 2031 if based on the PAN. This includes capacity for post 16 education. The funding agreement made with the Secretary of State in 2011 when the school became an academy states a capacity of 2040 places which includes 530 places for post 16. This would leave 1510 for provision for those ages 11 – 16 years which, if divided by the five year groups, would give 302 places a year. This figure would be variable depending on a variety of factors including the numbers in post 16 education. However, there is no argument as to whether the school can physically accommodate a PAN of 312. The school has said that it could not, as noted above, accommodate that number organised into ten forms of entry with classes of 31 or 32 because of the size of classrooms. This assertion has not been queried by other parties and I accept the school's word on this point. The trust's argument is that it cannot afford to operate with 312 students in each year group organised as 12 forms of entry with classes of around 26 or accommodate 312 students in 10 forms of entry with classes of over 30.

15. The school has not admitted to its PAN in recent years. I note in this context that the school has the highest PAN (whether that be 300 or 312) of any of the schools in Hillingdon. Table 1 below shows the number of admissions to Year 7 (Y7) in the last three years.

Table 1: number of Y7 children admitted in September in the last four years

Year of admission to Y7	2015	2016	2017	2018
Number of Y7 admitted at normal point of entry	305	276	253	278

16. Table 1 does not illustrate a historical demand for 312 Y7 places each year; the school has never admitted that number of children in the years for which I have data. It has admitted under 300 for three out of the past four years. I can understand the school wishing to have more certainty around the number of children joining the school so that it can plan accordingly. The school now considers that it can make provision more effectively and economically if it can plan on the basis of a maximum of 300 children joining each year.

17. The numbers attending the school on 20 June 2018 are stated in table 2 below. This shows that numbers in most year groups are some way below 300 (and thus of course below 312) and that there has been little suggestion of increasing demand. If there were, it might be expected that numbers in lower year groups

would be higher than those in years 10 and 11. This is not the case.

Table 2: number of students attending the school as at 20 June 2018

Current year group	Year 7	Year 8	Year 9	Year 10	Year 11
Number of students	269	266	302	290	299

18. I would not assess the trust's case as sufficient justification to reduce the PAN if there were good evidence that the school places removed would be required. I will now, therefore, consider the evidence provided by the local authority to support its objection to the PAN being set at 300. The objection is based on the forecasts of demand for secondary school places. The objection states, *"The demand for secondary places is growing, as the larger primary cohorts of recent years reach secondary school age. In the north of the Borough, up to ten additional forms of entry are forecast to be needed by September 2023. Within a 3 mile radius of Haydon School, in all cases there are no vacant places at any local Hillingdon schools. Schools having any level of capacity are some distance away and quite challenging for parents living in the North of the borough to access by public transport."*

19. I asked the local authority to provide me with the number of allocated places for September 2018 at the secondary schools in the north of Hillingdon to provide me with an indication of current demand. The numbers of children allocated places at six of the eight schools were equal to or above PAN, with one admitting 24 children above its PAN. Two schools, of which Haydon School is one, had been allocated fewer pupils than their PANs would have supported, as at 19 June, The second of these schools, the Harefield Academy, had been allocated 79 pupils on a PAN of 150 which gives it considerable capacity to take more. Harefield Academy is just over seven kilometres from the school and the local authority has told me that Harefield Academy *"is geographically isolated in the far north of the borough and would not be practical for many pupils."* I understand from this that the local authority believes that the need for places of children who may seek a place at the school would not be well met by Harefield Academy.

20. Table 3 shows the number of students on roll in Y7 in secondary schools in the local authority's north planning area. When it provided this information, the local authority said that it showed overall a growth in the demand for places and a falling percentage of surplus places. I am not convinced that this is quite what the figures show. The figures show that the number and

percentage of surplus places in 2016 and 2017 was in fact higher than in 2014 and 2015. This higher level of surplus is in large part attributable to the increase of 48 in the numbers of Y7 places available. If the number of places had not increased then there would have been four per cent surplus places in 2016 and two per cent in 2017. I recognise that two per cent surplus places is low when considering the potential for children moving into the area seeking places and the variety of factors that can affect demand but this was not the argument the local authority advanced. In effect, however, there was a higher surplus in January 2018 than there was in either January 2015 or January 2016.

