



Office of
the Schools
Adjudicator

Determination

Case reference: ADA3760

Objector: A member of the public

Admission authority: Twynham Learning for Twynham School

Date of decision: 09 July 2021

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold this objection to the admission arrangements for September 2022 determined by Twynham Learning for Twynham School, Bournemouth, Christchurch and Poole. This objection concerns the reasonableness of the catchment area.

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 member of the public (the objector) about the admission arrangements for September 2022 (the arrangements) for Twynham School (the school), an academy school for children aged 11 to 19. The objection is to the catchment area.

2. The local authority for the area in which the school is located is Bournemouth, Christchurch and Poole (BCP). BCP is a party to this objection. Other parties to the objection are the objector, Twynham Learning which is the multi-academy trust (the trust) for the school and school's governing board.

Jurisdiction

3. The terms of the academy agreement between the 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 trust, which is the admission authority for the school, on that basis.

4. The objector submitted his objection to these determined arrangements on 11 March 2021. The objector has asked to have his 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 (the Regulations) by providing details of his 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.

5. I have also used my power under section 88I of the Act to consider the arrangements as a whole.

6. A number of other objections have been made to these admission arrangements. Those objections do not concern the reasonableness of the catchment area and I will be considering those objections independently of this objection in a separate determination.

Procedure

7. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).

8. 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 form of objection dated 11 March 2021 and subsequent correspondence;
- d. the admission authority's response to the objection and to other matters which were raised with them under section 88I of the Act.
- e. comments from BCP on the objection; and
- f. maps of the area identifying relevant schools.

The Objection

9. The objector said that he did not consider the catchment area to be reasonable because "it precludes the neighbouring community within the area of Southbourne, which is very close to the school."

Other Matters

10. When I considered the arrangements as a whole it appeared to me that there were six other ways in which they did not, or may not, conform with the Code.

- i. The published admission number (PAN) may not be clear.
- ii. The arrangements may not meet the requirements of the Code concerning the admission of children outside of their normal age group.
- iii. The arrangements may not meet the requirements of the Code concerning waiting lists.
- iv. The arrangements may not be clear about the admission of children with an Education Health and Care Plan (EHCP).
- v. The sixth oversubscription criterion may be unclear.
- vi. The definition of previously looked after children may not conform with the Code as it currently stands.

Background

11. The school is one of six schools in the trust with one other secondary school and four primary schools, all in the BCP area. The school itself is in Christchurch and, according to the Department for Education website “Get Information About Schools” (GIAS), there are five other state-funded secondary schools within three miles of its postcode.

12. The school is oversubscribed with a PAN of 264. Its oversubscription criteria can be summarised as:

1. Looked after and previously looked after children
2. Children living in the school’s catchment area with siblings at the school
3. Children living in the school’s catchment area and on roll of one of three named feeder schools
4. Children of members of staff
5. Children living outside of the school’s catchment area with siblings at the school
6. Children attending one of the three named primary schools who live outside of the catchment area
7. Other children living in the catchment area
8. Other children.

13. Within each category, priority is given to children living closest to the school with random allocation being used as a final tie-breaker.

Consideration of Case

14. Paragraph 1.14 of the Code concerns catchment areas, it says: “Catchment areas **must** be designed so that they are reasonable and clearly defined. Catchment areas do not prevent parents who live outside the catchment of a particular school from expressing a preference for the school.” Furthermore, there is the overall requirement found in paragraph 14 of the Code 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.”

15. The objector said “The boundary was historically established when the school’s admissions authority was Dorset County Council. Christchurch is now part of BCP Council and it seems unreasonable that Twynham school’s admissions [sic] policy catchment area hasn’t been amended to serve a proportion of the Southbourne community, especially given that residents in others parts of its existing designated catchment are nearer to alternative schools, including schools within Bournemouth.”

16. He continued “For residents living in the part of Southbourne that’s closest to Twynham school there is [sic] limited alternatives. Based on previous years admissions data non religious families are unlikely to be offered a place within St Peters [sic] Catholic School in Southbourne due to high level of oversubscription. Avonbourne Academy, which is 2.5 to 3 miles away from the border between Southbourne and Chistchurch will be too far for these residents to be offered a place due to levels of oversubscription. This will leave families in Southbourne that are in very close proximity to Twynham school potentially only being offered a place within a school that is not oversubscribed but an unreasonable distance to travel.” Shortly after submitting his objection, the objector wrote to retract his statement that Avonbourne Academy would be too far away for families living near the Southbourne and Christchurch border to be offered places. This was after discovering that Avonbourne Academy had not been oversubscribed in the previous year.

