



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** ADA4348

**Objector:** A member of the public

**Admission authority:** Nottinghamshire County Council

**Date of decision:** 10 July 2024

## 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 2025 determined by Nottinghamshire County Council for Lambley Primary School.**

**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 (the arrangements) for Lambley Primary School (the school), a primary school for children aged four to eleven in the village of Lambley, near Nottingham, for September 2025. The objection is to:

- a) the lack of clarity regarding the catchment area following the consultation, conducted between 2 October 2023 and 26 November 2023, on the arrangements for 2025; and
- b) the potential impact of any catchment area change on parents with children at the school wishing for a subsequent child to be considered for admission under criterion 2 (children with a sibling living in the catchment area) of the oversubscription criteria should the school be oversubscribed.

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

## Jurisdiction

3. These arrangements were determined under section 88C of the Act by Nottinghamshire County Council, the local authority (LA), which is the admission authority for the school on 5 February 2024. The objector submitted their objection to these determined arrangements on 14 May 2024. The objector has asked to have their identity kept from the other parties and has met the requirement of Regulation 24 of the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 by providing details of their name and address to me. I am satisfied the objection has been properly referred to me in accordance with section 88H of the Act and 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 the report of the meeting at which the Cabinet Member for Education and SEND for the LA determined the arrangements;
- b. a copy of the determined arrangements;
- c. the objector's form of objection dated 14 May 2024 and supporting documents;
- d. the LA's response to the objection and supporting documents.
- e. the local authority's online composite prospectus for admissions to primary schools;
- f. maps of the area identifying relevant catchment areas;
- g. confirmation of when consultation on the arrangements last took place, details of the nature of the consultation and responses to it; and
- h. information available on the LA's, school's and Department for Education's (DfE's) websites.

## The Objection

6. The objector is objecting:

- a) that the outcome of the consultation that took place between 2 October 2023 and 26 November 2023 was unclear. Specifically, the decision on which of the options

relating to the catchment area for the school was selected was not published, nor were the relevant consultees, including parents, notified. The lack of clarity over the catchment area for the school then resulted in the oversubscription criteria relating to the school's catchment area within the arrangements being unclear; and

- b) depending on the decision taken on the potential catchment change for the school, that any family with a child already at the school and seeking a place at the school for subsequent children, would be unfairly disadvantaged by the change in catchment area, if that change had resulted in the family's home address no longer being in the catchment area. This would lead to the child being considered under a lower criterion should the school be oversubscribed and thereby being less likely to gain a place at the school.

7. The pertinent paragraphs of the Code are as follows:

Paragraph 14 states 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 1.8 states that:

"Oversubscription criteria **must** be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation."

## Background

8. The school is a rural community primary school for children aged four to eleven in the village of Lambley, to the northeast of the city of Nottingham. The school has a net capacity (the number of children that a school can accommodate based on a national DfE formula calculation) of 210 and has 173 children on roll (according to the DfE's Get Information About Schools (GIAS) website). The school is organised into seven classes, one for each year group. The published admission number (PAN) for the school is 30. The school was judged by Ofsted in May 2023 to be 'Good'.

9. The oversubscription criteria for the school for 2025, as determined by the LA are (in summary):

1. Looked after and previously looked after children (LAC and PLAC)
2. Children who live in the catchment area at the closing date for applications and who, at the time of admission, will have a brother or sister attending the school or the linked junior/primary school **and** children who do not live in the catchment area at the closing date for application and who, at the time of admission will have a brother or sister attending the school or the linked

junior/primary school who was displaced as their Nottinghamshire community catchment area school was oversubscribed at the national offer day for first admission to school.

3. Other children who live in the catchment area at the closing date for applications
4. Children who live outside the catchment area who, at the time of admission, will have a brother or sister attending the school
5. Children who live outside the catchment area.

10. In 2016 the LA extended the school's catchment area to include land without a designated catchment school which was being developed (the Chase Farm development). In its consultation document of October 2023, the LA set out its rationale for both its decision in 2016 and its need to consult on catchment areas for 2025 as follows:

"In 2015-2016 Nottinghamshire County Council identified an area within the county that did not have a catchment area allocated (now known as Chase Farm development). At the time, the area of land, south of Spring Lane and extending to Arnold Lane and Lambley Lane was without an allocated catchment area. It was determined in 2015-2016 that the catchment area for Lambley Primary School was extended to include the area served by the Chase Farm development.

The County Council produced an Education Statement in April 2016 following consultation on the proposals for Land at Chase Farm, which confirmed that the development of 1050 dwellings would yield sufficient pupils to sustain a single form entry primary school and that there was no available capacity forecasted [sic] in local schools that could accommodate the growth in pupil population. On this basis, the County Council advised that a new primary school should be provided within the planning area.

Since this time, the demand for primary school places across Nottinghamshire has declined and the number of pupils on-roll at primary schools has gradually reduced largely due to falling birth rates which has been reflected nationwide. In addition, the area of the Chase Farm development, which falls within the Carlton planning area, is geographically closer to other schools in the area than Lambley Primary School, which falls within the Arnold planning area.

The County Council has supported the delivery of a new single form entry primary school at Land at Teal Close (Rivendell Flying High Academy), which has increased the supply of places within the Carlton planning area, thereby releasing additional capacity to support the demand from Chase Farm.

The latest pupil projection data which was submitted to, and approved, by the DfE in October 2022 indicates that there will be a surplus of places at schools within the Carlton Planning Area over the next five years...there is forecast to be approx. 300

primary school places available across the planning area during each academic year. The projected demand is inclusive of the demand for school places anticipated from the housing at Chase Farm during the projection period (which equates to 704 of the 1050 dwellings permitted).

The County Council considers that it is no longer appropriate for the Chase Farm development to only be in the catchment areas for Lambley Primary School and All Hallows CofE Primary School, due to there being insufficient capacity at the two schools to educate all the pupils who are living, and are projected to be living, on the development.

Taking into account the data above and requests from local schools to extend their catchment to include part of the Chase Farm development, Nottinghamshire County Council consulted on 3 proposals. Following consultation, the majority of responses supported option 3 to remove the Chase Farm development from Lambley Primary School using A6211 as the boundary and extend the catchment area of Stanhope Primary and Nursery School, Phoenix Infant and Nursery School and Priory Junior School using Waldrom Road as the divide and up to the A6211."

## Consideration of Case

11. In their form of objection to the Adjudicator, the objector raised two issues, the second contingent on the first. I shall look at the two matters sequentially and consider the points raised in order.

12. The objector states:

"From 2 October 2023 to 26 November 2023, Nottinghamshire County Council conducted a consultation on schools [sic] admissions for the 2025 intake year. As part of this, they proposed three options to change the catchment area for Lambley Primary School, where only one option retained the existing catchment area with no other changes.

I gave my views as part of the consultation, as the proposals would mean that my address is no longer in the catchment area for the school. As my oldest child started at the school in 2023, I was concerned that not being in the catchment area would mean my younger child would be disadvantaged when we apply for the 2025 intake. In my feedback, I suggested that the category for siblings in the catchment area in the oversubscription criteria could be amended to also cover siblings from the original catchment area. We, like many other parents, applied to the school on the assumption and reassurance that our other children would have a much higher chance of being offered a place in following application years.

The determined admission arrangements for 2025-2026 have now been published on the council website, with the standard admissions criteria applied to Lambley

Primary School. However, the outcome of the consultation and the oversubscription criteria are not clear as:

1. No information has been published on the council website about the outcome of the consultation – I emailed the council on 18<sup>th</sup> April and the school on 4<sup>th</sup> May but did not receive responses.
2. We received a standard letter from Tom Randall MP (attached) detailing only positive changes to extend the catchment areas of other schools, and no mention of the catchment for Lambley Primary School being changed.
3. On page 4 of the determined admissions arrangements, the council states that the catchment areas can [sic] found by searching only at: <https://www.nottinghamshire.gov.uk/search-for-a-school#>. However, by searching our address, the website states our address is still in the catchment for Lambley but not the other schools mentioned in Tom Randall's letter.

The Schools [sic] Admissions Code states that "Oversubscription criteria must be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation." It also states that "It is for admission authorities to formulate their admission arrangements."

I object that the admissions criteria is [sic] clear for the reasons outlined above."

13. The LA has responded to this as follows:

"The link within the determined admission arrangements (<https://www.nottinghamshire.gov.uk/search-for-a-school#>) directs parents to the school search within our public website where the catchment area for each community and voluntary controlled school can be seen. This functionality is currently unavailable due to an issue on our public website and we are investigating this as a priority. I apologise for this unavailability however we only identified the issue following receipt of your email. We do acknowledge that parents have to follow a further link within the admission arrangements document to then search for the school they are wishing to view. NCC is considering further improvements within the document to have a direct link to catchment areas from the admission arrangements and we are working with our systems teams to establish how this can be implemented in future years. Parents are able to search by their home post code to view whether they reside in a particular catchment area. Having reviewed the information for a postcode in the existing Lambley Primary School area (Appendix 5), we can see that whilst the map displays the area for the current catchment for 2025-2026 it is not clear that the existing area will only be until the end of 2024-2025 admission year and following the outcome of the adjudication, we will ensure this is reviewed to make it clearer for parents."

14. I am grateful for the LA's response, acknowledgement of the difficulties in viewing current catchment areas and their willingness to improve both the functionality of the website and the ease with which parents can access the necessary information.

15. The LA has also provided the report to the cabinet member for education and SEND which set out the details of the consultation on the admission arrangements for 2025-2026, including responses received (Appendix 2) and states:

"Reason/s for Recommendation/s

18. The proposed catchment for the Chase Farm development is the most appropriate solution to educate all pupils who are living, and are projected to be living, on the development. This option was supported by 57% of consultation responses, with only 6% favouring either of the alternative proposals.

Recommendations

That:

- **Appendix1B** – to revise the catchment area serving the Chase Farm development. To remove the Chase Farm development from Lambley Primary School using A6211 as the boundary and extend the catchment area of Stanhope Primary and Nursery School, Phoenix Infant and Nursery School and Priory Junior School using the Waldrom Road as the divide and up to the A6211."

16. I am grateful for the documentation provided by the LA as this does set out clearly which of the three options posited in the consultation was recommended to, and determined by, the cabinet member.

17. However, neither the objector nor I were able to find this information anywhere on the LA website. The outcome of the consultation should have been set out clearly when the 2025-2026 arrangements were published on the LA website and the appropriate bodies should also have been notified, as required by paragraph 1.50 of the Code which states:

"Once admission authorities have determined their admission arrangements, they **must** notify the appropriate bodies and **must** publish a copy of the determined arrangements on the school website or their own website (in the case of a local authority) by **15 March...**"

The appropriate bodies referred to in paragraph 1.50 are those listed in paragraph 1.47 of the Code, which lists the parties with whom admissions authorities must consult. This includes at a) parents of children between the ages of two and eighteen.

As the objector, who falls into category a) of paragraph 1.47 was not notified of the outcome of the consultation, even after contacting the LA directly to seek clarification, this was a breach of paragraph 1.50 of the Code.

18. The lack of clarity as to the catchment area led in turn to a lack of clarity regarding oversubscription criteria two, three, four and five of the arrangements which relate to the school's catchment area. Parents are not able to see from the arrangements whether they do or do not live in the catchment area and therefore under which criterion their application will be considered. This is in contravention of paragraphs 1.8 and 14 of the Code, and I therefore uphold this element of the objection.

19. I note additionally that, while the LA has helpfully identified issues with the website which are preventing parents from ascertaining whether their home address is in the school's catchment for 2025, I was also unable to see the objector's address when inputting their postcode (as mentioned in the LA response). Unfortunately, when attempting to zoom in to see the relevant street, all of the street names disappear before it is possible to identify the address in question.

20. The Code is unequivocal at paragraph 14 as to the need for parents to be able to look at admissions arrangements and understand easily how places for a school will be allocated. The arrangements are therefore in breach of paragraph 14 of the Code and will need to be revised. The LA has acknowledged that parents would currently (were the site to be functioning as it should) need to follow a second link to identify their catchment school/s. This is not in line with the requirements of the Code and must be addressed.

21. I welcome the LA's readiness to address the issues of functionality, understanding that this is not necessarily something that can be accomplished immediately. However, this must be addressed urgently given that the secondary admission round for September 2025 opens on 5 August 2024 and in any case before the opening of the primary admissions round for September 2025 on 11 November 2024.

22. I will now look at the second element of the objection, which is whether the change in the catchment area, which has now been clearly established, has resulted in the oversubscription criteria being unreasonable and procedurally unfair. The objector's specific concerns are:

- a) whether a younger sibling would be disadvantaged because the change to the catchment area would mean that the home address would no longer be in the catchment area for 2025 and thus that their application could no longer be considered under oversubscription criterion two (siblings in catchment); and
- b) whether it is unreasonable to make no allowance within the arrangements for 2025 for parents living in the current catchment area, with children already at the school, and who had expressed the school as their preference believing that subsequent children would be considered for admission under criterion two, thereby giving them a much higher chance of being admitted to the school should it be oversubscribed than under criterion four (siblings outside catchment).

23. It is the function of oversubscription criteria to enable admissions authorities to decide how to prioritise children for admission when there are more preferences expressed



than there are places available. Therefore, by their very nature, some children will always be disadvantaged by oversubscription criteria, and this is allowed under the Code.

24. However, the question in this instance is whether the change to the catchment area for 2025 has caused the oversubscription criteria to become unfair for a specific group, i.e. those parents living in the current catchment area, with children already at the school and wishing further children to attend the school, and whose addresses will no longer fall in the catchment area for 2025.

25. I note firstly that the current catchment area was only extended to include the Chase Farm development in 2016 to include an area of land that, at that time, was not allocated to the catchment area of any school. Given that the LA gives the highest priority (after LAC and PLAC) to children living in the catchment area of a school with a sibling at the school at the time of admission, it is reasonable to assume that the LA's policy is to provide a local school place for every child and to ensure that children from the same family are enabled, wherever possible, to attend the same school where parents wish it.

26. I have seen no evidence in any of the documentation provided by either the objector or the LA that any consideration has been given, or provision made, for parents in the situation set out above. This may be because the school currently has 30 surplus places across all year groups, although these are typically in classes with older year groups.

27. Table 1 below shows the figures for each year group in the school for the last two years (including September 2024) and forecast for the next three years.

Year	YR	Y1	Y2	Y3	Y4	Y5	Y6	Total	Surplus/Deficit Places
<b>2023-24</b>	30	30	26	27	23	25	19	180	<b>+30</b>
<b>2024-25</b>	30	30	31	25	27	24	25	192	<b>+18</b>
<b>2025-26</b>	22	24	31	30	25	28	24	184	<b>+26</b>
<b>2026-27</b>	21	22	25	30	30	26	28	182	<b>+28</b>
<b>2027-28</b>	20	21	23	24	30	31	26	175	<b>+35</b>

I note that the current number on roll shown on GIAS is 173 (based on figures from the last census) and that this figure is lower than that provided above by the LA.

28. The LA has provided further information relating to admissions to YR at the school for the last two years and for 2024-2025 which is set out in Table 2 below.

	<b>2024-2025</b>	<b>2023-2024</b>	<b>2022-2023</b>
<b>PAN</b>	30	30	30
<b>Places Allocated</b>	30	29	30
<b>Refused and Placed on a Waiting List</b>	8	0	0
<b>Criterion of Last Place Allocated</b>	3 (live in catchment with no sibling)	5 (out of catchment, no sibling – distance)	5 (out of catchment, no sibling – distance)
<b>Distance of Last Place Allocated</b>	1.537	1.914	2.734

29. The data for the 2024 year of admission is pertinent to my consideration as it clearly shows that the cut-off point for admission to the school for September 2024 is within criterion three and that there are eight children currently on the waiting list. If this situation were to be replicated for the 2025 year of entry, the children of parents in the situation under discussion would not gain a place at the school, even though they have a sibling at the school and, up until 2025, were living in the catchment area. These children would only be eligible for consideration under criterion four.

30. I have not been provided with the number of parents and children who may be affected by the changes to catchment area. I do note from the documentation provided by the LA that 26 (57%) of the responses received on the consultation to change the catchment areas were in favour of option three which was to “remove the Chase Farm development from Lambley Primary School using A6211 as the boundary...”

31. Given that the extension to the school’s catchment area was only made in 2016, I do consider that parents would have had a reasonable expectation that, if they moved into the extended catchment area and were successful in gaining a place for a child/children at the school, subsequent children would be eligible for consideration under criterion two of the oversubscription criteria.

32. In its rationale for the consultation to change the catchment areas, the LA states that:

“the area of the Chase Farm development, which falls within the Carlton planning area, is geographically closer to other schools in the area than Lambley Primary School, which falls within the Arnold planning area.”

By changing the catchment areas again, the LA states that it is seeking to address the drop in primary numbers that is occurring both locally and nationally, providing a local school place for all the children arising from the Chase Farm development and ensuring that schools across the area are best supported in terms of pupil numbers and viability. Having

looked at the schools in the local area, however, I note that those within the scope of the consultation are currently (according to GIAS) at or near capacity, with the exception of Lambley.

33. Table 3 below shows the net capacity and current numbers (where available) at the schools falling within the scope of the consultation that took place from 2 October 2023 to 26 November 2023.

<b>School</b>	<b>Net Capacity</b>	<b>Number on Roll</b>
Lambley	210	173
All Hallows C of E Primary	210	209
Stanhope Primary and Nursery School	440	Not available as just joined the Flying High Academy Trust 1 June 2024
Phoenix Infant and Nursery School	180	185
Priory Junior School	240	237

34. Those parents whose address will no longer fall within the school's catchment area for 2025 will then be in the catchment area for one or more of the other schools set out above. Due to the lack of functionality of the LA website, it is not currently possible for parents to see into which catchment area/s they will fall.

35. What is clear from these figures and the determined arrangements is that living in the catchment area is hugely advantageous in gaining a place at the preferred school. What is equally clear is that the group of parents under discussion are likely to be put in the position where they cannot get a sibling into the school because of the change of catchment, and they may struggle to move the existing sibling to the new catchment school because the schools are already at capacity. If the older child is still in Key Stage 1 (KS1) then any of the schools above, except Priory Junior School, will be subject to the School Admissions (Infant Class Sizes) (England) Regulations 2012 which limits the number of children in a class to 30, where the majority of the children will be five, six or seven years of age, and there is a single qualified teacher.

36. The result of the change to the school's catchment is that the group of parents under discussion are likely to be in a position where their application to the school for 2025 is unsuccessful and their child is offered a place at their new catchment school, though notably under a lower criterion than if their sibling were already at that school. The parent is then faced with having their young children at different schools, with all of the logistical challenges that this brings.

37. I think that this situation is an unintended consequence of the change to the catchment area and may only affect a small number of families. Such a consequence is clearly not in keeping with the LA's intention to prioritise the sibling link within its oversubscription criteria for schools where it is the admission authority.

38. The arrangements address the scenario where the older child was unable to gain a place at their catchment area school and has been offered a place at an out of catchment school, prioritising the sibling link in this instance to enable the younger child to be considered under criterion two as the sibling of a displaced child. Unfortunately, the situation under discussion here does not seem to have been considered and no mitigation has been put in place to support the families affected.

39. Paragraph 14 of the Code says that “admission authorities **must** ensure that the practices and the criteria used to decide the allocation of school places are fair, clear, and objective.” Paragraph 1.8 of the Code says that “Oversubscription criteria **must** be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation”. In my opinion, the change to the catchment area has brought about an unintended unfairness to the group of parents and children discussed above and the oversubscription criteria in the arrangements are therefore in breach of the Code and must be revised. The revision must address the unfairness caused and support the affected families to be able to have their children attend the same school. This would put those families on a par with those mentioned in paragraph 38 above.

40. In their objection, the objector did suggest that some transitional provision could be put in place and that such a provision would address the unfairness that has arisen. I therefore uphold this element of the objection.

## Determination

41. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements for September 2025 determined by Nottinghamshire County Council for Lambley Primary School.

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: 10 July 2024

Signed:

Schools Adjudicator: Mrs Tess Gale