



Office of
the Schools
Adjudicator

Determination

Case reference:	ADA3679
Objector:	an individual
Admission authority:	Park Road Academy Primary School, a single academy trust
Date of decision:	9 October 2020

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 2021 determined by Park Road Academy Primary School, a single academy trust, for the Park Road Academy Primary School, Trafford.

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 a person, (the objector), about the admission arrangements (the arrangements) for Park Road Academy Primary School (the school), a primary academy for pupils aged 4 to 11, for September 2021. The objection is to the oversubscription criteria given to siblings of existing pupils living outside the school's catchment area, a higher priority than is given to prospective pupils living within the school's catchment area who do not have a sibling at the school.

2. The local authority (LA) for the area in which the school is located is Trafford Council. The LA is a party to this objection. Other parties to the objection are the objector and the school.

Jurisdiction

3. The terms of the Academy agreement between the academy trust (the admission authority) 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 2 May 2020. 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. a copy of the emails of the governing board at which the arrangements were determined;
 - b. a copy of the determined arrangements;
 - c. the objector's form of objection dated 2 May 2020 and supporting documents;
 - d. the LA's response to the objection and supporting documents;
 - e. the school's response to the objection and supporting documents.

Background

6. The school is a primary academy for boys and girls aged 4 to 11 years old situated in Timperley, Cheshire. The school converted to academy status on 1 January 2011. The school has a published admission number (PAN) of 30 for September 2021. The school has not been inspected by Ofsted since conversion to academy status. The school lies in the north of the LA's Altrincham Planning Area, bordering onto the Sale West and Sale East Planning Areas.

Consideration of Case

The Objection

7. The objection addresses whether it is reasonable and/or fair that the oversubscription criteria for Park Road Academy Primary School (the school) give priority to children living outside the school's catchment area with a sibling attending the school at the time of admission, over children living inside the catchment area without a sibling attending the school at the time of admission.

8. The basic principles for admissions are set out in the Code. "Admission authorities are responsible for admissions and must act in accordance with this Code, the School Admission Appeals Code, other laws relating to admissions, and relevant human rights and equalities legislation" (paragraph 1.1) and "This Code does not give a definitive list of acceptable oversubscription criteria. It is for admission authorities to decide which criteria would be most suitable to the school according to the local circumstances" (paragraph 1.10).

9. The Code does not explicitly prevent an admission authority giving priority to children living outside the school's catchment area with a sibling attending the school at the time of admission, over children living inside the catchment area without a sibling attending the school at the time of admission. However, the Code does set out requirements for admission arrangements "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" (paragraph 14) and oversubscription criteria "Oversubscription criteria **must** be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation" (paragraph 1.8).

10. I find that the oversubscription criteria in question are clear, objective and, subject to the consideration of whether they are fair and/or reasonable below, comply with all relevant legislation.

11. The school has a catchment area. After looked after and previously looked after children the highest priority in the criteria which apply when the school is oversubscribed is afforded to children living within the catchment area and have a sibling at the school at the time of the proposed admission. This criterion is not at issue here. It covers those children who live in proximity to the school and who have siblings at the school.

12. The issue here is the choice of the next criterion. This could give a higher priority to children living within catchment who do not have a sibling at the school, which is the criterion adopted at this level by most if not all the other primary schools in the Trafford area. This, in effect, prioritises proximity over siblings. It disadvantages younger children of families with a child already at the school who live outside the catchment area.

13. Alternatively the criterion at this level could give priority to children who have siblings at the school over those living within catchment who do not have a sibling at the school, which is the criterion adopted at this level by the school. This, in effect, prioritises siblings

over proximity. This disadvantages children living within the catchment area who do not have an older sibling at the school, usually first born or only children.

14. Across the country many schools adopt one or other of these alternatives. I do not find that there is any reason to prefer one over the other in principle. In most cases it would be reasonable and fair to adopt either.

15. Whether the order of criteria adopted by the school for 2021 is reasonable and/or fair will depend on the local circumstances. The school inform me that following a change in PAN some time ago, presumably a reduction in PAN, it found that children with siblings at the school, and living outside the catchment area, were not gaining places at the school. This meant that a parent would have to drop off and pick up primary aged children from two different schools at the same or similar times. This presents obvious difficulties for those parents. The school inform me that it tried to accommodate this situation by allowing late or early pick up and drop off for the affected families. This, however, proved disruptive to those children's classes and teachers and for that reason the school changed the order of its oversubscription criteria to prioritise siblings.

16. Generally, I am told by the LA, primary schools in the Altrincham Planning Area are oversubscribed. However, in recent years a number of school expansions have meant that there are "a very few" surplus places in the area. As stated above the school lies close to the Sale East and Sale West Planning Areas but in the 2020 admission round every school in those areas was full and 11 children could not be allocated a place at any of their preferred schools.

17. The LA has provided data on admissions to the school from 2015 to 2020, as set out below:

In the 2020 admission round

1 child, from outside the catchment area with a sibling already attending Park Road Academy, was allocated a place at the School;
All catchment area children without a sibling were allocated places at the School;
6 children resident outside the catchment area were allocated places at the School.

In the 2019 admission round:

No children, from outside the catchment area with a sibling already attending Park Road Academy, were allocated places at the School;
All catchment area children without a sibling were allocated places at the School;
14 children, resident outside the catchment area, were allocated places at the school.

In the 2018 admission round:

3 children, from outside the catchment area with a sibling already attending Park Road Academy, were allocated places at the School;
All catchment area children without a sibling were allocated places at the School;

6 children, resident outside the catchment area, were allocated places at the school.

In the 2017 admission round:

2 children, from outside the catchment area with a sibling already attending Park Road Academy, were allocated places at the School;

16 catchment area children without a sibling, that listed Park Road Academy as the first preferred school, could not be allocated places at the School;

No other children resident outside the catchment area were allocated places at the school.

In the 2016 admission round:

3 children, from outside the catchment area with a sibling already attending the School, were allocated places;

9 catchment area children without a sibling, that listed Park Road Academy as the first preferred school, could not be allocated places at the School;

No other children resident outside the catchment area were allocated places at the school.

In the 2015 admission round:

1 child, from outside the catchment area with a sibling already attending the School, was allocated a place;

8 catchment area children without a sibling, that listed Park Road Academy as the first preferred school, could not be allocated places at the School;

No other children resident outside the catchment area were allocated places at the school.

18. The LA have also provided data which shows that in the 2020 admissions round, on national offer day, there were 4 schools, located up to 2 miles walking distance from Park Road Academy that had surplus places:

Broadheath Primary School (1.2 miles)

Broomwood Primary School (2 miles)

Heyes Lane Primary School (1.1 miles)

Navigation Primary School (1.3 miles)

19. The LA add "Both Broadheath and Broomwood Primary Schools routinely have surplus places at end of the admission round. Heyes Lane and Navigation are usually oversubscribed. All 4 schools are Community schools and give priority, after looked after children, to in catchment siblings, then other catchment children, then out of catchment siblings and finally other children".

20. The data set out above makes it clear that for each year from 2015 to 2017 a significant number of children living within the catchment area for the school and without a sibling already attending were not gaining places at the school, although it was the first

preference. However, in the 2018 admission round, and in every admission round since 2018, all children living within the catchment area for the school and without a sibling already attending gained a place at the school if their parent applied for one. It follows that for those years no such child was affected detrimentally by the priority given to children living out of catchment with siblings attending the school.

21. It is significant that most or all schools in the Altrincham have oversubscription criteria which follow a different order to those adopted by the school, giving priority to children living inside the catchment area without a sibling attending the school, over children living outside the school's catchment area with a sibling attending the school at the time of admission. For the order of oversubscription criteria adopted by the school, a situation may arise whereby a hypothetical child living within the school's catchment area, who does not have a sibling at the school, does not gain a place because places have been awarded to a child or children living outside the catchment area who do have a sibling at the school. That is in itself a detriment, but that detriment is compounded by the priority given in other schools within a reasonable distance of the child's home address to children who live within the catchment of those schools. This hypothetical pupil does not live in the catchment area of any other local school. The hypothetical child would then fall within an oversubscription criterion below all children living within the catchment areas of those schools and below children living outside such catchment areas with a sibling attending the relevant school.

22. In the years from 2015 to 2017 six children were admitted to the school who were living outside the catchment area and who had a sibling attending the school. In those years this displaced six children living in the catchment area who did not have a sibling at the school. It is likely that the position described in the paragraph above created some difficulty in finding a school place for those six children. However, I am concerned with the arrangements for 2021, not with the arrangements for past years.

23. I accept that the school adopted the relevant oversubscription criteria for sound reasons. I also accept that putting the oversubscription in this order could lead to a detriment for some children living within the catchment area. Nevertheless, it is in the nature of all oversubscription criteria that they advantage some applicants and disadvantage others. In my view the order in which these criteria are set out in a particular school's admission criteria is generally a matter for that school's admission authority to decide. In most circumstances it would be fair and reasonable to adopt either order.

24. In addition, in the 2020 admissions round, and in those for 2019 and 2018, all children living in catchment with or without a sibling attending the school gained a place. In the 2020 admissions round there were places available at four nearby schools and two of those schools have available places in most years. I find that it is likely that in 2021 all children living in catchment will gain places at the school or at another school nearby and so no detriment, to children living within the catchment area who do not have a sibling at the school, will arise as a result of the oversubscription criteria which are engaged in this objection.

25. I find that the relevant criteria are both fair and reasonable and I do not uphold the objection.

Other Matters

26. **Whether the school has published its admission arrangements for 2021** in accordance with paragraph 1.47 of the School Admissions Code (the Code), the relevant part of which reads as follows:

“1.47 Once admission authorities have determined their admission arrangements, they **must** notify the appropriate bodies and **must** publish a copy of the determined arrangements on their website displaying them for the whole offer year (the school year in which offers for places are made)”

Although the school has provided a copy of its determined admission arrangements those published on the school’s website were labelled as a draft.

27. The school has now published its admission arrangements for 2021 on its website. Consequently, it is not necessary for me to make any finding on this point.

28. **Whether the school’s admission arrangements are clear** as required by paragraphs 14 and 1.8 of the Code, the relevant parts of which read as follows:

“14. 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”.

and

“1.8 Oversubscription criteria **must** be reasonable, clear, objective, procedurally fair”

28.1. The link “www.trafford.gov.uk/residents/schools/admissions” **does not appear to work**. The link has been removed and replaced with an email address which can be used to obtain a copy of the arrangements. Consequently, it is not necessary for me to make any finding on this point.

28.2. The paragraph dealing with the meaning of “*home address*” omits an explanation of what happens where parents are separated but childcare arrangements are not equally shared. The paragraph dealing with “*home address*” has been amended to cover this situation. Consequently, it is not necessary for me to make any finding on this point.

29. The admission arrangements do not address the following matters which are set out in the Code:

29.1. **Children with an Education Health and Care Plan** (paragraph 1.6 of the Code). The arrangements have been amended to address this point. Consequently, it is not necessary for me to make any finding on this point.

29.2. **Waiting Lists** (paragraph 2.14 of the Code). The arrangements have been amended to include a paragraph dealing with waiting lists. However, it does

not state how long waiting lists will be maintained nor is it clear “that each added child will require the list to be ranked again in line with the published oversubscription criteria”. The paragraph states “Please inform Trafford Admission’s Department if you wish for your child to be placed on the waiting list”. If the school’s waiting list is not to be administered by the LA this paragraph will need to be amended in order to set out clearly the process for placing a child on the waiting list.

29.3. **Admission of children below compulsory school age and deferred entry to school** (paragraph 2.16 of the Code). The school have added a paragraph to the arrangements dealing with deferred entry but have not made it clear that a “child is entitled to a full-time place in the September following their fourth birthday”. In that respect the wording does not comply with the requirements of the Code.

29.4. **Admission of children outside their normal age group.** (paragraphs 2.17 to 2.17B of the Code).

29.4.1 The school have added a number of paragraphs setting out the position for admission of summer born children outside their normal age group. These paragraphs provide for the process and decision making to be administered by the LA. If the process and decision making are not to be administered by the LA, this paragraph will need to be amended to set out clearly the process which will be followed by the school.

29.4.2 These paragraphs do not include the provisions applicable to children other than summer born children, such as are referred to in the first sentence of paragraph 2.17 of the Code: “Parents may seek a place for their child outside of their normal age group, for example, if the child is gifted and talented or has experienced problems such as ill health”. In that respect the wording does not comply with the requirements of the Code.

Determination

30. 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 2021 determined by Park Road Academy Primary School, a single academy trust, for the Park Road Academy Primary School, Trafford.

31. 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.

32. 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: 9 October 2020

Signed:

Schools Adjudicator: Tom Brooke