



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** ADA3557

**Objector:** Hertfordshire County Council

**Admission authority:** The Hart Schools Trust for The Thomas Alleyne Academy, Stevenage, Hertfordshire

**Date of decision:** 3 July 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 The Hart Schools Trust for The Thomas Alleyne Academy, Stevenage, Hertfordshire.**

### 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 Hertfordshire County Council (the objector) about the admission arrangements (the arrangements) for September 2020 for The Thomas Alleyne Academy (the school), an academy school for pupils aged 11 -18, which is part of The Hart Schools Trust (the trust), a multi-academy trust responsible for two schools. The objection is to the naming of the other school in the multi-academy trust, which is a primary school, as a feeder school.
2. The local authority (LA) for the area in which the school is located is Hertfordshire County Council (the LA). The LA is the objector. Other parties to the objection are the trust and the local governing board of the school.

### Jurisdiction

3. The terms of the Academy agreement between the multi-academy trust and the Secretary of State for Education require that the admissions policy and arrangements for the academy school are in accordance with admissions law as it applies to maintained

schools. These arrangements were determined by the academy trust, which is the admission authority for the school, on that basis. The objector submitted its objection to these determined arrangements on 3 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.

## 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. a copy of the minutes of the meeting of the trust board at which the arrangements were determined;
  - b. a copy of the determined arrangements;
  - c. the objector's form of objection dated 3 May 2019 and supporting documents;
  - d. the trust's response to the objection;
  - e. a map of the area identifying relevant schools; and
  - f. information supplied by the LA, at my request, indicating the allocation of secondary school places in the area and other statistical analyses.

## The Objection

6. The objector believes that the naming of Roebuck Primary School as a feeder school is not "*reasonable*." The Code requires, in paragraph 1.8, oversubscription criteria to be reasonable and, in paragraph 1.15, that the selection of a feeder school **must** be made "*on reasonable grounds*."

## Background

7. The school has a Published Admission Number (PAN) of 180 for admission to year 7 (Y7) in September 2020. The PAN is unchanged from the previous year, as are the oversubscription criteria (known as "*rules*" in Hertfordshire), which can be summarised as follows:

- (i) Looked after and previously looked after children.
- (ii) Children who have a particular medical or social need to go to the school.
- (iii) Siblings of children at the school.
- (iv) Children attending Roebuck Academy.

- (v) Children of staff.
- (vi) Children who live in the Stevenage priority area for whom the school is their nearest non-faith, co-educational and non-partially selective school.
- (vii) Children who live in the priority area for whom the school is not their nearest.
- (viii) Children living outside the priority area.

Children with priority under criteria (vi), (vii) and (viii) are ranked by their distance from the school. The Stevenage priority area covers the town of Stevenage and surrounding villages. There are five secondary schools in the priority area.

8. The school reports that parents of fewer than 180 pupils have made the school their first preference for admission for the last three intakes to Y7. However, according to data provided by the LA, the school was fully subscribed for admission in September 2019 as 180 places were allocated. This will have included some second or lower preference applications whose higher preferences could not be met at the schools concerned. Moreover, for this school a further 49 on-time applicants with a 'live' preference for the school were not able to be allocated a place. Live preferences in this context include second or lower preferences for the school, where higher preferences have not been able to be allocated.

## Consideration of Case

9. In its objection the LA says that it,

*“does not believe that it is reasonable to name a school as a feeder primary school primarily because it has joined the same multi-academy trust as the secondary school.”*

The LA points out that Roebuck Academy is over two miles from The Thomas Alleyne Academy and that there are 18 infant and primary schools that are located closer. Although only three children from Roebuck Academy were allocated places at the school for admission in September 2019, demand for Y7 places in the area is increasing and,

*“it is possible that this rule will disadvantage children who live closer to The Thomas Alleyne Academy and prevent them accessing a local school place.”*

10. In my view, there are two aspects to the LA's objection. First, the LA says that the grounds on which Roebuck Academy has been named as a feeder school are not reasonable, which would be contrary to paragraph 1.15 of the Code. Second, it argues that the effect of the feeder school oversubscription criterion is unreasonable and unfair as it may disadvantage a particular group of children who live closer to the school. In an email that the LA sent to the school in September 2018, it summarises its view by saying,

*“Schools must ensure that their admission arrangements are fair and reasonable to all.”*

Paragraph 1.8 of the Code stipulates that *“oversubscription criteria **must** be reasonable”* and paragraph 14 requires admission authorities to,

*“ensure that the practices and the criteria used to decide the allocation of school places are fair.”*

11. I will consider the two aspects in turn. With regard to the grounds for naming Roebuck Academy as a feeder school, the trust provided some explanation.

*“The governors and Trustees considered that pupils attending the Primary School, which was at that point in danger of being considered a ‘coasting school’ would benefit from stronger links with the Thomas Alleyne Academy, new leadership for which had made material improvements in the progress and achievements of its students. Following a common approach to behaviour management, the curriculum and displaying the same values would enable the schools to create a similar positive attitude to learning and help improve opportunities for Stevenage children.”*

The trust says that the numbers of applications it receives from parents of children at Roebuck Academy have *“historically been low”* and *“were not expected to rise substantially”* when the feeder school criterion was introduced for admission in September 2019. This has proved to be the case. The size of the year 6 (Y6) group at Roebuck Academy in the current academic year is one form of entry, that is, around 30 children. This will be the same in the 2019/2020 academic year, that is, the group of children transferring to secondary school in September 2020, the date to which this objection relates and the only year for which I am considering admissions. In the academic year 2020/2021, the Y6 group will be two forms of entry (around 60 children). The trust has undertaken to *“monitor this position annually”* and *“to consider any difference”* that might be caused by the larger Y6 group at Roebuck Academy transferring to secondary education.

