



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** ADA4117

**Objector:** An individual

**Admission authority:** HISP Multi-Academy Trust Limited, for Thornden School, Hampshire

**Date of decision:** 12 September 2023

## 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 2024 determined by HISP Multi-Academy Trust Limited for Thornden School, Hampshire.**

**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 unless a different timescale is specified by the adjudicator. In this case, I direct the admission authority to revise its admission arrangements by 28 February 2024.**

## 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 an individual (the objector), about the admission arrangements for September 2024 (the arrangements) for Thornden School (the school), a co-educational academy school for children aged 11 to 16. The school is one of five schools in the HISP Multi Academy Trust Ltd (the admission authority), which is the admission authority for the school.
2. The local authority for the area in which the school is located is Hampshire County Council (the local authority). The local authority is a party to this objection. The other parties to the objection are the objector and the admission authority.

## Jurisdiction

3. The terms of the academy agreement between the admission authority and the Secretary of State for Education require that the admissions policy and arrangements for the school are in accordance with admissions law as it applies to maintained schools. The arrangements were determined by the school's 'Academy Committee' on behalf of the admission authority, on that basis. The objector submitted their objection to these determined arrangements on 24 January 2023. I am satisfied that 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 an email dated 16 December 2022 in which determination of the arrangements on behalf of the admission authority is confirmed by the Chair of the Thornden School Academy Committee, following a meeting of the Committee on 3 October 2022;
- b. a copy of the determined arrangements;
- c. the objector's form of objection dated 24 January 2023, supporting documents and subsequent correspondence;
- d. the admission authority's response to the objection, along with supporting documentation;
- e. the local authority's response to the objection; and
- f. the websites of the school, the admission authority, the local authority and the Department for Education (including the 'Get Information About Schools' pages).

## The Objection

6. The objector has asserted that their property, situated at a named address provided to me, was within the school's catchment area in 2008 but is no longer within that catchment area. They would like their property to be included in the school's catchment area. The objector has complained that since their property changed its number and street name (but not its location), it appears to have been singled out for exclusion from the school catchment area and that this exclusion could cause confusion for prospective purchasers of the property. The objector did not explicitly state which aspects of the Code they considered to be breached by the arrangements. Given their concern about the design of the catchment area and which properties are included and excluded, my consideration of the objection has focused upon whether the school's catchment area meets the

requirements of paragraph 1.14 of the Code which provides that “Catchment areas must be designed so that they are reasonable and clearly defined”.

## Background

7. The school is a co-educational, non-selective secondary academy for children aged 11 to 16, situated in Eastleigh, Hampshire. The school became an academy on 1 May 2011. It was last inspected by Ofsted on 22 June 2022 and was found to be Good in all categories.

8. The school has a Published Admission Number (PAN) of 290 for Year 7. Data available on the website of the local authority indicates that the school is oversubscribed, having received 636 applications for Year 7 places in 2023, although some of these will have been second or lower preferences.

9. The oversubscription criteria employed by the school can be summarised as follows:

1. Looked after and previously looked after children;
2. Children or families who have a serious medical, physical or psychological condition which makes it essential that the child attends the school;
3. Children of staff living outside of the catchment area;
4. Children living in the catchment area and having a sibling at the school;
5. Other children living in the catchment area;
6. Children living outside of the catchment area and having a sibling at the school;
7. Children living outside of the catchment area who attend a named feeder school; and
8. Other children living outside of the catchment area.

10. Within each oversubscription criterion, proximity of home address to the school is used to distinguish between and rank applicants and there is an appropriate final tie-breaker.

11. There is no definition of the catchment area in the arrangements, nor is there any map or a link to a map of the catchment area. In the ‘Definition’s section, at note (v) and with reference to oversubscription criterion 6, ‘Displaced’ is defined as “a child who was refused a place at the catchment school in the normal admission round having named it on the application and was not offered a higher named preference school. To identify the child’s catchment school please use [weblink to a page on the local authority’s website].

Note that some addresses are in catchment for more than one school and in this case, 'displaced' refers to a child who was refused a place at any of their catchment schools".

12. When I checked the 'Admissions' page of the school's website on 4 May 2023, alongside a copy of the arrangements was a document available to download labelled 'Thornden Catchment Area'. Once opened, the document was titled 'Roads Covered by Thornden School Updated 13/09/2018' and comprised a long list of street names set out in alphabetical order. It did not include the 'old' street name relating to the objector's property. It did include the 'new' street name relating to the objector's property, but listed only certain numbers. It was unclear whether these numbers included the objector's property because the numbers listed were "1-4" and the objector's property number is "1A".

13. The local authority has confirmed that the objector's property falls within the catchment area for The Toynbee School, and not the catchment area for the school.

## Consideration of Case

### Has the catchment area been designed so that it is clearly defined?

14. The relevant paragraph of the Code (paragraph 1.14) requires the catchment area to be designed so that it is clearly defined.

