



Determination

Case reference: ADA 3593

Objector: A member of the public

Admission authority: The governing board for Golborne High School, Wigan

Date of decision: 14 August 2019

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements for September 2020 determined by the governing board of Golborne High School, Wigan.

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 this 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 a member of the public, (the objector), about the admission arrangements (the arrangements) for Golborne High School, Wigan (the school), a foundation school for children aged 11-16 for September 2020. The objection is to the reference in the oversubscription criteria to primary schools in an area without naming them.

2. The local authority (LA) for the area in which the school is located is Wigan Council. The LA is a party to this objection.

Jurisdiction

3. These arrangements were determined by the foundation trust's governing board, which is the admission authority for the school. The objector submitted their objection to these determined arrangements on 12 May 2019. The objector has asked to have their

identity kept from the other parties and has 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 their name and address to me. 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 12 May 2019;
 - b) the admission authority's response to the objection;
 - c) the comments of the LA on the objection;
 - d) the LA's composite prospectus for parents seeking admission to schools in the area in September 2019;
 - e) confirmation of when consultation on the arrangements last took place;
 - f) copies of the minutes of the meeting at which the governing board of the school determined the arrangements; and
 - g) a copy of the determined arrangements.

The Objection

6. There are two parts to this objection. The first part is that the 2020 admission arrangements include oversubscription criteria which breach section 1.9b of the Admissions Code in that they give priority to children who have attended particular primary schools but do not name those schools as feeder schools. This paragraph of the Code says "*admission authorities **must not**....take into account any previous school attended, unless it is a named feeder school.*" Paragraph 1.15 of the Code refers to feeder schools and says "*Admission authorities may wish to name a primary or middle school as a feeder school. The selection of a feeder school or schools as an oversubscription criterion **must** be transparent and made on reasonable grounds.*"

7. The second part of the objection concerns whether the arrangements define a catchment area clearly as required by paragraph 1.14 of the Code. This paragraph says "*catchment areas must be designed so that they are reasonable and clearly defined.*"

Background

8. The school is a foundation school that provides for children age 11-16. It has a published admission number (PAN) of 180. It receives about this number of applications in each year and for admission in September 2019 it decided it was able to admit all applicants who wanted to take up a place there and exceed its PAN. It is permitted to do this by virtue of paragraph 1.4 of the Code. Paragraph 1.4 says “...*If at any time following determination of the PAN, an admission authority decides that it is able to admit above its PAN, it **must** notify the local authority in good time to allow the local authority to deliver its co-ordination responsibilities effectively. Admission authorities may also admit above their PAN in-year.*” The school notified the LA as required.

9. The school has determined oversubscription criteria for 2020 as follows:

“a. Looked after children and previously looked after children.

b. Children who appear to the Governing Body of the school to have been in state care outside of England and ceased to be in state care as a result of being adopted.

c. Children with brothers or sisters who will be attending the school in the 2019-20 school year

d. Children who attend a primary school in Golborne or Lowton.

e. Other children living in Golborne and Lowton.

f. Children who attend a school in Abram.

g. Other children living nearest to the school.”

These oversubscription criteria have been changed from the arrangements for 2019 which were as follows:

“a. Looked after children and previously looked after children.

b. Children with brothers or sisters who will be attending the school in the 2018-19 school year.

c. Children who attend one of the following associated primary schools: Golborne All Saints, Golborne Community Primary, Golborne St Thomas’s Lowton J and I, Lowton St Catherine’s, Lowton St Luke’s Lowton St Mary’s Lowton West Primary.a primary school in Golborne or Lowton.

d. Other children living in Golborne and Lowton.

e. Other children living nearest to the school.”

Consideration of Case

10. The first part of the objection is that the changes in these arrangements between the 2019 to the 2020 arrangements do not comply with the requirements of the Code to name schools that are taken into account in oversubscription criteria as feeder primary schools. These requirements are set out in paragraphs 1.9b and 1.15 of the Code and are quoted above.

11. The school responded to the objection and provided copies of the minutes of the governing board meetings where this matter was discussed. These show that a consultation took place before the new arrangements were determined for 2020 and there is evidence that the governing board considered the comments that were received through the consultation. It then determined to make the changes that it had proposed.

12. The LA responded to the consultation and while not objecting to the proposals for change did advise that the school should name feeder schools and clarify the definition of geographical areas that the proposed criteria included.

13. In my view the Code is quite clear that any consideration of schools previously attended can only be to named feeder schools. This had been the case in the school's 2019 arrangements and the changes made to remove these names in the 2020 arrangements do not comply with the Code. The Code also requires the selection of feeder schools to be on reasonable grounds. In order to be able to comply with this requirement, the school will need to have considered its reasons for the selection when determining its arrangements and be able to explain its reasons if required.

14. The second part of the objection is that the reference to areas in the oversubscription criteria do not comply with paragraph 1.14 of the Code quoted above because they are not clearly defined. The school and the LA have recognised that a clear definition is required and have made some suggestions about how this can be achieved. I can see no evidence of a map or any other clear means of defining the area within the currently determined arrangements and this needs to be rectified in order to comply with the requirements of the Code.

15. I uphold both parts of the objection. The Code requires the admission authority to consider its arrangements and make changes to ensure that they comply with the Code. Paragraph 3.1 of the Code requires admissions authority to revise the admissions arrangements within two months of the date of this determination unless an alternative timescale is specified. In this case I am not minded to specify an alternative timescale, a swift revision will ensure that parents and their children seeking places for 2020 can do so in the knowledge of the revised arrangements. I therefore set a deadline of two months from the date of this determination for the admission authority to revise its arrangements.

Determination

16. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements for September 2020 determined by the governing board of Golborne High School, Wigan.

17. 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 this determination.

Dated: 14 August 2019

Signed:

Schools Adjudicator: David Lennard Jones