



Office of
the Schools
Adjudicator

Determination

Case reference:	ADA3499
Objector:	A parent
Admission authority:	Lionheart Academy Trust for Beauchamp College, Leicestershire
Date of decision:	6 August 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 Lionheart Academy Trust for Beauchamp College, Leicestershire.

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 Beauchamp College (the school), a mixed academy school for pupils aged 11 to 18, for September 2020. The objection is to the higher priority given to children attending named feeder schools than to children living in the school's catchment area.
2. The local authority (LA) for the area in which the school is located is Leicestershire County Council. The LA is a party to this objection.

Jurisdiction

3. The terms of the Academy agreement between the 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 her objection to these determined arrangements on 7 March 2019. The objector initially asked to have her identity kept from

the other parties and met the requirement of Regulation 24 of the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 by providing details of her name and address to me. She subsequently withdrew that request in order to attend the meeting with the parties which I convened. 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 at which the arrangements were determined;
 - b. a copy of the determined arrangements;
 - c. the objector's letter form of objection dated 7 March 2019 and subsequent correspondence;
 - d. the response of the admission authority to the objection and subsequent correspondence;
 - e. the local authority's comments on the objection and subsequent correspondence and its composite prospectus for admissions to secondary schools;
 - f. a map of the area identifying relevant schools;
 - g. confirmation of when consultation on the arrangements last took place and details of the nature of the consultation and responses to it. This consultation was in 2015 and concerned the admission arrangements for September 2017. This was the last time changes requiring prior consultation were made to the school's admission arrangements.

I have also taken account of information received during a meeting I convened on 27 June 2019 at the school.

The Objection

6. The objector stated that the priority given in the school's oversubscription criteria to children who attend a named feeder school unfairly disadvantages those living within the school's catchment area and those who have siblings already at the school, particularly if they move into the area a short time before applying for a place. The objector did not say which part of the Code she considered was engaged, but I have informed the parties that I have noted that paragraph of the Code 1.15 requires that feeder schools are selected on reasonable grounds and that paragraph 1.8 says that:

*“ Admission authorities **must** ensure that their arrangements will not disadvantage unfairly, either directly or indirectly, a child from a particular social or racial group.”*

Paragraph 14 of the Code also says that:

*“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. “*

Background

7. The school is situated in Oadby, which is just outside the city of Leicester, in the county of Leicestershire. The historic structure of schooling in Leicestershire was three-tier, with primary schools for Reception to Year 5, high schools for Years 6 to 9 and upper schools for Years 10 to 13. In the Oadby area there were two high schools – Gartree High and Manor High – and one upper school, Beauchamp College. Following reorganisation, all three of these schools now admit children to Year 7 from Oadby and the surrounding area. The first Year 7 intakes were in 2017, and the school continued until the present year to admit children to Year 10. So 2020 will be the first year for which the school’s normal admission years will be only Year 7 and Year 12. The three secondary schools are located within half a mile of each other.

8. Changes were made to the school’s admission arrangements for September 2019 as a result of the adjudicator’s decision in ADA3472 dated 12 September 2018, and the LA has said that the school has agreed to increase its Year 7 PAN from 240 to 300 for September 2019. Neither of these were changes requiring there to be prior consultation.

9. For September 2020, the admission arrangements for Year 7 are as follows:

- (i) The published admission number (PAN) is 300;
- (ii) If the school is oversubscribed, priority is given in the following order:
 - Looked after and previously looked after children
 - Children attending named Learning Partner primary schools, which are eight primary schools in the county of Leicestershire
 - Children attending named feeder primary schools, which are four primary schools three of which are in the city of Leicester
 - Children with a sibling (as defined) at the school
 - Children who live in the school’s catchment area (shown on the school’s website)
 - Children of members of staff

- Other children on the basis of the distance between their home and the school.

If there are more children than available places, subsequent oversubscription criteria are used to decide which children are admitted.

10. The school's catchment area is extensive and covers Oadby and the rural area from which primary schools have historically fed the two former high schools and through them itself, as well as part of the city of Leicestershire. Both groups of feeder school are within the school's catchment area. Neither of the former high schools continues to use a catchment area in their admission arrangements.