Table 3: students on roll at secondary schools in the north of the local authority area based on the January census

	January 2015 (year of entry 2014)	January 2016 (year of entry 2015)	January 2017 (year of entry 2016)	January 2018 (year of entry 2017)
Year 7 (number on roll)	1567	1588	1554	1588
Sum of the PANs of the 10 schools	1620*	1620*	1668	1668
Surplus places	53	32	114	80
Surplus places as a percentage	3	2	7 (4 if sum of PANs had not increased)	5 (2 if sum of PANs had not increased)

*The local authority has told me that the PAN for the school was not formally increased to 312 until 2016 so this figure has the PAN for the school at 300.

21. The local authority has explained that its forecasts are reviewed annually using demographic data provided by the Greater London Authority and said, *“In preparing the forecast we are required to follow a prescribed methodology provided by the Education and Skills Funding Agency. This ensures consistency from one Borough to another.”* The local authority has also said that, *“It would be fair to say that demand forecasting in the secondary sector is subject to more volatility than the primary sector, in part due to parental preference, greater mobility, rising accommodation costs in London which seems to have the effect of encouraging outward migration, and welfare reform.”*

22. The school expressed doubt as to the accuracy of the figures provided by the local authority in light of the school's local knowledge and experience. In particular, the school raised concerns about the 'supply and demand' tables used by the local authority. These tables are reviewed annually and forecast the number of places available (supply) and the number of children likely to be seeking a school place (demand).
23. The trust provided me with a 'supply and demand' table dated 5 July 2017 written by the local authority. This shows that for the north planning area there was at that time an anticipated deficit of 26 places for January 2018 for Y7 (so the September 2017 intake). Table 2 shows that, based on the numbers actually admitted, there was a surplus of 80 places for the September 2017 Y7 intake. There was therefore a difference of 106 places between the forecast in July 2017 and the actual number of children on roll in January 2018 (admitted September 2017). This is a nearly seven per cent difference between the forecast admissions and the actual admissions for 2017. In short, what was predicted and what actually happened were rather different.
24. The trust's concerns about the reliability of the local authority's forecasts are based in part on its experiences of changes from the numbers offered a place at the school on national offer day and the numbers actually taking up places in September. The school told me that on 18 April 2018, 296 children had been allocated places at the school for Y7 for September 2018. This number reduced over time and the final number admitted was 278. Changes of this kind are not unusual. As the local authority explained, "*demand can change during the course of the year at key points in the admissions process. This includes National Offer Day (1st March 2018 for Secondary Schools), late applications which are received (most are processed up to the end of July) as well as parents choosing independent school places (albeit having accepted a state funded school place following National Offer Day). These changeable factors contribute to fluctuations in demand from one localised area to another and over time.*"
25. The local authority said that while there may be these variations the overall trend in the area was for increased demand for places. I was not convinced that the evidence I had seen supported this view. As my decision relates to the future, I asked for an up-to-date forecast of expected numbers for the next few years. The local authority provided the information provided in table 4 below and later provided the data for the allocations made in August 2018 for admission in September 2018.

Table 4: local authority forecasts as at 12 June 2018 (with allocations as known August 2018) of demand for secondary school places for Y7 in the north Hillingdon planning area

Year	Sum of the PANs for the ten secondary schools*	Forecast/actual demand for places for Y7	Forecast surplus/deficit for Y7 admissions*
2018	1668	1742 (forecast 5 July 2017)	-74 (forecast 5 July 2017)
		1730 (forecast June 2018)	-62 (forecast June 2018)
		1600 (actual as dated August 2018)	+68 (from comparing sum of PANs to number allocated August 2018)
2019	1746**	1841	- 95
2020	1746***	1840	- 94
2021	1746***	1877	- 131
2022	1746***	1958	- 212
2023	1746***	1939	- 193
2024	1746***	1897	- 151

*The forecast was provided by the local authority showing the PAN for the school as 312 and so this table has been adjusted to show the effect of the PAN at 300 as set by the trust.

**The PANs of two other schools were increased to create an additional 90 places for 2019.

***Assuming no changes made by any admission authority from the PANs set for 2019.

26. Table 4 shows a forecast shortfall in the number of places against demand from 2019 until 2024 with a peak in 2022. The statutory duty to secure the provision of school places for an area rests with the local authority for that area and is set out in section 14 of the Education Act 1996. A local authority meets its duty to secure sufficient school places by working with schools, academy trusts, other local authorities and the DfE working through the Education and Skills Funding Agency (ESFA). The local authority has explained that the ESFA has made a commitment to

providing additional school capacity in the area but has “*experienced an unsuccessful search for a suitable site over the last 18 months.*” Two other schools have agreed with the local authority to expand and provide additional places from 2019 (shown in table 4) but the local authority expresses uncertainty about being able to meet the demand for secondary school places in the area.

