



Office of
the Schools
Adjudicator

Case reference: REF4192

Referrer: An individual

Admission authority: Haydon Bridge High School, Northumberland

Date of decision: 22 September 2023

Determination

I have considered the admission arrangements for September 2024 for Haydon Bridge High School, Northumberland in accordance with section 88I(5) of the School Standards and Framework Act 1998 and find that, in relation to the Year 9 Published Admission Number, the arrangements do not conform with the requirements relating to admission arrangements. I have also found that 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 unless a different timescale is specified by the adjudicator. In relation to the Year 9 Published Admission Number, I specify a deadline of 31 October 2023. In relation to the other matters, I specify a deadline of 28 February 2024.

Introduction

1. Under section 88H(2) of the School Standards and Framework Act 1998 (the Act), an objection has been referred to the Office of Schools Adjudicator (OSA) by an individual (the referrer), about the admission arrangements (the arrangements) for Haydon Bridge High School (the school) for September 2024. The date of the objection was 12 May 2023.
2. The parties to the case are the referrer, Bellingham Middle School, the school (which, as a Foundation School, is its own admission authority) and Northumberland County Council (the local authority).

Jurisdiction

3. On 13 July 2023 I decided that I did not have jurisdiction to consider the matters raised in the referrer's form of objection under my power at section 88H of the Act because, as a result of the school not determining any arrangements for the previous year (2023), the Year 9 PAN for 2024 was actually an increase on the previous year's absence of a PAN, and such an increase is permitted by the Code. It is not possible by regulation 22 of the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) Regulations to object to an increased PAN except in limited circumstances which do not apply here. However, I decided that the referrer's concerns raised the possibility that the school's Year 9 PAN for 2024 may not meet the requirement at paragraph 14 of the Code that the practices and criteria used to decide the allocation of school places must be fair. The referrer had set out that she considered that the PAN of six set for Year 9 at the school might not be sufficient to meet the demand for pupils wishing to transfer from Bellingham Middle School into the school. Having had my attention drawn to this, I decided to use my power under section 88I(5) of the Act to consider whether the arrangements conform with the requirements relating to admission arrangements and decided to treat the 'objection' as a 'referral'.

Procedure

4. In considering this matter I have had regard to all relevant legislation and the Code.
5. The documents I have considered in reaching my decision include:
 - a) the referrer's form of objection dated 12 May 2023 and subsequent correspondence and supporting documents;
 - b) copies of the minutes of the meeting of the school's governing board on 6 December 2022 at which the arrangements were determined;
 - c) a copy of the determined arrangements;
 - d) comments from the school on the matters raised and supporting documents;
 - e) comments from the local authority on the matters raised supporting documents;
 - f) maps of the area identifying relevant schools;
 - g) the websites of the school, the local authority, Bellingham Middle School, Ofsted and the Department of Education (including the 'Get Information About Schools' (GIAS) pages); and
 - h) OSA determination STP635, dated 13 November 2018.

The Referral

6. The matter under consideration is the referrer's concern that the school's Year 9 PAN of six pupils may be insufficient to meet the demand of those pupils wishing to transfer from Bellingham Middle School into Year 9 at the school in September 2024. The referrer has asserted that there is a knock-on negative impact on Bellingham Middle School in terms of its viability because families may seek to transfer their children at Year 7 instead of Year 9, simply in order to avoid no places being available at Year 9. The referrer has also asserted that the alternative schools, for those Bellingham Middle School pupils whose preference may be frustrated by the alleged insufficiency of Year 9 places at the school, are either difficult to gain admission to (because they are oversubscribed) or are located at an unacceptably long travelling distance.

7. I have considered whether the referrer is right that the school's Year 9 PAN of six pupils is insufficient to meet the demand of those pupils wishing to transfer from Bellingham Middle School and, if so, whether the implications of this mean that the arrangements fail to comply with the requirement at paragraph 14 of the Code that "admission authorities must ensure that the practices and the criteria used to decide the allocation of school places are fair [...]".

8. The referrer's correspondence made reference to a large number of additional matters that are outside of my jurisdiction to consider and beyond the scope of this determination. These appeared to revolve around a belief, on the referrer's part, that the local authority has acted in ways to undermine Bellingham Middle School in an effort to reduce its viability as a school and the viability of three-tier education in the local authority area. Those additional matters are irrelevant to my consideration of the school's 2024 arrangements and I have not taken them into account in reaching my decisions. I thank the school and the local authority for limiting their responses and provision of information to that which I requested.

Other Matters

9. In addition to my consideration of the referral, I have reviewed the arrangements as a whole and was concerned that there were a number of matters that may not conform with the requirements for admission arrangements. These matters are set out in detail below, along with the comments of the school and my decision on whether or not there is conformity. However, in summary, they relate to: the absence of a Year 12 PAN; the absence of a map of the catchment area; an incomplete definition of looked after and previously looked after children; restrictions placed on the admission of in-year applicants; the inclusion of irrelevant material; and the way in which home to school distance would be measured in the case of parents who have shared responsibility for the child but live separately.

Background

10. The school is a co-educational secondary school for children aged 11 to 18. It is situated in Haydon Bridge, a village in the west of the local authority area of Northumberland. GIAS reports that it has a capacity of 904 pupils and 423 pupils on roll.
11. The school's recent history of Ofsted inspection ratings is as follows:
 - a. 6 July 2021 – Requires Improvement;
 - b. 20 March 2018 – Inadequate;
 - c. 10 December 2014 – Inadequate;
 - d. 13 September 2010 – Good; and
 - e. 4 October 2007 – Good.
12. The school has a Year 7 PAN of 120 and a Year 9 PAN of six.
13. The oversubscription criteria can be summarised as:
 - a. Children living in the school's catchment area;
 - b. Children living outside the school's catchment area with a sibling who attends the school at the time of the application and will be attending at the time of admission;
 - c. Children who attend a named feeder school; and
 - d. Other children.
14. Within each oversubscription criterion, places are allocated first to those with a sibling at the school, and then in order of closest distance of home address to the school. If a final tie-breaker is required, random allocation supervised by someone independent of the school is employed.
15. The list of named feeder schools includes Bellingham Middle School.
16. Bellingham Middle School is a Foundation School for children aged nine to 13. It is located in Bellingham, a market town in the west of the Northumberland local authority area. In recent years, the local authority has sought to move to a two-tier system of education across the whole of the local authority area. For various reasons that I need not go into in this determination, that has not been achieved. Part of the planned move towards a fully two-tier system involved a proposal by the local authority to close Bellingham Middle School. However, the proposed closure did not go ahead following a successful appeal to the Schools Adjudicator (STP635). Bellingham Middle School now forms part of a mixed two- and three-tier structure of education across the local authority area. I have set out this

very brief explanation so that it might be clear to any reader unfamiliar with the education system in Northumberland why the school (that is, Haydon Bridge High School) has a Year 9 PAN and why its arrangements and Year 9 PAN might be of relevance to pupils at Bellingham Middle School.

Consideration of Case

17. My consideration of this referral has focused on whether the school's Year 9 PAN of six pupils is insufficient to meet demand for Year 9 places from those pupils transferring from Bellingham Middle School and, if so, whether the effect of that insufficiency means that the arrangements fail to meet the requirement of paragraph 14 of the Code for fairness.

Does the Year 9 PAN of six pupils meet the demand for Year 9 places from pupils transferring from Bellingham Middle School?

18. The local authority has stated that "If all of the Year 8 children at Bellingham Middle School applied for a Year 9 place at their catchment school, Haydon Bridge High School, there are enough places to accommodate them all". It also stressed that any applicants that miss the relevant deadline for applications for a Year 9 place as part of the normal admission round can apply 'in-year', and that the Year 9 year-group at the school "has never been oversubscribed for many years".

19. The local authority informed me that in the last three years, all those Bellingham Middle School pupils that have applied for a Year 9 place at the school have been admitted. The relevant numbers were as follows:

Table 1: Number of Bellingham Middle School pupils transferring to Year 9 at Haydon Bridge High School

Year	Number of Bellingham Middle School pupils transferring to Year 9 at the school
2021	18
2022	11
2023	10

20. This information indicates that in the last three years, the demand from Bellingham Middle School pupils for Year 9 places at the school has been 18 in 2021, 11 in 2022 and ten in 2023 – all numbers in excess of the Year 9 PAN of six in place for 2024.

21. I understand that there was no Year 9 PAN in place for 2023 because the admission authority had not determined its arrangements for 2023 due to a misunderstanding of its legal status and the necessity for it to determine its own arrangements. I have not made enquiries about whether the same situation also applied in 2022 and 2021. However, given

what I have been told – that the school only realised its responsibility to determine its own arrangements very recently – it appears more likely than not that there was also an absence of determined arrangements including a Year 9 PAN in 2022 and 2021. This means that the numbers of Bellingham Middle School pupils admitted to Year 9 at the school in 2021, 2022 and 2023 were all essentially admissions over PAN.

22. The school has explained that it recognises that “schools are free to go over PAN to support local factors” and has stated that it has “a long history of working with the [local authority] to accommodate as many students as possible without jeopardising our curriculum structure and therefore our cost effectiveness”. The school went on “For example, in September 2023 we will be taking 12 students into Year 9 including all the students from Bellingham Middle School who have decided to come to [the school], despite their applications elsewhere in the first instance”.

23. The local authority confirmed in August 2023 that from September 2023, it expected there to be 20 pupils in Year 7 at Bellingham Middle School and 17 pupils in Year 8 at Bellingham Middle School. As this determination is considering the school’s arrangements for 2024, and those arrangements only, my focus is on the relevant cohort of pupils at Bellingham Middle School that might wish to transfer to Year 9 of the school in September 2024 – that is, the current Year 8 cohort of 17 pupils.

24. I note that the referrer believes that the relevant number in Year 8 at Bellingham Middle School may actually be 18 pupils rather than 17 pupils, and that the number of children transferring from Bellingham Middle School to Year 9 at the school in September 2023 may actually have been nine rather than ten. I do not need to resolve these differences in understanding between the local authority and the referrer in order to complete my analysis because the two numbers in each case are very similar, and the difference of one pupil in each case is unlikely to make a difference to my overall assessment.

25. The referrer has made it clear in their correspondence that many parents at Bellingham Middle School have a preference for their child to transfer to Year 9 at Queen Elizabeth High School in Hexham (QEHS) whose most recent Ofsted inspection rated it as ‘Good’. However, because QEHS is oversubscribed, the operation of its oversubscription criteria has historically meant that not all parents are successful in being allocated a place for their child there and the natural next preference for parents is the school because it is a similar distance from Bellingham Middle School.

26. The data provided to me therefore indicates that there is a potential demand from Bellingham Middle School pupils for 17-18 Year 9 places at the school in September 2024. However, the actual demand is unlikely to be as high as that because some of that cohort will indicate a higher preference for other schools – most likely QEHS – and may be successful in obtaining a place. Given that the local authority and the school have explained that all Bellingham Middle School pupils that have applied for a Year 9 place at the school in recent years have been “accommodated”, a key indicator of the likely level of demand is the numbers of Bellingham Middle School pupils that have obtained places at the school in

the last few years. We know that that number has been between ten and 18, but appears to have been on a downward trajectory over the past three years. Notably, at only 11 and 10 pupils in the last two years.

27. I consider, therefore, that it is more likely than not that the demand from Bellingham Middle School pupils for a Year 9 place at the school in September 2024 is likely to be around ten or 11 places. As this exceeds the school's Year 9 PAN of six pupils by four or five places, I conclude that the school's Year 9 PAN is insufficient to meet the likely demand from Bellingham Middle School pupils. I note that the school and the local authority have given every indication that it is highly likely that all applicants from Bellingham Middle School will be offered a place at the school. That is what has happened in all three of the previous three years. However, the clear implication from the correspondence with me is that those places would be offered on an over-PAN, discretionary basis. There has been no explicit assertion by the school that it believes that it will receive only six or fewer than six applications from pupils at Bellingham Middle School.

28. My conclusion that the likely demand from Bellingham Middle School will outstrip the Year 9 PAN of six pupils at the school does not necessarily mean that the school's arrangements for 2024 do not conform with the Code. I am now going to consider the implications of this finding and whether they mean that the arrangements do not conform with the requirement at paragraph 14 of the Code for fairness.

Fairness

29. Paragraph 14 of the Code requires that "admission authorities must ensure that the practices and the criteria used to decide the allocation of school places are fair [...]". The PAN employed by the admission authority is a practice or criterion for these purposes and so the PAN chosen must be a fair one. There is no definition within the Code or related legislation as to what is meant by fair in this context. In my view, one must look at whether the arrangements cause any disadvantage to an identifiable group or groups of children. If they do, then it is necessary to examine the nature and magnitude of that disadvantage and whether it is justified, bearing in mind that the purpose of all oversubscription criteria is to advantage some and disadvantage others. A key consideration will always be how the arrangements impact on access to a school place within an acceptable travelling distance of a child's home. Clearly, what is a reasonable travelling distance in this context is not fixed; what might reasonably be expected in an urban area with many schools will be different from what would be expected in a rural area. I should also add that no family has a right to a place for their child at a particular school. Rather, they have a right to express a preference for a particular school and have their application considered in line with the published admission arrangements of that school (which must be compliant with the Code).

30. In this case, the referrer has raised a concern about those pupils that may wish to transfer from Bellingham Middle School to Year 9 of the school in September 2024. We know from the information set out above that this is a cohort of approximately 17 pupils. The first question I ask myself is whether the school's Year 9 PAN of six for September 2024 causes any disadvantage to this group of approximately 17 pupils. Given my finding above,

that it is likely that 10 to 11 of these pupils will wish to obtain a Year 9 place at the school and this number exceeds the Year 9 PAN of six pupils, this cohort are disadvantaged in that not all of them will be able to obtain a place unless the school chooses to admit over its PAN.

31. I now move on to consider the nature and magnitude of that disadvantage. If the school were not to admit over its PAN of six, approximately four to five pupils would need to find a Year 9 place at an alternative school. The local authority has assured me that “In the west of the county we do not have a shortage of school places including Year 9”. That is a helpful starting point. However, I now need to consider where those available Year 9 places might be.

32. I cannot know the precise home addresses of all of the pupils in the relevant cohort. However, I will use the address of Bellingham Middle School as the best available proxy address for pupils attending Bellingham Middle School on the assumption that most families will choose for their child a middle school place that is within an acceptable travelling distance from their home (acknowledging that in a rural area such as this part of Northumberland such distances may be substantial).

33. From information taken from the GIAS website, I note that, within an approximately 20-mile radius of Bellingham Middle School, the closest schools that admit to Year 9 are as follows:

Table 2: Schools that admit to Year 9, within a 20-mile radius of Bellingham Middle School

Name of school	The year groups admitted by the school	Net Capacity (Number of pupils)	Most recent Ofsted inspection rating	Distance from Bellingham Middle School (straight line measurement)
Haydon Bridge High School (the school)	Year 7 to 11, plus sixth form	904 (423)	Requires Improvement (2021)	11.5 miles
Queen Elizabeth High School	Year 9 to 11, plus sixth form	1308 (1339)	Good (2019)	12.9 miles
Prudhoe Community High School	Year 9 to 11, plus sixth form	860 (778)	Not applicable as not yet inspected	20.3 miles

34. I note that these distances are considerably less than those quoted in the referrer’s form of objection. However, the referrer did not provide their source or method of calculation (which may have been road journey distance rather than straight line distance). Therefore, to ensure that I am using clear and independently verifiable data, I have chosen to refer

exclusively to the distance data provided by GIAS. I have also used google maps to estimate travel time by car and public transport.

35. This data indicates that the closest school to Bellingham Middle School that admits to Year 9 is Haydon Bridge High School – the school – at 11.5 miles distance. A google maps search of the journey from Bellingham Middle School to the school shows that it is a journey in a southerly direction, which would take approximately 30 minutes by car and approximately 1 hour 45 minutes by public transport.

36. Less than a mile further away (although in a slightly different direction) is QEHS at 12.9 miles distance. A google maps search of the journey from Bellingham Middle School to QEHS shows that it is a journey in a south-easterly direction, which would take approximately 30 minutes by car and approximately 1 hour 15 minutes by public transport.

37. Much further away is Prudhoe Community High School (PCHS). PCHS is located south-east of Bellingham Middle School, beyond QEHS, at a distance of 20.3 miles. A google maps search of the journey indicates that it would take approximately 45 minutes by car and approximately 2 hours by public transport.

38. The local authority provided me with a link to its last three ‘Admission Handbooks’ – from 2021, 2022 and 2023. These included admissions data for each of the alternative schools listed above as follows:

Tables 3 and 4: Queen Elizabeth High School admissions data

Year	Year 9 PAN	1st	2nd	3rd	4th
2021	306	325	37	3	0
2022	306	350	36	4	0
2023	306	301	27	3	0

Year	SEN	LAC	Catchment	Social/ Medical	Feeder	Sibling	Other	Allocated
2021	3	2	199	0	37	28	39	308
2022	5	2	195	0	57	31	16	306
2023	0	8	190	1	70	14	15	298

Tables 5 and 6: Prudhoe Community High School admissions data

Year	Year 9 PAN	1 st	2 nd	3 rd	4 th
2021	220	197	31	2	0
2022	220	197	43	1	0
2023	220	170	13	2	0

Year	SEN	LAC	Catchment	Social/ Medical	Feeder	Sibling	Other	Allocated
2021	3	3	174	0	9	0	14	203
2022	1	3	170	0	8	2	18	202
2023	0	2	135	0	7	2	23	169

39. This data indicates that QEHS was oversubscribed in 2021 (receiving 325 first preference applications for 306 places) and 2022 (receiving 350 first preference applications for 306 places). More recently in 2023, QEHS was not oversubscribed. For its 306 places, it received 301 first preference applications, and ended up allocating only 298 places. As the 2023 slight change in position for QEHS is so recent, and for only one year, it is unclear whether this forms part of a trend towards undersubscription or whether 2023 was an aberration for some reason and the pattern of oversubscription will return in 2024. For this reason, my assessment is that, as two years out of the last three have resulted in oversubscription, it is more likely than not that QEHS will also be oversubscribed in 2024.

40. For PCHS, the data indicates that it has been undersubscribed for the last three years, receiving 197 first preference applications in 2021, 197 first preference applications in 2022 and 170 first preference applications in 2023, for its 220 available places in each of those years.

41. Overall, then, I consider that it would be reasonable to conclude that a Bellingham Middle School pupil, whose first preference was the school but was unsuccessful in obtaining a place at the school, is unlikely to be able to obtain a place at QEHS but is likely to be able to obtain a place at PCHS. Therefore, the nature of the disadvantage faced by the Bellingham Middle School pupils whose applications to the school might be frustrated by the Year 9 PAN of six, is that they are unlikely to be able to obtain a place at the next closest school and likely to have to travel to PCHS for the next stage of their education.

42. I now turn to assess the magnitude of the disadvantage. What would be the real-life implications for a Bellingham Middle School pupil transferring to PCHS for Year 9 in September 2024? As I have said earlier, families are not entitled to a place at the school of their choice, only to express preferences and have those preferences considered in line

with the published admission arrangements of the relevant schools (which must be compliant with the Code). In that regard, I put no weight upon the Ofsted ratings of the alternative schools in question, nor on any other factors that might affect a school's popularity from time to time. What is relevant, however, is whether the available alternative school places are within an acceptable travelling distance from the children's home addresses. As set out above, PCHS is located 20.3 miles from Bellingham Middle School. Using the postcode of Bellingham Middle School as a proxy for the home addresses of its pupils, according to a google maps search, that means that a Bellingham Middle School pupil transferring into Year 9 at PCHS would face a daily journey of a minimum of a 45-minute car journey in each direction. That is, a minimum of 1 hour 30 minutes spent travelling to and from school each day. I am aware that free school transport may well be available funded by the local authority. Therefore, the cost of paying for such long journeys may not be an issue. However, I am concerned that the length of time spent having to travel to and from school each day would, in this case, be excessive and therefore unacceptable. In this regard, I take into account the fact that I have used Bellingham Middle School's address as a proxy in my calculation of the likely travel distance and that this is therefore only an approximation. There is highly likely to be a good number of pupils attending Bellingham Middle School that live even further from PCHS and so would face an even longer journey to get there.

43. I asked the school what its rationale was for its Year 9 PAN of six for September 2024. The school told me that: "All schools have a responsibility to run as cost effectively as possible. To achieve this in an undersubscribed school it is often necessary to rationalise the curriculum by capping year groups. Therefore, once admissions have settled in Year 7 the school will routinely cap the Year 8 cohort to ensure that future admissions do not require an additional teaching group to be put into the model and therefore ensure cost effectiveness. With this in mind and reflecting the historic numbers in cohorts we felt that we would always be able to accommodate an admission of 6 students. We also recognise that schools are free to go over PAN to support local factors and have a long history of working with the [local authority] to accommodate as many students as possible without jeopardising our curriculum structure and therefore our cost effectiveness. For example, in September 2023 we will be taking in 12 students into Year 9 including all the students from Bellingham Middle School who have decided to come to Haydon Bridge High School, despite their applications elsewhere in the first instance".

44. In later correspondence, from the newly appointed headteacher at the school, the school confirmed this position, stating "although our [Year 7] PAN is 120, to run efficiently as a small school it is prudent to cap numbers lower than this. Years 9 and 10 have traditionally been capped at 81, though we could accommodate 90 in every year group from Years 7 to 11 without needing to increase the number of teaching groups. None of our year groups currently have 90 though it is our ambition to grow as a school. For this reason, I am confident that any child leaving Bellingham Middle in Year 8 would have a place at HBHS".

45. I also asked the school about its net capacity. The school told me that "Based on the Year 7 PAN of 120 the school has an 11-16 capacity of 600 with space for a further 100

students Post 16 giving a total capacity of 700. However as detailed above the school has capped some year groups to ensure that by being required to admit a child would prejudice the efficient provision of education or use of resources. This reduces the overall net capacity”. The school provided me with a breakdown of the students in each year group (as at July 2023) as follows:

Table 7: Pupil numbers in each year group at Haydon Bridge High School (July 2023)

Year	Total	Notes
Year 7	74	
Year 8	60	
Year 9	81	“Capped at 81”
Year 10	81	“Capped at 81”
Year 11	65	
Year 12	32	
Year 13	20	
Total	413	

46. First of all, I should say that I do not understand what the school means by ‘capping’ its numbers in a particular year group. For example, capping its Year 9 at 81 pupils. In a normal year of admission – so for the school this is Years 7, 9 and 12 – the school may only refuse admission to applicants once it has reached its PAN for that year group. For Year 9 in September 2024, the current PAN for the school is six pupils – that is, six places in addition to its current pupils on roll for that year group. Outside of a normal year of admission – so for the school this is Years 8, 10, 11 and 13 – the school may not refuse admission to applicants simply because it has reached a particular number of pupils (for example, the number that the school has decided to ‘cap’ the year-group at). In those years, the school may only refuse to admit an applicant if to admit them would cause “prejudice to the provision of efficient education or efficient use of resources” (paragraph 1.4 of the Code). Such prejudice is not established just because the school states that it is. The applicant in question would have recourse to an appeal to be heard by an independent panel. Whether such prejudice would be caused by the child’s admission will be fact specific in every case.

47. Second, the school’s capacity is not solely a product of its PAN or its approach to managing its curriculum. It is, rather, primarily its physical capacity and this is stated by GIAS to be 904.

48. The school’s stated rationale for the Year 9 PAN of six pupils is that cost effectiveness requires teaching in groups of a particular number and admitting more than

six additional pupils into Year 9 in September 2024 might disrupt the organisation that it has put in place in order to deliver its curriculum in a cost-effective way. That is, because it might necessitate the creation of an additional teaching group in that year group. What the school has not explained is why an additional six pupils would be workable, but not an additional seven. Or for that matter, an additional eight, nine, ten or eleven. Space is clearly not an issue because the school is approximately only half full, with 413 pupils in a school that could accommodate 700 pupils according to the school (or 904 pupils according to the GIAS figures). Furthermore, the school's reference to year groups being capped at 81 pupils but there being space for up to 90 pupils without the need to increase the number of teaching groups would suggest physical and organisational space for at least nine pupils in Year 9 (rather than six) before curriculum and cost effectiveness is allegedly affected.

49. The school's argument that six pupils would not affect cost effectiveness but a greater number would, is also undermined by the fact that the school appears to have voluntarily admitted more than six pupils into Year 9 in each of the past three years. The local authority informed me that the school had admitted into Year 9 26 pupils in 2021, 12 pupils in 2022 and 14 pupils in 2023. I note that when the school wrote to me in July 2023, its expected admission number for 2023 was slightly lower than this, at 12 pupils, but I do not consider this apparent discrepancy to be significant. The numbers may have slightly changed between July when the school provided its data to me and August when the local authority provided its data. The key point is that, if the admission of more than six pupils into Year 9 in the previous three years did not cause the school concern in terms of its curriculum structure and cost effectiveness, what is different about 2024? No evidence or argument has been put before me to indicate that there is any relevant difference at all.

50. The school has argued that it has in practice managed admissions flexibly in each year to meet the demand for places from Bellingham Middle School pupils. However, this misses the point that the school is not obliged to admit over PAN, and the Year 9 PAN of six for September 2024 creates unnecessary uncertainty for prospective pupils and their parents. The risk that Bellingham Middle School pupils may be unable to obtain a Year 9 place at the school in September 2024 and therefore would more likely than not have to travel an unacceptable distance (in terms of both journey length and time) to PCHS means that the school's Year 9 PAN of six would cause serious disadvantage to those pupils. I have considered whether the school's rationale for the Year 9 PAN of six pupils justifies that serious disadvantage. However, I conclude that it does not. This is because the school has the capacity to admit more than six additional Year 9 pupils, has not provided a clear explanation for why admitting more than six additional Year 9 pupils would cause difficulties for its teaching group organisation and cost effectiveness, and the school's admission of more than six additional Year 9 pupils in each of the previous three years undermines its argument that admitting more than six would cause difficulties for its teaching group organisation and cost effectiveness in 2024. Given that the serious disadvantage caused by the Year 9 PAN of six is not justified by the school's rationale for it, I conclude that it has resulted in unfairness.

51. On that basis, I find that the school's Year 9 PAN of six for September 2024 does not conform with the requirement at paragraph 14 of the Code for fairness.

52. The school must revise its arrangements to correct this non-compliance. Given that the deadline for the normal round of applications for Year 9 places for September 2024 is 31 October 2023, I consider that it would be appropriate for the school to revise the Year 9 PAN before that date.

Other Matters

53. In addition to my consideration of the referral, I have reviewed the arrangements as a whole and was concerned that there were a number of matters that may not conform with the requirements for admission arrangements. I asked the school to respond to the following concerns:

- a. Section 88D of the Act requires each admission authority to include in its admission arrangements a PAN for each "relevant age group". The 2024 arrangements state "There is currently no published admission number (PAN) for entry into Year 12". If Year 12 is a normal year of entry for the school, it must publish a PAN for that year group. In not doing so, the 2024 arrangements appear to be in breach of section 88D of the Act.
- b. Paragraph 14 of the Code provides 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. Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated". Paragraph 1.14 of the Code provides that "Catchment areas must be designed so that they are reasonable and clearly defined". Oversubscription criterion (1) of the 2024 arrangements is "Children living in the School's catchment area". Page 1 of the 2024 arrangements state "The catchment area is the area around the school and the town of Haydon Bridge as agreed with the Local authority. A catchment map is available from the local authority". Furthermore, page 5 of the 2024 arrangements includes a note/definition at point 7 which states "For details of the School's catchment area please contact Northumberland County Council or the School's office". As a map of the catchment area has not been provided, nor a link to where it appears on an available website, the catchment area is not clearly defined contrary to paragraph 1.14 of the Code, and it may make it difficult for parents to understand how places will be allocated for the school, contrary to paragraph 14 of the Code.
- c. The first priority within the oversubscription criteria must be looked after and previously looked after children as required by paragraph 1.7 of the Code. In the 2024 arrangements, "looked after children" are referenced ahead of the numbered oversubscription criteria rather than being listed within them at the top.

Furthermore, the definition provided of “looked after children” does not fully echo the definition of looked after and previously looked after children set out at paragraph 1.7 of the Code. In particular, it does not specifically include those children who appear to have been in state care outside of England and ceased to be in state care as a result of being adopted. As well as breaching the mandatory requirement at paragraph 1.7 of the Code, this may make the oversubscription criteria of the 2024 arrangements unclear, contrary to paragraph 1.8 of the Code.

- d. Under the sub-heading ‘In-year admissions’, paragraph 2.28 of the Code provides that schools “that have places available must offer a place to every child who has applied for one, without condition or the use of any oversubscription criteria, unless admitting the child would prejudice the efficient provision of education or use of resources”. The 2024 arrangements state that “The in year admission number will be based upon the size of the year group, including the size of teaching groups already in the school and the curriculum model that has been implemented to most effectively provide for the education of students. If the year group is full or the curriculum model is such that it is not possible to offer a child a place then waiting lists will be held by the school”. This appears to be at odds with the Code requirement that places must be offered in-year unless doing so would prejudice the efficient provision of education or use of resources.
- e. The Notes and Definitions section on page 5 of the 2024 arrangements includes a point 6, relating to supporting evidence from “a professional body or a medical professional, psychologist or equivalent professional involved with the family of the child”. However, it is unclear which oversubscription criterion or other part of the arrangements this note/definition relates to. As such, this aspect of the 2024 arrangements may be unclear, contrary to the requirement of clarity set out at both paragraph 14 and paragraph 1.8 of the Code.
- f. Paragraph 1.13 of the Code provides that “Admission authorities must clearly set out how distance from home to the school and/or any nodal points used in the arrangements will be measured. This must include making clear how the ‘home’ address will be determined and the point(s) in the school or nodal points from which all distances will be measured. This should include provision for cases where parents have shared responsibility for a child following the breakdown of their relationship and the child lives for part of the week with each parent”. Point 10 of the Notes and Definitions section, on page 6 of the 2024 arrangements, states that “Where a child’s parents live apart and the child lives part of the week with each parent, the child’s home address, as stated in the common application form, shall be the home of the parent who claims child benefit (or, if neither parent claims child benefit, the child’s primary residence on the child’s NHS records)”. I am concerned that, although this aspect of the 2024 arrangements may be clear, it may not be reasonable, objective or fair, contrary to the requirements of paragraphs 14 and 1.8 of the Code. The home address of the parent who claims child benefit may not, for example, be address where the child

stays for the majority of the time or the majority of the school week. I also wish to flag that the difficulties with the use of the home address of the parent who is in receipt of child benefit was set out in the Chief Adjudicator's annual report 2018/19, as follows:

“We have received objections about the way some admission authorities decide which parent's address is to be used as the child's address for the purpose of school admissions where the parents do not live together. In these cases, the approach being used was to use the address of the parent who received child benefit as the child's address, with no provision for the address of the other parent to be used. Adjudicators found this approach unacceptable and non-compliant with the Code and I thought it would be helpful to say something in this report about their reasons. In the first place, in some families, child benefit is not received. Secondly, there is no requirement that child benefit be paid to the parent with whom the child lives during the school week, term or year or with whom the child lives for most of the time. It is perfectly possible for child benefit to be paid to a parent with whom the child lives only during the school holidays or weekends. The use of the address of the parent who receives child benefit as the sole permitted indicator of a child's address where parents live apart is not suitable for school admissions. It is not a reliable indicator of where a child actually lives for most of the time Monday to Friday during school terms which is a key factor in considering the most appropriate address for the purposes of school admissions. Its use with no scope for other indicators to be used to establish the address of a child of parents who do not live together is likely to be found to be unreasonable and unfair and not in conformity with the Code.”

54. In response, the school stated: “You raise a number of technical issues [...] which can be easily dealt with in the next admissions arrangements for 2025-26 which will be drafted in the next academic year. Some of these require collaboration with the [local authority]. You mentioned that the catchment area maps were not given to you – it took me two mouse clicks from the [local authority] School Admissions page to land on the mapping software which has all the schools displayed including Bellingham Middle School and a search bar which allows you to enter an address and be told which are the catchment schools for that area”. The school provided with me the relevant link.

55. From the school's response, I take it that the school agrees with my concern about the non-conformity of the arrangements in the ways that I have set out except in relation to clarity of the catchment area. Specifically in relation to the absence of a map of the catchment area, or a link to a map of the catchment area, I note that the school's comments do not state that a map or link to a map was provided in the arrangements. Rather, they state that if one were to look on the local authority website, one could find a map of the school's catchment area. My concern is that if the school requires parents to look beyond the arrangements for key pieces of information like the map of the catchment area, clarity requires it to provide at least a link to where to find that information. I find that the

arrangements do not conform with the Code in the ways that I have set out and require that the arrangements be revised to correct this.

56. I note that the school has indicated that it considers that the matters highlighted can be “easily dealt with in the next admissions arrangements for 2025-26”. I am grateful for this indication that the matters can be easily resolved but I must explain that their resolution cannot wait until the next year’s set of arrangements. My determination relates only to the 2024 arrangements and so it is those arrangements that must be revised. I note the school’s indication that it will need to work in collaboration with the local authority on some of the matters. For that reason, I have decided to allow more time for the revision of these aspects of the arrangements and require their revision by 28 February 2024.

Determination

57. I have considered the admission arrangements for September 2024 for Haydon Bridge High School, Northumberland in accordance with section 88I(5) of the School Standards and Framework Act 1998 and find that, in relation to the Year 9 Published Admission Number, the arrangements do not conform with the requirements relating to admission arrangements. I have also found that there are other matters which do not conform with the requirements relating to admission arrangements in the ways set out in this determination.

58. 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 relation to the Year 9 Published Admission Number, I specify a deadline of 31 October 2023. In relation to the other matters, I specify a deadline of 28 February 2024.

Dated: 22 September 2023

Signed:

Schools Adjudicator: Jane Kilgannon