12. In response, the LA questions the purpose of naming Roebuck Academy as a feeder school. The LA says *“it seems logical... to assume”* that the trust sought to increase the number of children transferring from Roebuck Academy, but it points out that the number of children taking advantage of the priority for a place has been low and the trust is prepared to reconsider the criterion if its impact changes.

13. The LA makes a valid point but, in my view, it does not render the grounds for naming Roebuck Academy as a feeder school unreasonable. The trust has provided a coherent explanation for naming the other school in the MAT as a feeder school, as the two schools follow a *“common approach”* and display *“the same values.”* The fact that parents of few children at Roebuck Academy have chosen to take advantage of the priority for a place that the feeder school criterion provides does not mean that the rationale is unreasonable in itself. I therefore find that the selection of Roebuck Academy does comply with the requirement of paragraph 1.15 of the Code.

14. In order for the effect of the feeder school criterion to be considered in breach of the Code, as the LA submits, it is necessary to establish that there are children who are likely to be disadvantaged by it in a way that is unreasonable or unfair. As the arrangements are unchanged from those determined for the academic year 2019/2020, the allocation of places for admission to Y7 in September 2019 provides important information. Table One shows the number of places allocated under each oversubscription criterion.

**Table One: Allocation of places at The Thomas Alleyne Academy for admission in Year 7 in September 2019**

<b>Oversubscription criterion</b>	<b>Places allocated</b>
1. Looked after and previously looked after children	2
2. Medical or social need	0
3. Siblings	69
4. Children attending Roebuck Academy (feeder school)	3
5. Children of staff	0
6. Children living in the priority area for whom the school is their nearest	52
7. Other children living in the priority area	52
<b>TOTAL</b>	<b>180*</b>

*\*Includes two children with Education, Health and Care Plans naming the school.*

15. The table shows that all of the children with a live preference, for whom the school was their nearest, were allocated a place there, along with 52 children who also lived in the Stevenage priority area, but for whom the school was not their nearest. The latter group had priority under criterion 7. The last child allocated a place under criterion 7 lived 2,213 metres from the school. The LA has confirmed to me that the three children attending Roebuck Academy, who were allocated a place under the feeder school criterion, would not have been allocated a place if that criterion were not in place. They would have been considered under criterion 7 and their distance from the school was greater than 2,213 metres. The next three children who would have been allocated a place, if there were no feeder school criterion, lived between 2,238 and 2,304 metres from the school. In fact, all three of them were allocated a place at their nearest schools. Those schools were, of course, closer to their home than The Thomas Alleyne Academy, but their parents had made Thomas Alleyne a higher preference.

16. It can be seen, therefore, that three children were disadvantaged by the introduction of the feeder school criterion for admissions in September 2019, to the extent that they were not allocated a place at The Thomas Alleyne Academy, which was a live preference. However, I do not consider that it can be said that these children have been unreasonably or unfairly disadvantaged, as they have all been allocated places at schools closer to their home. They and their parents may well be disappointed not to have been allocated places at Thomas Alleyne, when children who live further away from the school obtained places under the feeder school criterion, but admission authorities are not required to use distance from the school as the sole means of allocating places.

17. The objection relates to the determined arrangements for admission in September 2020 but I have not been provided with any evidence to suggest that the pattern of allocation of places is likely to be significantly different in 2020 to what it was in 2019. Although the LA expects there to be a deficit in secondary school places in Stevenage of 11 per cent by January 2024, a small surplus is forecast for January 2020. The number of children currently in year 5 at schools at the town, that is, the group that will be transferring to secondary school in September 2020, is almost exactly the same as the comparable group transferring in September 2019: 1,114 and 1,111 children respectively. There is no increase in the number of children due to transfer from Roebuck Academy until September 2021, when the Y6 group will be 60 rather than 30. Over the past five years, the number of children transferring from Roebuck Academy to The Thomas Alleyne Academy has ranged from one to six. Taken together, these figures lead me to conclude that there it is unlikely that any disadvantage caused by the feeder school criterion will affect many children for admission in September 2020 and, as in September 2019, its effect will not be of a nature that could be considered unreasonable or unfair.

18. Therefore, I do not uphold the objection that the feeder school criterion breaches paragraphs 1.8 and 14 of the Code, as I do not consider that it will be unreasonable or unfair in its effect in September 2020. The trust has undertaken to monitor the ongoing effect of the criterion, which is wise. If, in the future, its effect were to be that a group of children could face an unreasonably long journey to an alternative school, as the pressure on secondary school places in Stevenage intensifies, a reconsideration of the position might be necessary.

## Summary of Findings

19. Although the numbers of children transferring from Roebuck Academy to The Thomas Alleyne Academy are historically low, the trust has provided a coherent explanation for naming Roebuck Academy as a feeder school, which meets the Code's requirement that feeder schools must be selected on "*reasonable grounds*." The criterion is likely only to affect a small number of children for admission in September 2020 and not in a way that could be considered unreasonable or unfair. I do not uphold the objection.

## Determination

20. 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 The Hart Schools Trust for The Thomas Alleyne Academy, Stevenage, Hertfordshire.

Dated: 3 July 2019

Signed:

Schools Adjudicator: Peter Goringe