



Office of
the Schools
Adjudicator

Determination

Case reference: ADA3560

Objector: A parent

Admission authority: Rochdale Borough Council for community secondary schools in Rochdale

Date of decision: 27 June 2019

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 2020 determined by Rochdale Borough Council for community secondary schools in Rochdale.

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 the community secondary schools in Rochdale for September 2020. The objection is that the priority given to children on the basis of the proximity of their homes to the nearest school is unfair to some pupils.
2. The parties to this objection are the objector and Rochdale Borough Council (the local authority).

Jurisdiction

3. These arrangements were determined under section 88C of the Act on 25 February 2019 by the local authority, which is the admission authority for the schools. The objector submitted her objection to these determined arrangements on 2 May 2019. 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.

4. Regulation 22 of The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 says “*For the purposes of section 88H(5)(d), where the adjudicator has determined an objection to the admission arrangements of a school or Academy, no objection may be referred to the adjudicator raising the same or substantially the same issues in relation to those admission arrangements within 2 years of the decision by the adjudicator.*” Determination REF3486 made by the adjudicator in December 2018 considered similar issues to those in this objection. However, that determination was made under section 88I of the Act, not in response to an objection made under section 88H of the Act and so the prohibition in regulation 22 does not apply. Moreover, the wording of the aspects of the arrangements considered in REF3486 in relation to the 2019 arrangements is different from the wording which has been adopted for the 2020 arrangements with which I am concerned here. In addition, REF3486 made findings on the clarity and reasonableness of the arrangements, not the fairness of them.

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 objector’s form of objection dated 2 May 2019 and subsequent correspondence;
- b) the arrangements;
- c) the document confirming that the arrangements were determined by the local authority;
- d) the local authority’s response to the objection and its response to my enquiries;
- e) maps of the area identifying relevant schools; and
- f) Determination REF3486 dated 18 December 2018.

The Objection

7. The objector cited examples of children who did not get an offer of a place at the secondary school nearest to their home and found that they also had low priority for community secondary schools in Rochdale because of the proximity of their homes to another school. The objector said that this resulted in those children being offered places at schools as far as six and a half miles away requiring a bus journey of one and a half hours. The objector said this was not fair to those children. Paragraph 14 of the Code requires that admission arrangements are fair.

8. In her objection the objector referred to several schools for which the local authority was not the admission authority. In response to a request for her to clarify which school's or schools' admission arrangements she was objecting to, the objector made it clear that this objection was to the local authority's arrangements for community schools.

Background

9. The Borough of Rochdale covers an area of 159 square kilometres covering both urban and rural areas. There are 12 state-funded secondary schools and 69 state-funded primary schools in the local authority. The table below shows the number of each type of school. The local authority is the admission authority for, and so determines the admission arrangements for, the community and voluntary controlled schools.

	Primary	Secondary
Community	30	4
Voluntary Controlled	8	0
Voluntary Aided	21	3
Foundation	3	1
Academy	7	4
Total	69	12

10. The oversubscription criteria for the community secondary schools determined by the local authority can be summarised as:

1. Looked after and previously looked after children
2. Children with exceptional medical or welfare needs
3. Children with older siblings attending the school
4. Children eligible for the service premium
6. Relative proximity and ease of access

11. In the process of making determination REF3486 the adjudicator was told that the purpose of the last oversubscription criterion was to give priority to children who would have longer journeys to other schools. In determination REF3486 the adjudicator found that the final oversubscription criterion in the admission arrangements for 2019 was unclear. That determination also found that the final criterion was unreasonable because it was inconsistent in the selection of schools which were excluded from consideration as the

nearest school because they gave priority to children on the basis of faith. In REF3486 the adjudicator said *“There is a risk that because not all schools can physically accommodate all children for whom they are the closest a child could find they have low priority for all schools due to their proximity to a school without the capacity to accommodate them. I have no evidence that this has occurred and make no finding on it. This is a matter for the Council to monitor.”*

12. The wording used in the 2020 arrangements for community secondary schools is different from that considered by the adjudicator in REF3486. I am of the view that the wording used in the 2020 arrangements for secondary schools makes the final criterion clear and the exclusion of schools from consideration as nearest school is now consistent.

Consideration of Case

13. The objector referred to paragraph 16 of determination REF3486 which says *“In such situations, [where schools could not offer places to all children for whom it was their nearest] the children who would not be offered places at their nearest school would be those with the shortest journeys to other schools. However, the proximity of the nearest school would lead to those children having low priority for those other schools. At the meeting I put it to the Council representatives that a child could find they have low priority for all schools, as there was a nearer school even though they could not get a place there and this may not be fair. The representatives agreed that this could happen but they were not aware of it having occurred; they said that generally the arrangements worked well.”* The objector said that this had happened in the Littleborough area leading to children being placed at secondary schools as far as six and a half miles from their homes requiring bus journeys of up to one and a half hours. She questioned the fairness of this situation. 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.”*

14. Littleborough is situated in a rural area to the northeast of Rochdale on the edge of the Pennines. The Department for Education database “Get Information About Schools” (GIAS) identifies nine state-funded secondary schools within a five mile radius of Littleborough. Some of these schools will be considerably farther away than five miles when the distance is measured along roads rather than in a straight line. These schools are tabulated below.

Name	Distance (miles straight line)	Admission authority
Wardle Academy	1.4	Academy Trust
Hollingworth Academy	2.5	Academy Trust
Kingsway Park High School	3.3	Governing Board

Name	Distance (miles straight line)	Admission authority
Falinge Park High School	3.4	Rochdale BC
Whitworth Community School	3.8	Lancashire CC
St Cuthbert's RC High School	4.2	Governing Board
Oulder Hill Community School	4.3	Rochdale BC
Crompton House C of E Academy	4.4	Academy Trust
Matthew Moss High School	4.9	Rochdale BC

15. The objector said that the closest secondary school to Littleborough, Wardle Academy, gave priority for admission to applicants on the basis of distance between home and school. This is different from giving priority on the basis that the school is the nearest to the child's home as it does not take into account the location of the child's home in relation to other schools. The maximum distance from which children are admitted to Wardle Academy in recent years has been 1.9 miles. Some children who live in Littleborough live more than 1.9 miles from Wardle Academy. They would not accordingly be allocated a place there. It is also the case that some of the children who would be allocated a place at Wardle Academy on the basis of how close it is to their home may have other schools nearer to their home than do those living in Littleborough. The objector said that the proximity of Wardle Academy led to children from Littleborough having low priority for the community schools in Rochdale that take the distance between the child's home and their nearest school into account when giving priority for admission, even though the children could not gain a place at Wardle Academy. This results in children from Littleborough being offered places at the nearest undersubscribed school, Kingsway Park, to which there is no direct bus.

16. In responding to the objection the local authority acknowledged that children living in the Littleborough area applying for a secondary school place could find that they have a lower priority for the schools where the local authority's admission arrangements applied. The local authority said that they receive few expressions of preference for those schools from the Littleborough area and in the last five years just two preferences were refused admission.

17. The local authority said "*The situation that has arisen in the Littleborough area in recent years may have been avoided if Wardle Academy had used these same [as the local authority] admission arrangements, as the children living on the far side of Littleborough (as described in the objection) who have a long distance to travel to attend any secondary school would receive a higher priority for a place at Wardle Academy based on a relative calculation than they do when based on the distance between home and school alone. As a local authority, we have had discussions with the school who have since consulted on,*

and changed their admission arrangements to adopt the relative proximity method with effect from the September 2020 intake.” I have looked at Wardle Academy’s website and can confirm that the admission arrangements for 2020 do use the relative proximity method. The local authority also said that a direct bus service will run from Littleborough to Kingsway Park High School from September 2019.

18. The objector commented on the local authority’s response. She said her objection was *“to try to raise awareness of the over-complicated system of school admissions and placement provision due to the variety of school types and rules”*. She went on to say *“With the current pressures on school funding, increase in school-age population and the difficulty in providing extra school places, the improvement in parental choice of school which has been seen over recent years is likely to reduce. I do feel it is unfair for the LA to have a legal obligation to provide places for all children in their Borough when they have so little control over admissions and the provision of new school places”*. These matters are not for me to comment on, my jurisdiction only extends to the admission arrangements which are the subject of this objection and the matter of whether or not they conform with the requirements relating to admissions.

19. In respect to the arrangements the objector said that she thought the relative distance method was fair, however, *“The LA have amended their admission criteria to no longer include faith schools as the nearest school (“the local authority considers all schools as being the nearest school other than schools where priority is given on the grounds of a child’s faith....”) so how is it fair to still include academies where the children for whom it is their nearest school are unlikely to get a place because distance is measured differently or feeder primaries are named?”* She went on to say that until recently, all children in the Littleborough area had been able to get places at Wardle Academy and that other *“Pennine”* schools would have been preferred by parents to the schools in Rochdale for which the local authority is the admission authority.

20. The objector said that it appeared that the local authority had helped the situation for children in Littleborough through encouraging Wardle Academy to take into account how far local children would have to travel to other schools when giving priority for admission in 2020. However, she expressed concerns about other aspects of that school’s admission arrangements which may still leave children from Littleborough not being offered a place at their closest school. I cannot address those concerns in this determination as there has been no objection to the admission arrangements of Wardle Academy. For the avoidance of doubt nothing in this determination should be taken as implying any criticism or comment on the admission arrangements of Wardle Academy.

21. In the table above I have listed the nine state-funded secondary schools identified by GIAS as being less than five miles from Littleborough. Measuring the walking distance using the local authority’s software (which I do not have access to) and measuring from different addresses in Littleborough may lead to different figures and a different ordering of these schools. However, I am satisfied that looking at these schools on the map gives me a clear picture of the secondary schools available in the area.

22. I asked the local authority for information on the number of places offered in recent years at the seven schools of the schools within five miles of Littleborough which fall within its boundaries.