17. BCP acknowledged that some parts of the catchment area were closer to other schools but said that in its view the catchment area was reasonable. It was concerned that any extension of the catchment area to the east or west would disadvantage children living in the north of the determined catchment area. It said: “although it may appear that some families may live relatively near to Twynham but are out of its catchment, because of the rural nature of Christchurch’s northern boundary, families in that area do not have a next alternative school in the same way that Southbourne families do.” I was told that the next nearest school for families living in the north of the catchment area is five miles away at Ringwood in Hampshire.

18. The school was also of the opinion that “the existing, traditional and long-standing designated catchment area is reasonable and meets the needs of place planning across the authority.”

19. Both the school and BCP provided information about the number of children offered places in recent years who lived in the postcode BH6. That post code covers Southbourne, the area of concern to the objector.

20. A clear map of the catchment area is included in the arrangements. From this I note that the southern and western edge of the catchment area follows the River Stour while the eastern edge follows the River Avon. There are two road bridges and one foot bridge over the Stour and a single road bridge over the Avon.

21. BCP provided a map of the catchment area and the neighbouring catchment areas. From this I note that there is one other secondary school located in the catchment area, Parkfield School. That is a small all-through school which admits 28 children into Year 7 and does not use a catchment area as part of its admission arrangements.

22. From GIAS, I have ascertained that there are six state-funded secondary schools within three miles of the objector's postcode (which I have taken as representative of the Southbourne area). The school is the nearest. None of these six schools is selective although two are schools with a religious character. Most children admitted to the Roman Catholic school are offered places on the basis of their faith; however, 126 places at the Church of England school are offered to children not of the faith and without siblings at the school. Of the other three schools, one is a boys' school and one a girls'; they have a common catchment area and the objector's postcode is inside it. The sixth school is to the east of the River Avon and would be more difficult to access from Southbourne requiring both rivers to be crossed.

23. The information provided by BCP showed that in September 2021, 212 children living in BH6 were offered places at 15 different secondary schools. Of these 23 were offered places at the school. In the previous year, there were 22 children from BH6 offered places at the school, although all were siblings of children already at the school, and in 2019 there were 56 of which 14 were siblings and 6 attended feeder schools. While it may not always be possible to offer children living in Southbourne a place at their closest school, they have high priority for other schools and succeed in finding places at a range of different schools some less than three miles away which is not an unacceptable distance for children of secondary school age to travel.

24. Having considered the factors above I have formed the view that the catchment area is reasonable. The catchment area serves the purpose of ensuring that children living in places that are a long way from all schools have higher priority for admission to one of them through living in the catchment area than children who may live closer to the school but are also closer to other schools and so have priority for places at those schools. For these reasons I do not uphold the objection.

Other Matters

25. The Code sets out that the term for the number of children to be admitted to the school is published admission number. The arrangements use the term 'year group number'

and 'planned admission number'. The arrangements also state that the PAN will be 264 for 'statutory school years'. PANs only apply to the relevant age groups which means those age groups at which children are routinely admitted to a particular school. For the school the relevant year groups are Y7 and Y12 as the school admits external applicants to the sixth form as well at age 11. This is explained in paragraph 1.2 of the Code and its footnotes. Paragraph 14 of the Code requires that arrangements are clear. When this was raised with the school it proposed to revise the arrangements to ensure the consistent and correct use of the term PAN.

26. The information under the heading 'Admission/Transfer of Children outside Normal Year Groups' should conform to paragraphs 2.17 to 2.17B of the Code. In particular there is a requirement in paragraph 2.17 that "Admission authorities **must** make clear in their admission arrangements the process for requesting admission out of the normal age group." This was not met.

27. When this issue was raised with the school it proposed some extended wording. However, the proposed extended wording referred to factors which would be taken into account when making decisions about admission outside of the normal year group, it did not make it clear how parents what the "process for requesting" such admission was.