Information provided by the objector

15. The objector told me that in 2009 the local authority changed the named address of their property. I refer in this determination to the 'old' street name to mean the address as it existed until the 2009 change and to the 'new' street name to mean the address as it was changed and as it currently is. The property itself remained at the same location, but the property's number and street name changed. The objector stated that, following that change, after many years of the property being within the catchment area for the school, it was moved out of the catchment area. The objector also stated that he was aware of two neighbouring properties (on either side of his property) that similarly had their named address changed, but that neither of those properties had been excluded from the catchment area of the school.

16. The objector provided me with a document titled "Roads Covered by Thornden School Updated 23.4.08" which he said was a description of the catchment area for the school from 2008 and a number of years following. The document comprises a long list of street names set out in alphabetical order. It includes the 'new' street name relating to the objector's property. It does not include the 'old' street name relating to the property.

Information provided by the admission authority

17. The admission authority provided three maps, labelled: Catchment area map 2009, Catchment area map 2012 and Catchment area map 2016. The location of the objector's property was highlighted in red on each map and is shown to be outside of the thick black line marking the boundary of the school's catchment area. The admission authority stated

"[The objector's] house [...] is clearly shown as outside of catchment. Whilst [the objector's] property address has changed, the location of [the objector's] land has not and therefore it still sits outside of catchment. We have not received any requests for the house to now be included in catchment and if we had received one, we would have gone out to consultation before changing our catchment boundary".

18. In relation to the list of street names provided by the objector, the admission authority responded "The document that [the objector] has shared is not an exhaustive list of our catchment roads but was used by administrators as a 'quick reference guide' to determine if a house was likely to be in catchment. We would have always advised parents to check the Hampshire County Council website to confirm if their property was in catchment".

19. The admission authority accepted that the document labelled 'Thornden Catchment area' on the school's website forms part of the arrangements but stated "the document [...] is not an exhaustive list. This list is meant to be used as an aide to the formal catchment map. We have removed the list from the website as we have now realised it could be confusing and the link to [the local authority website] has been added".

20. The admission authority confirmed that the map provided with the label 'Catchment area map 2016' is the correct map for the catchment area for the school for the 2024 arrangements. As I found the map difficult to read, I asked the admission authority how an applicant living on a border road would know whether their home address fell within or outside of the catchment area. The admission authority stated that "An applicant living on a border road would need to check on the [local authority] website to see if their house was in catchment. Whilst we are a Trust and our own admission authority, we use [the local authority] as our main round Admissions provider and have not changed any boundaries or catchment areas since becoming a trust. We have a link on our website to the [local authority] Catchment checker". A screen shot was provided which showed that this link was listed as 'School Catchment Finder in Hampshire'.

21. I asked why no map of the catchment area was provided in the arrangements. The admission authority responded: "We try not to include maps on the website as it is often unclear and where possible we want the applicants to check the [local authority] website. A link is provided on the website for applicants [...]. [The local authority] also provide a 'checker' so that people can see exactly where their house lies and which school catchment area they are in [...]. This provides an exact match for each individual and stops issues arising and confusion. Please see screenshot below of [the local authority] Catchment check tool which shows Objector's house in Toynbee School catchment".

22. I asked why the link to the local authority catchment area checker was included within the note about 'displaced children' in the definitions section of the arrangements, rather than made more prominent in relation to the catchment area generally. The admission authority acknowledged that "this may have been a little unclear" and explained that they have now added some clarificatory text to the 'Admissions' page of the school's website.

23. Given that the document named 'Thornden Catchment Area' and with an internal title of "Roads covered by Thornden School Updated 13/09/2018" includes the 'new' street name relating to the objector's property, and lists numbers "1-4", the admission authority accepted that this could give the impression that the objector's property at number 1A of that street falls within the catchment area, even though it does not.

24. The admission authority asserted that, other than the "error on the 'roads covered' document", the school's catchment area is clear and "all applicants are able to easily check their address using the [local authority] catchment checker tool".

Information provided by the local authority

25. The local authority stated that it is satisfied that parents can access the local authority's catchment finder page on its website, and can "quickly and easily identify both the catchment of the school and whether they live in the catchment area of the school".

26. The local authority stated its view that the school's catchment area is clearly defined. However, it also indicated that the school's arrangements could benefit from the inclusion of the following wording: "A map of the school's catchment area is available on the school's details page of the Hampshire County Council website [link to the website]".

Analysis and decision

27. I find that the catchment area included in the determined arrangements (both in the document titled 'Admissions Policy: 2024-25' and the document titled 'Thornden Catchment Area') has not been designed so that it is clearly defined, contrary to paragraph 1.14 of the Code. This is because:

- a. No map or a clear link to a map of the catchment area is provided;
- b. The provided list of street names is incomplete; and
- c. The link provided to the local authority's catchment area checker on its website is included in the arrangements in a way so as to suggest that it is only relevant to the definition of 'displaced children' and not as a mechanism for all prospective applicants to check whether they live in the catchment area.

28. The admission authority must revise its arrangements in order to address this lack of clarity in relation to the catchment area.

**Has the catchment area been designed so that it is reasonable?**

29. The relevant paragraph of the Code (paragraph 1.14) requires the catchment area to be designed so that it is reasonable.

Information provided by the objector

30. The objector told me that they would like their property to be included in the catchment area for the school as it used to be. They consider that its exclusion from the

catchment area could cause confusion for prospective purchasers of the property. They say that this is because if one reads the list of roads, one has the impression that the property is within the catchment area, whereas if one checks the local authority map, it appears not to be.

#### Information provided by the admission authority

31. I asked the admission authority for the rationale for the current boundary of the catchment area for the school. I was told “It is the same catchment that was set by [the local authority] when the school was looked after by the [local authority]. We have never moved our catchment areas as we are an extremely oversubscribed school with good schools surrounding us”.

32. I asked the admission authority for the rationale for excluding the objector’s property from the catchment area. The admission authority stated that “It was previously outside of catchment as no properties on [the ‘old’ street] were in catchment. It would be unfair to now include it because the catchment boundaries haven’t changed, only the postal address has”.

33. I asked why a neighbouring property to the objector’s property, which the objector described as being in an equivalent position to their property in terms of having its named address changed previously, was included within the school’s catchment area when the objector’s property was not. The admission authority stated that “[the neighbouring property] changed from [the ‘old’ street] prior to July 2011 (as shown through Google Maps). Thornden School became an academy in 2012 and before this our admission arrangements were handled by the [local authority] and any changes to the catchment would have been instigated by the [local authority]”. The admission authority added that, as the inclusion of the neighbouring property into the school’s catchment area happened before the school became an academy, and before the trust became the admissions authority, it does not know why the neighbouring property was included at that point.

34. The admission authority asserted that the design of the school’s catchment area is reasonable because:

- a. Other than the change to the property neighbouring the objector’s property, there have been no further changes;
- b. The school is oversubscribed every year; and
- c. It is a reasonable sized catchment area.

#### Information provided by the local authority

35. The local authority stressed that it is not the admission authority for the school, and that it is the admission authority that is responsible for determining the school’s admission arrangements including the use of catchment areas. The local authority explained that “For community and voluntary controlled schools within Hampshire, the design of any catchment area includes the following considerations: historic parish and area boundaries, the amount

of housing in an area, the capacity of the catchment school and its ability to expand or reorganise to accommodate additional children, school transport implications, linked schools and on occasion, can be the result of significant geographical or infrastructure constraints. As each area and school is different, there is not one definitive list that can be referred to when developing catchment areas, but they are used to ensure that Hampshire County Council can fulfil its statutory duty to ensure a sufficiency of school places for Hampshire children and ensure that there are local schools for local communities”.

36. The local authority expressed the view that the design of the school’s catchment area was reasonable. It stated that the way in which the objector’s property, and the other three properties that form a row with that property, fall outside of the catchment area for the school (but in the catchment area for the Toynbee School) is reasonable in a “densely populated and urban area containing many dwellings”. The local authority considered that the decision to exclude the objector’s property from the catchment area, alongside its closest neighbouring properties, meant that the property did not appear to have been singled out for exclusion. Rather, its treatment was consistent with the treatment of the equivalent neighbouring properties.

#### Analysis and decision

37. I find that the catchment area included in the determined arrangements (both in the document titled ‘Admissions Policy: 2024-25’ and the document titled ‘Thornden Catchment Area’) has not been designed so that it is reasonable, contrary to paragraph 1.14 of the Code. This is because the admission authority does not appear to have given any serious thought to the design of the catchment area at all. Its stated rationale for the current design, including the exclusion of the objector’s property, is simply that it has relied on historical precedent, on the design adopted by the previous admission authority more than ten years ago. This is an inadequate position for the admission authority to take because it means that it has not turned its mind to whether the catchment area previously adopted was reasonable in the first place and whether anything has changed in the intervening period that might require a change to the catchment area (for example, changes in population density, new housing, the catchment areas of nearby schools, and the profile of children being admitted to the school). The admission authority’s further reference to the catchment area’s geographical size and the school continuing to be oversubscribed may well be relevant matters to take into account, but they are not the only factors that a reasonable admission authority acting reasonably would wish to take into account when designing their catchment area.

38. The admission authority must revise its arrangements to ensure that the design of the catchment area is reasonable.

39. For the avoidance of doubt, I wish to make clear that, although my decision on the clarity and reasonableness of the catchment area means that the admission authority must revise its arrangements, I am not directing, advocating for or advising on any particular approach to be taken to that revision. It is not my role to do so. My decision is that the current arrangements fail to comply with paragraph 1.14 of the Code and it is for the



admission authority to decide how to revise its arrangements in order to put this right and ensure compliance. I have allowed until 28 February 2024 for this revision, in order to allow sufficient time for the admission authority to give the matter proper thought and to consult if they consider that to be appropriate in the circumstances.

## Determination

40. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements for September 2024 determined by HISP Multi-Academy Trust Limited for Thornden School, Hampshire.

41. 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 unless a different timescale is specified by the adjudicator. In this case, I direct the admission authority to revise its admission arrangements by 28 February 2024.

Dated: 12 September 2023

Signed:

Schools Adjudicator: Jane Kilgannon