	Admission Authority	2019		2018		2017	
		PAN	Offers	PAN	Offers	PAN	Offers
Wardle Academy	Academy Trust	240	265	240	250	240	240
Hollingworth High	Academy Trust	270	270	270	270	270	270
Kingsway Park High	Governing Board	270	261	270	270	270	221
Falange Park High	Rochdale BC	270	270	270	270	270	270
St Cuthbert's RC	Governing Board	240	226	240	240	240	196
Oulder Hill Community	Rochdale BC	300	299	300	300	300	300
Matthew Moss High	Rochdale BC	240	216	240	190	185	109

23. The local authority allows parents to express up to four preferences on its common application form. Parents can include a preference for schools in other local authorities. If a child cannot be offered a place at one of his or her parents' preferred schools, the local authority will offer a place at the nearest school to their home with places available that is in the local authority area, whether the local authority is the admission authority or not.

24. The objector has told me that parents in the Littleborough area prefer the "Pennine" schools to the community schools in Rochdale itself, some of these schools are in other local authority areas. This would be consistent with the local authority saying that it has few applications to its community schools from that area and has only refused 2 applications in the past five years. Kingsway Park is the closest school to Littleborough with a history of being undersubscribed and so any child living in Littleborough who could not be offered a place at a preferred school would be offered a place there.

25. The secondary school closest to Littleborough, Wardle Academy, does not have the capacity to accommodate all the children for which it is the closest that would like to go there. The oversubscription criteria for Wardle Academy which applied up to and including 2019 have meant that children from Littleborough have had low priority for a place at that school. The change in the oversubscription criteria for Wardle Academy for 2020 will mean that children in Littleborough will have higher priority than before. As a consequence of this another group of children will not be offered places at Wardle Academy because the school is oversubscribed. I cannot speculate on where these children will live in relation to other schools and the priority they may have for the community secondary schools. I therefore cannot take a view on whether or not the admission arrangements for the four community

secondary schools would be unfair to those children. I am charged with deciding on the objection which is if the admission arrangements for community secondary schools will cause unfairness to children living in Littleborough in 2020.

26. I have considered the situation of a child living in Littleborough whose parents included the nearest community school, Falinge Park, among their four preferences as well as Wardle Academy. If even under the new arrangements for Wardle Academy, a place could not be offered at that school, the proximity of Wardle Academy to the child's home could lead to them not being offered a place at Falinge Park. If none of the two other schools could offer the child a place, and the historical pattern is followed, it is likely that a place would be offered at Kingsway Park. According to GIAS, and my observation on a map, Kingsway Park (3.3 miles) is about the same distance as Falinge Park (3.4 miles) from Littleborough. From September 2019 there will be a bus service from Littleborough to Kingsway Park. The journey to Kingsway Park appears to be no more difficult than that to Falinge Park.

27. While parents may prefer that children attend their closest school, it is not an entitlement and indeed is simply not always possible if there are more children for whom the school is the closest than there are places. In this instance, it is not the admission arrangements for the community schools that prevents this happening in Littleborough. From the data provided by the local authority it appears that there are sufficient secondary school places for children living in Littleborough to find one within a five mile radius. This is not an unusual distance to travel to secondary school in a rural area and travel over three miles would be funded by the local authority. The proximity of Wardle Academy to Littleborough means that Littleborough children have low priority for the community schools; however, if they cannot be offered a place at one of the community schools, there are other schools within a similar distance which would have places available.

28. I think that residents of Littleborough have been unable to be offered places at the closest secondary schools because of factors including the capacity of the schools, the distribution of the population and the admission arrangements (for which the local authority is not responsible) of those schools. The admission arrangements of the community schools do make it difficult for children living in Littleborough to be offered places at them if they are oversubscribed, because other schools are closer to their homes. However, this does not lead to any unfairness because places are available at other schools no further away than the closest community school. I do not uphold the objection.

Summary of Findings

29. The objection which I have considered is that the admission arrangements of community secondary schools for 2020 are unfair to children living in the Littleborough area. The objector said that because the proximity of a school at which they could not get places at would be taken into account in determining priority for a places at community schools. This, the objector said led to these children being placed at schools farther from their homes with difficult journeys to them.

30. The objector and the local authority agreed that parents living in the rural Littleborough area do not often include the community secondary schools in the town among their preferences when applying for places. For 2020, the closest secondary school to Littleborough, which is an academy, has changed its admission arrangements to give greater priority to children living in Littleborough.

31. There are sufficient school places within a five mile radius of Littleborough, if a child from Littleborough applied for and was unable to be offered a place at one of the community secondary schools they will be offered a place at the nearest school to their home which has places. The school at which children have been offered places in the past is a similar distance as the closest community school is to Littleborough and a new bus service to that school will be in place from September 2019.

32. It is not always possible for children to attend their closest school and not unusual for children living in rural areas to travel five or more miles to a secondary school. I do not think that any difficulties in accessing secondary school places closer to their homes for residents of Littleborough are caused by the admission arrangements of the community secondary schools. I do not uphold the objection.

Determination

33. 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 2020 determined by Rochdale Borough Council for community secondary schools in Rochdale.

Dated: 27 June 2019

Signed:

Schools Adjudicator: Phil Whiffing