27. The trust questioned the basis for the ‘supply’ figures in the supply and demand spreadsheets; it said it was not convinced that all the increases in PANs across the secondary schools had been taken into account. The local authority explained that the methodology prescribed by the ESFA meant that the local authority had not been permitted to take into account the increased PANs at the two schools until planning approval had been granted. This is a clear explanation. I have found it, however, difficult to get a clear picture of which schools and with what PANs for which years have been taken into account with regard to the supply of places. This has made it harder to understand the forecasts and be confident of their accuracy.
28. The trust compared the information in the supply and demand spreadsheets dated 5 July 2017 with the forecasts provided to me on 9 July 2018 and found significant variations. The trust said that these large variations were “*why we are not able to have confidence in the forecasted numbers for demand.*” However, the particular comparisons made were not for the same years of entry; confusion was caused by one set of figures being based on the January census and the other on the September figures for the same calendar year but not the same academic year. With the correct comparison made the differences between the forecasts made in 2017 and 2018 were similar and did not concern me.
29. I was not satisfied, however, that the forecasts for 2017 and 2018 were borne out by the reality of admissions in 2017 and 2018. I therefore asked the local authority to explain:
 - i. the difference between the anticipated shortfall of 26 places for the north planning area for January 2018 (the September 2017 Y7 intake) and the school being undersubscribed by about 43 places (and a surplus of 80 places overall in the north area); and
 - ii. the difference between the anticipated shortfall of 74 places for January 2019 (the September 2018 Y7 intake) when, at the time of the question, there were 273 places allocated for September 2018 so a variance of 113. I also note in addition that it was anticipated that Harefield Academy would admit 79 children in September 2018 which is 71 children below its PAN.

30. I now know that:

- i. There were 1600 children admitted to Y7 in secondary schools in the north of the local authority area in 2018.
- ii. There were 278 children admitted to Y7 at the school in September 2018. This is 34 below the PAN of 312.
- iii. Another secondary school admitted 24 over its PAN for 2017 and 2018 and another school lost four appeals and so admitted above its PAN also.
- iv. The local authority forecast a shortfall of 74 places across the area for September 2018 in July 2017. The difference between the forecast numbers needing a place and the actual numbers admitted is 143 places (I note that the difference would have been 115 had two schools not admitted above their PANs).
- v. The local authority forecast a shortfall of 62 places across the area for September 2018 in June 2018. The reality was a surplus of 68 places so the difference between the forecast and the reality is 130 places. This is a difference of over eight per cent or six per cent if allowance is made for two schools admitting above their PAN.

31. The local authority explained that there had been an unexpected movement of children to a school outside the local authority area. The local authority also identified a smaller proportion of children moving from the primary schools to the secondary schools than previously. The local authority said it wished to exercise caution at this stage as this trend had only been seen in the last two years. The school is very close to the border of the local authority area and there are schools beyond the border that may attract children and have the capacity to admit them. This appears to have happened in 2017 and 2018 and contributed to wiping out the forecast deficit and leading to there being surplus places.

32. I asked the local authority how it has taken into account the proximity of other schools in other local authority areas in its forecasts; from the response provided to me this appears to be on past trends. I was provided with scant evidence of joint planning with regard to the demand for school places or the provision of potential new school places. The school is under three kilometres from the border with Harrow and some children attending the school live in Harrow and, it appears, some children living in the local authority area choose to attend schools in other local authority areas.

33. I also asked where the children, potentially displaced if there were a shortage of school places, might have to travel to receive their secondary education. The local authority explained that currently there were some surplus places in the south of the borough but it expected these to be filled by children who lived

closer as forecasts show increasing demand. I was not provided with evidence of the potential movement of children into schools into other local authority areas. It is possible that there is no scope for children from the local authority area to seek places in other local authority areas but this information was not provided to me. I am not satisfied that all relevant factors have been taken into account in the forecasts made by the local authority.