28. The arrangements for a waiting list need to meet the requirements of paragraph 2.14 of the Code which sets out that admission authorities must maintain a waiting list until at least 31 December of each school year of admission and that the arrangements must state "that each added child will require the list to be ranked again in line with the published oversubscription criteria." Neither of these requirements were met. When this matter was raised with the school, it proposed to revise this part of the arrangements to meet these requirements.

29. Paragraph 14 of the Code requires that arrangements are clear. Although the arrangements refer to an Education, Health and Care Plan (EHCP), they do not set out that where the EHCP names the school, the child must be admitted. When this matter was raised with the school, it proposed to revise this part of the arrangements to meet this requirement.

30. The third and sixth oversubscription criteria are for children attending three named feeder schools. However, they are referred to differently as "Feeder Schools" and as "recognised feeder schools" in the two criteria. In the third criterion, the requirement is to be "on roll" and in the sixth "attending ... during the previous year". These inconsistencies could make the criteria unclear. Paragraph 1.8 of the Code requires that oversubscription criteria are clear.

31. When this matter was raised with the school it proposed to revise the sixth criterion. I note that the proposed revision is consistent in respect to the term feeder school but retains the requirement to attend "during the academic year prior to the admission request." The third criterion only requires the child to be on roll with no specified time period. This means that a child joining a feeder school on, say, 7 September 2021, would be on roll when they applied for a place and so would meet the third criterion (if they lived in the catchment

area). However, another child joining a feeder school on the same day (not living in the catchment area) could not meet the sixth criterion as they did not attend the feeder school for the previous academic year, while a child who had attended a feeder school for the previous academic year but had changed primary school would meet it.

32. There may be a good reason why the school wants to have different attendance requirements for the two criteria, but it will need to be sure that no unfairness arises from the different requirements and the difference is easily understood. As they were determined, the inconsistency between the two criteria makes them unclear.

33. I find that the arrangements do not meet the requirements of the Code in the ways set out above and the admission authority is required to revise them accordingly.

34. Finally, I return to the first oversubscription criterion which is for looked after and previously looked after children. The definition of such children found in the arrangements includes children “In care outside of England and ceased to be in state care as a result of being adopted.” Paragraph 1.7 of the Code in force at the time the arrangements were determined and at the time of completing this determination requires that looked after and previously looked after children are given highest priority for places but in relation to previously looked after children does not include children who were in care outside of England. Such children may be given the second highest priority in admission arrangements but not the highest priority.

35. This situation is, however, expected shortly to change. A new Code currently before Parliament is expected to come into force on 1 September and will extend the highest priority for previously looked after children to include those in state care outside of England.

36. When this matter was raised with the school, it proposed to remove the wording that included children previously in state care outside of England. If the new Code comes into force, and depending on the precise definition of children in state care outside of England, the school may not need to revise its arrangements in this regard.

37. Paragraph 3.1 of the Code says: “The admission authority **must**, where necessary, revise their admission arrangements to give effect to the Adjudicator’s decision within two months of the decision (or by **28 February** following the decision, whichever is sooner), unless an alternative timescale is specified by the Adjudicator.” I have considered by when I should require the arrangements to be revised, taking into account the points about children who have been looked after outside England and the expected new Code and that objections have been made to another aspect of these arrangements. A decision has not yet been reached on the other objections and that decision could require other changes to be made if those objections are upheld. I would not want the school to be required to revise and republish its arrangements more often than is necessary. The new Code is expected to come into force on 1 September 2021, but I do not know when the other objections will be decided, or what that decision will be. I have, therefore, decided that by setting the normal two-month period, the revisions required by this determination could be co-ordinated with any required by the new Code.

Summary of Findings

38. The objection was that the catchment area was not reasonable because it did not include areas which were closer to the school than to other schools. I have decided that the catchment area is reasonable in that it gives children who live some way from all schools priority for places over children who may live nearer the school, but who also live closer to other schools and so would be less disadvantaged if they were not offered places. I do not uphold the objection.

39. I find that the arrangements do not conform with the Code in the six ways set out above.

Determination

40. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold this objection to the admission arrangements for September 2022 determined by Twynham Learning for Twynham School, Bournemouth, Christchurch and Poole. This objection concerns the reasonableness of the catchment area.

41. 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.

42. 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: 09 July 2021

Signed:

Phil Whiffing

Schools Adjudicator: