



Determination

Case reference:	ADA4320 Quilters Infant School, Billericay, Essex
Objector:	A parent
Admission authority:	The Governing Body of Quilters Infant School
Date of decision:	29 August 2024

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements for September 2025 determined by the Governing Body for Quilters Infant School, Billericay, Essex.

I have also considered the arrangements in accordance with section 88I(5) and find there are other matters which do not conform with the requirements relating to admission arrangements in the ways set out in this determination.

By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of the date of the determination.

The referral

1. Under section 88H(2) of the School Standards and Framework Act 1998 (the Act), an objection has been referred to the adjudicator by a parent (the objector), about the admission arrangements (the arrangements) for Quilters Infant School (the school), a school for children aged 4 to 7 for September 2025. The objection is to the clarity and reasonableness of the school's catchment area.
2. The local authority (LA) for the area in which the school is located is Essex County Council. The LA is a party to this objection. The school is a Foundation school which is Federated with Quilters Junior School and is part of a charitable trust (the Billericay Community Trust) which is not an Academy Trust. The Billericay Community Trust comprises the following five schools: Quilters Infant School, Quilters Junior

School, South Green Infant School, South Green Junior School and Buttsbury Infant School. As we shall see, these schools make up some but not all of the primary schools in Billericay. The admission authority for the school is its governing body.

Jurisdiction

3. These arrangements were determined under section 88C of the Act by the school's governing body, which is the admission authority for the school, on 28 September 2023. This is before the first date (1 October 2023) when a consultation on any proposed changes to the arrangements from those which applied for September 2023 could have begun, but within the previous school year to the offer year, which the Code defines as the "determination year", the "school year in which admission authorities determine their admission arrangements". The objector submitted her objection to these determined arrangements on 29 April 2024. I am satisfied the objection has been properly referred to me in accordance with section 88H of the Act and it is within my jurisdiction. I have also used my power under section 88I of the Act to consider the arrangements as a whole.

Procedure

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

5. The documents I have considered in reaching my decision include:

- a. a copy of the minutes of the meeting of the governing body at which the arrangements were determined;
- b. a copy of the determined arrangements;
- c. the objector's form of objection dated 29 April 2024 and a supporting document (a map of part of the school's catchment area);
- d. the school's response to the objection and information, and information concerning the allocation of places in September 2023 and September 2024 under each of the oversubscription criteria in the school's admission arrangements;
- e. the comments of the LA concerning the objection and the following documentation provided by it:
- f. the local authority's composite prospectus for admissions to primary schools in the relevant part of the county;
- g. a further map of the school's catchment area;
- h. a map showing the catchment areas of the schools which adjoin that of the school;
- i. the websites of schools whose catchment areas adjoin that of the school;

- j. information available on the government website “Get Information About Schools”;
- k. a map showing the locations of the homes of the children who have been offered a place in Year R at the school in September 2024, and
- l. information concerning the number of preferences expressed by parents in the area for a place at the school in September 2023 and September 2024.

The Objection

6. Paragraph 1.14 of the Code says that:

“Catchment areas **must** be designed so that they are reasonable and clearly defined.”

Paragraph 12 of the Code states that where the word ‘**must**’ is used, this represents a mandatory requirement.

7. The objector cited this requirement and offered the following in support of the assertion that the school’s catchment area does not meet it:

- (i) that the boundaries of the catchment area are arbitrarily defined, lacking distinct and logical boundaries;
- (ii) that the fact that properties in the same street, including adjacent properties, fall into different school catchment areas “creates confusion and raises questions about the consistency and logic behind the boundary design”;
- (iii) that a “triangle-shaped location within the affluent Norsey Road neighbourhood ...looks oddly positioned and despite being further from the school than my home ...is included in Quilters’ already extensive catchment zone [sic]”. Further, “the houses within this triangle are equally close to Buttsbury Infant School who provide double the intake of Quilters Infant and were not oversubscribed this year.”
- (iv) that it is “baffling” that the objector’s address, which she says is in a “vibrant and inclusive community” has been “disregarded and excluded from the Quilters catchment area, particularly given our proximity to the school, and the amount of children in our street who already attend Quilters school or have done on the past.” Further, there appears to be no consistent use of addresses or postcodes to define the school’s catchment area.
- (v) that the school’s catchment area extends to a distance of over 4 miles from the school to Dunton Wayletts, an area further from the school than the objector’s address where “they have closer schools in the opposite direction towards Basildon”. The objector refers to this as a “discrepancy” which “calls into question the rationale behind extending the catchment boundary to areas over 4 miles away.”

Other Matters

8. When I looked at the arrangements as a whole, it appeared to me that the following matters do not, or may not, conform with requirements:

- (i) the school's catchment area is not set out for parents in the arrangements, and it is not stated where a map or description of it can be found. As a result the oversubscription criteria which use residence in the catchment area are not clear, in breach of the requirement of paragraph 1.8 of the Code, which says:

"Oversubscription criteria **must** be reasonable, clear, objective, procedurally fair "

Paragraph 14 of the Code requires admission authorities ensure that:

"Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated."

- (ii) The arrangements refer to both "the defined geographical area (priority admissions area)" and "the geographical area of Billericay (priority admissions areas ofschools)". It is not clear whether these are the same or different areas, and as a result the oversubscription criteria as a whole fail to be clear, in breach of the above requirement of the Code.
- (iii) The statement in the arrangements fails to reflect the provision concerning children whose Education, Health and Care Plan names the school in paragraph 1.6 of the Code. This says:

"All children whose Education, Health and Care Plan names the school **must** be admitted."

- (iv) The Code at paragraph 2.18 requires that:

"Admission authorities **must** make clear in their admission arrangements the process for requesting admission out of the normal age group."

The process stated in the arrangements fails to be clear by referring to "the application letter to Essex", and to the Governing Board being "responsible for making the decisions" and so fails to set out clearly the process involved.

- (v) These matters are set out in paragraphs 2.18 – 2. 20 of the Code, making the reference in the arrangements to "2.17/2.17A of the School Admissions Code" confusing to parents and the arrangements unclear, in breach of paragraph 14 of the Code.

9. I have accordingly decided to exercise my power under section 88I of the Act to consider the arrangements as a whole and whether they conform with the requirements relating to admissions.

Background

10. The form of objection submitted by the objector provides for objections to be made to the admission arrangements for a school for September 2025. The admission arrangements and map which were provided with the objection were those for the school for admissions in September 2024. In correspondence between myself and the parties, I was able to establish to my satisfaction:

- (i) that the objector confirmed that the objection concerned the school's admission arrangements for September 2025, and that she understood these to be unchanged from those for September 2024 and so the details of the objection remained relevant;
- (ii) that the admission authority confirmed that it had made no changes to the arrangements, including the catchment area for the school, between 2024 and 2025.
- (iii) that the arrangements for 2025 had been determined in accordance with the relevant requirements and that I was in possession of the same.

11. The school is extremely popular and very heavily oversubscribed. It was judged to be "outstanding" when last inspected by Ofsted in 2018. It is located on the south west of the town of Billericay. The catchment area includes part of this urban area but also extends to the west and south to include rural areas.

12. The LA brochure for parents gives the total number of preferences received for one of the 60 available Year R places in September 2023 as 346. The information given to me by the LA said that there were 93 first preferences made in September 2023 and 91 in September 2024. The school has told me that in both years, the last child was admitted under the oversubscription criterion in the school's admission arrangements which gives priority to children living in the school's priority admissions area. Since the school is so heavily oversubscribed, the children who were admitted under this criterion will have been those living closest to the school, since distance from the school is used in the arrangements to give priority when oversubscription occurs within a priority category. From the map which the LA has provided to me showing the location of the homes of children who have been offered a place at the school in September 2024, I estimate that the furthest admission was of a child whose home was just less than a mile from the school.

13. It is also the case that in 2023 and 2024 no children were admitted who did not live within the catchment area.

14. The school's admission arrangements can be summarised as follows:

- (i) After stating that the "admission number" [the published admission number, the PAN] is 60, the arrangements say that "There is no guarantee of a place for

children living in the defined geographical area (priority admissions area).”

Oversubscription criteria are listed as:

- a. Looked after and previously looked after children (as defined)
- b. Children living in the priority admissions area with a sibling attending Quilters Infant or Junior School at the time of entry
- c. Other children living in the priority admissions area
- d. Children living in the geographical area of Billericay (priority admissions areas of Buttsbury, Brightside, South Green and Sunnymede schools) with a sibling (as defined) attending Quilters Infant or Junior School at the time of entry
- e. Other children living in the geographical area of Billericay (priority admissions areas of Buttsbury, Brightside, South Green and Sunnymede schools)
- f. Children living outside the geographical area of Billericay (priority admissions areas of Buttsbury, Brightside, South Green and Sunnymede schools) with a sibling attending Quilters Infant or Junior School at the time of entry
- g. All other children

(ii) The arrangements then say that:

“A child with an Education Health and Care Plan (EHCP) that names Quilters Infant School may be admitted irrespective of the admissions criteria”

(iii) In the section dealing with the admission of children outside their normal age group, the arrangements refer to a letter which parents should write “to Essex” asking for such an admission, but then say that “The Admissions [sic] Authority...is responsible for making the decision on which year group a child should be admitted to...”

(iv) There follows a statement that: “In order that we may make our decision, and in accordance with 2.17 / 2.17A of the School Admissions Code...”

Consideration of Case

A. The objection

15. Although it has been asked to do so, the school has not made any direct comment on the objection itself. This may in large measure be as a result of a misunderstanding on the part of the school’s admission authority concerning its own part in the determination of its catchment area.

16. I had asked it to confirm that the admission arrangements for 2025 including the catchment area had not changed from those for 2024, for the reason which I have

explained. When it did so, it was also responding to the paper I sent it setting out the objection and the other matters listed above, seeking its comments on all of them. It said, in connection with my concern that the arrangements did not set out the catchment area, that:

“The admission authority utilises the website provided by Essex Local Authority to check the catchment/priority admissions area. The school do not own an up to date map of the catchment area or have been provided one by Essex. The school is not advised of any new properties, and are therefore reliant on the website [reference here is to the LA website which allows parents to enter their postcode in order to see in which school’s catchment area they reside] for the most up to date information.”

17. Later in the same communication, the school said:

“We can confirm that the admissions criteria did not change in the period from 28 September 2023 to admissions [when the 2025 arrangements were determined] to admissions 2024, but we have not [been] informed by Essex Local Authority if the catchment area has changed. As commented above, the school nor the admissions authority are informed [sic] of catchment changes, nor provided with updated maps. The catchment areas are set by Essex Local Authority.”

18. I record in passing that this response is evidence that the catchment area did not change between 2024 and 2025, since if the admission authority for the school did not change it, it has remained the same. What is of concern is that the school’s admission authority has not hitherto understood that since it determines the admission arrangements for the school, and since the catchment area is part of those arrangements, it is responsible for its definition. Having seen what the school had said, the LA was quick to confirm to the other parties that this is the case, and the objector remarked that: “This conflicting information [the view of the school and that of the LA] needs clarification.”

19. I am happy to make it unequivocally clear that it is the school’s admission authority, its governing body, that sets its catchment area as part of its admission arrangements. The school finally wrote saying that it had contacted the Billericay Community Trust, which it says is formed of the Billericay primary schools (although, see above) and that it had been informed that “the school/admissions authority can set the priority admissions area, this must be done in conjunction with the other schools, to divide the town between all the schools. Therefore we agree with the LA on the point.”

20. In spite of this belated acceptance of its role and therefore its responsibility for its catchment area, the school has not provided me with any further comments on the objection itself. The LA has said no more to me than: “...we have no further comments other than to say we understand and acknowledge the adjudicator’s observations [concerning the matters which I had raised].”

21. In support of the objection, I was supplied by the objector with a detailed map showing part of the boundary between the catchment area of the school and that of Sunnymead primary school. This is in an urban context in Billericay, and the objector's own property abuts the boundary, lying on the Sunnymead primary school side of it. The boundary of this part of the catchment area lies between adjoining properties and does not in all cases follow the line of roads.

22. I have set out above the reasons which the objector has given for saying that the school's catchment area is not clear and reasonable, as it must be if it is to comply with paragraph 1.14 of the Code. I shall consider these reasons together, since there is considerable overlap between them, against the requirement of, first, clarity and second of reasonableness.

Is the catchment area clear?

23. I have quoted what paragraph 14 of the Code says above. Applying what it says about parents being able easily to understand how school places will be allocated to catchment areas, it seems to me that whether a catchment area is clearly defined depends on whether it would be possible for a parent to be able to tell, with certainty, whether or not their property lies within it or not. It is possible for catchment areas to be described in the form of a map, or by listing street names or postcodes for example.

24. In this case, the LA has supplied me with both a map, and a link to the online tool which allows parents to ascertain which school's catchment area they live in. The objector has also been able to use this, with some precision, to provide me with the map referred to above. I shall deal below with the fact that the arrangements do not provide easy access for parents to a description of the catchment area. However, in terms of the catchment area itself, once accessed, I am of the view that it is clear.

Is the catchment area reasonable?

25. Clarity of definition is a factor in my consideration of the catchment area's reasonableness, and I have dealt with this above. Other factors which would be relevant to whether a catchment area was reasonable are whether it is logical (for example whether it takes account of natural boundaries such as roads and rivers for those affected by it), whether it is justifiable (whether the admission authority has a rationale for why it is drawn as it is), whether it is sensible in the local context (for example because it takes account of what other schools provide) and whether it is meaningful (that is, whether it bears a meaningful relationship to the prospects of admission to the school).

26. I think it will be helpful to the reader at this point if I say a few words about catchment areas and then provide some further contextual information about the circumstances of the school.

27. There is no specific reference in primary or secondary legislation which permits a school to include a catchment area in its admission arrangements. This is permitted by the Code, as we have seen, in paragraph 1.14 where catchment areas are listed as one of the commonly used oversubscription criteria employed by schools. Other references in the Code provide the following definition:

“A geographical area, from which children may be afforded priority for admission to a particular school. A catchment area is part of a school’s admission arrangements and must therefore be consulted upon, determined, and published in the same way as other admission arrangements.”

The Code also contains a requirement that catchment areas must be included in the information for parents published by local authorities.

28. Catchment areas need not be a single geographical area (as in the case here since the school in fact defines two separate geographical areas in its arrangements), and there is nothing to prevent the catchment areas of different schools from overlapping (that is, from having shared catchment areas) provided they meet the requirements of paragraph 1.14. Where all the admission authorities in an area employ catchment areas in their admission arrangements, adjudicators have in the past found that there was unreasonableness if there were geographical “islands” which had no priority for admission to any of the schools which therefore resulted in some children finding it impossible to access a local school.

29. In order to assist my consideration of the objection, I have used the information given to me by the LA and my own research to look at the admission arrangements of the schools whose catchment areas adjoin that of Quilters Infant School. That information is set out in the following table and I will refer to it in what follows:

School	Type of school	Uses catchment area	Also gives priority to children in the catchment areas of other “Billericay schools”
“Billericay Schools” South Green Infant and Nursery*	Foundation	Yes	Yes
Sunnymede Primary School	Foundation	Yes	Yes
Buttsbury Infant School*	Foundation	Yes	No

School	Type of school	Uses catchment area	Also gives priority to children in the catchment areas of other “Billericay schools”
Brightside Primary School	Community	Yes	No
“Rural Schools” Long Ridings Primary School	Community	Yes	n/a
Willowbrook Primary School	Community	Yes	n/a
Ingrave Johnstone CE School	Voluntary Aided	Uses ecclesiastical parishes	n/a
Merrylands Primary School	Academy	Yes	n/a
Millhouse Primary School	Community	Yes	n/a

*denotes a school which also part of the Billericay Community Trust

30. The maps I have seen (and which I have appended to this determination in Word and pdf format) show that the catchment area of the school is “surrounded” by those of the above schools, which can be separated into the “Billericay” schools (those to the north and east of Quilters Infant school where the main part of Billericay is located) and “rural” schools (those to the south and west which are the furthest distance from Billericay).

31. In the second map, the pattern of Year R admissions to the school for September 2024 shows that all children who were admitted live in the northeastern corner of the catchment area and, as I have said, no further than a mile from the school. Given the level of oversubscription, it is plain that children living in the furthest reaches of the school’s catchment area, at three or four times that distance, have had effectively no chance of being admitted to the school unless they had a sibling already in attendance there or at the federated junior school. None did in 2024, and in 2023 oversubscription had also occurred within this category, meaning that distance from the school was also the deciding factor. It may well be that the “sibling” oversubscription criterion (which gives higher priority to those living within the catchment area who have a sibling already attending the school or the federated junior

school) only comes into play in most years for children in most of the catchment area if their parents have moved there after an older child was admitted to one of the two schools.

32. The objector's view is that there was a "discrepancy" in having so large a catchment area which "called into question the rationale" for it. However, it cannot be the case that all children living in a school's catchment area will always be able to secure a place there, and it is undoubtedly the school's popularity that results in most children living in the further reaches of its catchment area having only a small (if any) chance of admission in recent years. The design of the catchment area has the rationale of being coterminous with that of the surrounding schools and is not meaningless in the way that a catchment area physically separate from the school and many miles away would be. There is no doubt that the boundaries of the catchment area closest to the school are meaningful in nature in distinguishing those who have priority for admission from those who (like the objector) do not. Children living in the catchment area as a whole as drawn do have some chance of admission, although I consider that it would be appropriate for the relevant admission authorities, which include the LA, to review the catchment areas of the schools which are coterminous with the boundaries of the school's catchment area to the south and west, and for the school to be part of such considerations. My view is that the catchment area does not fail to be reasonable for the reason the objector has given.

32. The objector's view that there is no reason for the area in which she lives to be "excluded" from the school's catchment area must also be seen in the local context. The school has referred to its understanding that local schools work together to ensure that all geographical locations are part of one school's catchment area. This does mean that there is a rationale which has common sense associated with it for the school not to include an area which another school has designated as part of its catchment area as part of its own. As I have said, that decision is not inevitable, but it is of itself not unreasonable in this respect. There is no reason for particular postcodes or addresses to be used as the determinants of where a catchment area boundary is drawn in order for it to be reasonable in nature.

33. The same must be said for the "triangular-shaped" area of what the objector says is a more affluent neighbourhood equally close to another, less popular, Foundation school in Billericay itself. Quilter's Infant school has included this area in its catchment area, and the other school has not, although it might have done. I am not privy to discussions which might have been held between the schools, but I imagine the area in question is not the only area of more prestigious housing in the locality.

34. The objector says that the fact that the boundary of the school's catchment area means that properties in the same street, sometimes adjacent properties, are in the catchment area for different schools "creates confusion and raises questions about

the consistency and logic behind the boundary design". I have already said that the boundary is clear, so there can be no confusion in that sense. Neither do I think that the drawing of a catchment area boundary in an urban area can realistically be expected to avoid having to pass between different houses in the same street on occasion. Certainly, where this happens, it does not rob the catchment area of the logic or validity it might otherwise have.

35. The objector also raised the issue that "the boundaries of the catchment area are arbitrarily defined, lacking distinct and logical boundaries". I have considered very carefully the detailed maps which accompanied the objection, and I have said above that it does not seem unreasonable in itself in an urban area for the boundary of a catchment area to pass between houses in the same street for example. Whether such a boundary is reasonable overall may depend on whether there is a sensible reason for it being drawn where it is, and I shall return to this shortly. The boundaries of the school's catchment area which define its limits in the more rural areas do follow natural boundaries such as roads, where these are relevant. I have also said that the boundaries are distinct, and clear. Overall, I cannot say that the boundaries of the catchment area are lacking in logic and so I do not think them unreasonable on this account.

36. I have already stated that the school has said it understands that the boundaries of its catchment area (certainly in the urban element) should be set in conjunction with other schools there "to divide the town between all the schools". In other words, there is a rationale which is sensible in the local context since its purpose is to ensure that there are no "islands" of the sort I have referred to above (in which some addresses are not part of any catchment area). This is a limited rationale, but it is a rationale. The catchment area does not fail the test of reasonableness on this account.

37. Taking all this together, I have found:

- (i) that I do not uphold the objection that the school's catchment area is unclear, and
- (ii) that, having considered whether the school's catchment area is logical, justifiable, sensible and meaningful, that it does not fail to meet any of these tests for the reasons given by the objector, and I do not uphold the objection that the school's catchment area is unreasonable.

B. Other matters

38. When the school responded to the concerns which I have set out above, it accepted that the catchment area was not available to parents as part of the school's admission arrangements, and confirmed that it "will be added from 2024". It is helpful that the school recognises this need, but as determined the arrangements failed to satisfy the requirement that they be clear, for this reason.

39. The arrangements give priority to children living in two different geographical areas – that for the school, and that which is the combined catchment area for three named schools in the town of Billericay. Throughout the arrangements the terms “geographical area” and “priority admissions area” are used when referring to both. I have preferred in this determination to use the term “catchment area” which is that which parents will find in the Code. When it responded to my concern that the arrangements may confuse some parents as to whether there was in fact a single or more than one geographical area described in them, the school offered to add “catchment” wherever “priority admission” is used. In my view, I have described clearly the intention of the arrangements above - that priority is given separately to children living in two geographical areas, one of which is the defined catchment area of the school itself and one which comprises the combined catchment areas of the named schools. However, as determined, the arrangements are insufficiently clear and fail to comply with paragraph 14 of the Code.

40. The school also accepted that the statement concerning children in possession of an Education, Health and Care Plan failed to conform with the requirements of paragraph 1.6 of the Code, because it says they “may” be admitted to the school. It said that it would change this word to “must”, which is what the Code says. However, as determined, the arrangements fail to conform with paragraph 1.6 of the Code.

41. The school also agreed that the arrangements should be amended to set out clearly the process which parents must follow to request admission for their child out of the normal age group, since the arrangements as determined fail to do this. The arrangements fail to comply with paragraph 2.18 of the Code, and the reference in them to paragraphs “2.17/2.17 of the School Admissions Code” which is a reference to a version of the Code which is no longer current also renders the arrangements unclear and in breach of paragraph 14 of the Code, as the school has acknowledged.

Summary of Findings

42. I have explained above the reasons why I do not uphold the objection. I do not agree with the objector’s assertion that the admission arrangements for the school do not comply with the requirements of paragraph 1.14 of the Code that catchment areas must be designed so that they are clear and reasonable.

43. I have set out the other ways in which the arrangements fail to comply with the requirements of the Code.

Determination

44. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements for September 2025 determined by the Governing Body for Quilters Infant School, Billericay, Essex.

45. I have also considered the arrangements in accordance with section 88I(5) and find there are other matters which do not conform with the requirements relating to admission arrangements in the ways set out in this determination.

46. 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: 29 August 2024

Signed:

Schools Adjudicator: Dr Bryan Slater