34. The trust has expressed its preference that if there were “*an unexpected increase in demand*,” that this should be managed via ‘bulge classes’. There is however, very limited powers to make a school admit above its PAN even if there are children without a school place and the school has the physical capacity to accommodate them. A local authority has a duty to secure sufficient school places and the PAN is the only guarantee of the provision of places. There would need to be serious justification to merit risking not meeting this duty and the reasons the trust have given are not sufficient, in themselves, to justify lowering the PAN where there is evidence that the places will be needed.
35. In summary, the local authority believes that demand will rise. The school could physically accommodate 312 children each year and the local authority wishes that its PAN should remain at that level so that it will be obliged to do so should there be demand for places. The local authority will have a greater degree of confidence in its ability to meet its duty to secure sufficient provision of places if the PAN is 312. The most recent figures for school admissions to Y7 in 2017 and 2018 show the local authority forecasts for the numbers admitted to schools in the north planning area to have been adrift by at least 70 places in 2017 and around 140 places in 2018. This variance might not be significant for future forecasts but the local authority has not convinced me that it is taking all factors into account.
36. I have considered all the evidence provided to me. The key factors for me are as below.
 - a. The school originally had a PAN of 300. The school could admit 312 but to do so in a way that its accommodation would allow would create challenges for staffing structure and costs. Its funding agreement appears to be based on a PAN of around 300 (the capacity figures include post 16 education).
 - b. The debate is around the provision of 12 places for 2019 or 60 places over five years if the PAN is maintained at 300. The local authority has not argued that it will need to invest capital monies to replace these 60 places if they are removed.
 - c. The forecasts made by the local authority have not yet led to the school admitting numbers consistent with a PAN of 300. This has proved the case even for 2018 when a deficit of 74 places was forecast across the eight schools in the north of the local authority area by January 2019.

- d. There is evidence that the forecast demand for school places is being met by some children preferring schools outside of the local authority area and being admitted to them.
- e. Future forecasts show the deficit of places increasing significantly and rising to 131 by 2021. There is a risk that the potential shortfall will be aggravated by the lack of these 12 places a year in the future.
- f. I lack confidence however, in the robustness of the forecasts. As the anticipated shortfall for 2019 and 2020 was around 90 places it seems unlikely, based on the current trends, that there will be an insufficiency of places in the next two years.

37. I have concluded that in these particular circumstances that it is appropriate that the school can set its PAN at 300. This is because:

- a. the local authority has not convinced me that it takes all relevant matters into account in its forecasts for the demand for school places and its forecasts for 2017 and 2018 were inaccurate to a significant degree;
- b. a PAN of 312 could be unnecessarily detrimental to the efficient running of the school in the absence of sufficient evidence to the need for the places; and
- c. I have not been provided with evidence that there will be children wishing to be admitted to the school who will not be able to be admitted if the PAN is reduced.

Other matters

38. When I considered the objection and read the arrangements other matters came to my notice which I thought may not comply with the requirements of the Code. I therefore brought these matters to the attention of the school and asked for their comments. The school said that it would look into the wording of its admission policy. This intention is welcome.

39. Paragraph 14 of the Code 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. Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated.”* I found the arrangements unnecessarily convoluted and so unclear. The arrangements for the school are, in themselves, quite simple, but their presentation and order makes them difficult to follow. I therefore judge that they do not comply with paragraph 14 of the Code. In addition there are other matters as provided below.

40. Paragraph 1.6 of the Code says, *“All children whose statement of special educational needs (SEN) or Education, Health and Care*

*(EHC) plan names the school **must** be admitted.*” The school’s arrangements make no reference to children with EHC plans. This makes the arrangements unclear so they do not comply with the Code.

41. Paragraph 1.7 of the Code says that the highest priority in the oversubscription criteria **must** be given to looked after children and previously looked after children. The arrangements do give the highest priority to these children but describe them partly as children in public care and refer to complying with “*local agreements to assist the local authority to comply with its statutory obligations.*” The arrangements are not clear in this regard and so they do not comply with the Code.
42. Criterion 4 of the oversubscription criteria says, “*Recruitment and retention of staff (children of staff who have been employed at Haydon School for at least two years or those that meet a skills shortage). These students will be admitted in addition to the admission number, but limited to a maximum of five per cohort, including the Sixth Form.*” There are several points I need to raise on this. The heading, ‘*recruitment and retention of staff*’ may describe the purpose of the criterion but it is not clear as a description of an oversubscription criterion and therefore contributes to the lack of clarity in the arrangements.
43. Paragraph 1.39 of the Code permits giving priority to children of staff “*in either or both of the following circumstances:*
 - a) *where the member of staff has been employed at the school for two or more years at the time at which the application for admission to the school is made,*