11. The objector lives in the school's catchment area and has one child already at the school. I will not set out the detail of the objector's personal circumstances other than to say that she is concerned that her youngest son, who attends one of the schools in the second group of feeder schools, will not be able to gain a place at the school that is attended by his older sibling. The objector says that in recent years the school has only been able to admit to Year 7 some of the children attending the two groups of named feeder schools. She also says that it is difficult for parents moving into the area to secure a primary school place at one of the higher-ranked Learning Partner schools.

Consideration of Case

12. The school has provided to me its reasons for having the two groups of feeder schools. The first, those called Learning Partner schools, are those which have traditionally sent children to the school through its two former feeder secondary schools, at Year 10. It continues to have curricular and other links with these schools. The second group, which includes three schools in the city of Leicester, are also schools in its catchment area, and the school has told me that this is the area from which children have historically been admitted to the school. It seems to me that both are reasonable grounds for naming the schools in question as feeder schools, and that the arrangements do not breach paragraph 1.15 of the Code.

13. The principal thrust of the objection however is that the arrangements are unfair in their effect. It is the objector's contention that the arrangements are unfair to parents like herself who live close to the school but who may not be able to secure a place there if their children do not also attend one of the local primary schools. She has stated that she considers it unfair that the school does not give a higher priority to those living in the catchment area, and also that the naming of feeder schools which are within the city of Leicester is a cause of unfairness as it reduces the number of places that might be available to those living near the school who may have moved into the area and who were not able to secure a place at a local primary school. For the arrangements to be unfair, however, they would need to cause an unfairness to a particular group of children. This would be evident, for example, if there were a group of children who were unable to secure a place at a school within a reasonable travelling time or distance from their home as a result of the arrangements.

14. I have asked the local authority for its view concerning the sufficiency of secondary school places locally, that is in the Oadby area. It has told me that its forecast for the demand for Year 7 places from children attending one of the eight Learning Partner primary schools, or living in the catchment area of one of these schools but attending another school is currently:

Children living in the Oadby area needing Year 7 place	2019	2020	2021
Attending Learning Partner school	295	291	305
Attending school elsewhere	26	11	21
Total	321	302	326

The objector's argument is of course that there are more children than this who are likely to be in attendance at one of the eight schools. The sum of the PANs of these eight schools is 400. That for the four other schools named as feeder schools is 300. So it is evident that if all the children attending the school's named feeder schools expressed a first preference for a place there, not even all those attending one of the eight Learning Partner schools would secure a place.

15. That has not been the case however. For admissions in September 2019, there were a total of 869 preferences for a place at the school, of which 398 were first preferences. The information provided to me by the school is that of the 300 available places, 20 have been made available to children attending one of the named feeder schools, after the allocation of 276 places to children attending the named Learning Partner schools. All those from one of the four named feeder schools who has an older sibling at the school have been offered places. It is also the case that no children have been offered places under any of the subsequent oversubscription criteria, such as residence in the catchment area.

16. So the most recent evidence is that, while no children have been admitted to the school from its catchment area who did not also attend one of the named feeder schools, these were not limited to those at the Learning Partner schools. More importantly, in terms of my consideration of whether the school's arrangements are unfair, the local authority is unequivocal in its view that all those who live in the Oadby area will secure a place at one of the three local secondary schools in the coming years. Its forecast of the combined demand for Year 7 places is:

	2019	2020	2021
Total demand for Year 7 places	621	624	650

The combined PANs for the three schools is currently 635, and each has secured section 106 funding to meet the element of this demand stemming from future housing developments.

17. In summary, the situation which has been described to me is that the prospect for a parent who lives in the school's catchment area is that they are unlikely to secure a place at the school unless their child also attends one of the named Learning Partner schools, and that there is a small prospect of being able to do so if the child attends one of the four other named feeder schools. But that does not amount to there being a consequent unfairness for other children living in area whose parents would have wanted them to go to the school. The school is popular and oversubscribed and whatever its admission arrangements some who would like a place there will be disappointed. I have been presented with no evidence to persuade me that such children will be without an alternative local school place in the foreseeable future, and the evidence which I have seen is that this will not be the case. I do not uphold the objection.

Summary of Findings

18. I have explained why I have come to the view that the school has named feeder schools in accordance with the provisions of the Code, and that its admission arrangements are not unfair.

Determination

19. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements determined by Lionheart Academy Trust for Beauchamp College, Leicestershire.

Dated: 6 August 2019

Signed:

Schools Adjudicator: Dr Bryan Slater