and/or

the member of staff is recruited to fill a vacant post for which there is a demonstrable skill shortage.”
44. The use of the criterion per se therefore complies with the Code. However, the criterion says that these children can be admitted above the PAN. This, in effect, means that these children have the highest priority for admission as they will always be admitted if there are five or fewer of them. This is also at odds with the school’s argument that it cannot admit more than 300 children as discussed above.
45. Fundamentally, when a school is oversubscribed, places must be offered in accordance with the oversubscription criteria and places allocated in that order. The trust can admit over its PAN but only in the order of the priorities set out in its oversubscription criteria. Criterion 3 is distance of the home from the school. All children who have sought a place at the school and not been admitted under a higher criterion will fall within this one as each child will live a particular distance from the school. Any child who expresses a preference for the school, including children of staff,

will be ranked by distance and fall to be considered under this criterion. If there are enough places available, then all children would be offered a place under this criterion. If there are not enough places to admit all seeking a place under this criterion then it follows that there will be no places to be allocated under criterion 4. However, in these arrangements there are still five places to be made available for children of staff. If places are to be allocated to these children, this must mean that places could not be allocated in the order of the oversubscription criteria and so the arrangements do not comply with the Code. As stated above, paragraph 14 of the Code requires arrangements to be "*fair, clear and objective*;" criterion 4 does not comply with paragraph 14 in this regard. In addition, paragraph 1.8 says, "*Oversubscription criteria **must be reasonable, clear, objective, procedurally fair.***" Criterion 4 does not comply with paragraph 1.8 as the arrangements appear to be trying to guarantee a place for children of staff if they are not allocated a place under a higher criterion.

46. Paragraph 2.17 of the Code explains that parents may seek a place for their child outside of their normal age group and that the process for requesting such an admission **must** be made clear in the arrangements. The arrangements for the school do refer to admission outside the normal age group but only do so under the heading, "*how to apply for a Place - 'In Year' applications for Years 7 – 11.*" It is not clear that children applying at the normal point of entry have the right to request consideration of admission outside their normal age group or how parents may go about making such an application. This makes the arrangements unclear in this regard and so they do not comply with the Code.

47. Paragraph 1.13 of the Code says, "*Admission authorities **must clearly set out how distance from home to the school will be measured, making clear how the 'home' address will be determined and the point in the school from which all distances are measured. This should include provision for cases where parents have shared responsibility for a child following the breakdown of their relationship and the child lives for part of the week with each parent.***" The arrangements do not make provision where parents have shared responsibility for their child as described above. The arrangements therefore do not comply with the Code.

Summary of Findings

48. In coming to my conclusion I have considered:

- i. the capacity of the school to accommodate the higher PAN of 312;
- ii. the evidence of parental preference for the school in the context of the PAN;

- iii. the need for secondary school places in the area of the school in 2019 and beyond; and
- iv. the rationale given by the trust for reducing the PAN.

49. The evidence has shown me that:

- i. the school could physically accommodate the PAN of 312 even though its funding agreement is based on a capacity of 300;
- ii. the PAN of 300 would have been sufficient to meet parental preference in four of the past five years;
- iii. there is not a convincing case that a PAN of 312 is necessary to meet future demand for school places; and
- iv. the trust's given reasons for reducing the PAN are, given the other aspects of the case, sufficient. The key reason was that it wished to have a class model based on ten forms of entry with 30 children to a class. A PAN of 312 would require either more forms of entry, which would be financially inefficient, or larger classes. Larger classes are not easily achieved as some classrooms would not accommodate classes over 30.

50. The school has the physical capacity for a PAN of 312 and the local authority has said that these places will be required. For the reasons given above the local authority has not provided sufficient evidence to convince me that there will be insufficient school places in 2019 and beyond if the PAN is reduced to 300 and the school has given a reasonable justification for reducing the PAN to 300. I do not uphold the objection.

51. There are other matters as described above which do not comply with the Code. These mainly relate to lack of clarity in the arrangements. The Code requires the trust to revise the arrangements to address these matters.

Determination

52. 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 Haydon School Trust for Haydon School situated in the local authority area of the London Borough of Hillingdon.

53. I have also considered the arrangements in accordance with section 88I(5) and find there are other matters which do not conform with the requirements relating to admission arrangements in the ways set out in this determination.

54. By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of the date of the determination.

Dated: 23 October 2018

Signed:

Schools Adjudicator: Deborah Pritchard