



Office of
the Schools
Adjudicator

Determination

Case reference: ADA4315

Objector: A parent

Admission authority: The Griffin Primary School Academy Trust for The Griffin Primary School, Rugby

Date of decision: 19 September 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 Griffin Primary School Academy Trust for The Griffin Primary School in the local authority area of Warwickshire County Council.

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 for 2025 (the arrangements) for The Griffin Primary School (the school). The admission authority for the school is The Griffin Primary School Academy Trust (the trust). The school will have an age range for children aged two to eleven; the school opened in September 2023 with the admission of children to reception year (YR) only. The school will expand, year on year, admitting children to YR until it provides for children from YR to year 6.

2. The objection is to the catchment area set as part of the oversubscription criteria.
3. Warwickshire County Council (the local authority) is the local authority for the area in which the school is located. The parties to the objection are the objector, the trust and the local authority.

Jurisdiction

4. The terms of the academy agreement between the trust and the Secretary of State for Education require that the admissions policy and arrangements for the academy school are in accordance with admissions law as it applies to foundation and voluntary aided schools. These arrangements were determined by the trust on that basis. The objector submitted her objection to these determined arrangements on 25 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

5. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code). The documents I have considered in reaching my decision include:
 - a. a copy of the minutes of the meeting of the trust at which the arrangements were determined, and a copy of the determined arrangements;
 - b. the objector's form of objection;
 - c. comments from the trust on the objection and information provided at my request;
 - d. information provided by the local authority at my request;
 - e. maps of the area identifying relevant schools and catchment areas; and
 - f. information available on the websites for the school; the local authority and the Department for Education (DfE).

The Objection

6. The oversubscription criteria for the school include priority for those living in the catchment area for the school. The catchment area does not include an area of housing to the south of the school, which is where the objector lives. The objector believes it is not reasonable to exclude this area and said,

"The Griffin Primary is our local nearest school 0.5 miles. We have been excluded from the catchment and the line goes past our house. Our allocated catchment is for a school 0.8 miles away across a 60 mile an hour dangerous road. It would be reasonable and safer for us to be included. We moved here before the school was

built and the catchment decided. The school response was that they understand my frustration and the LA had decided.”

7. Paragraph 1.14 of the Code relates to catchment areas and says,
“Catchment areas **must** be designed so that they are reasonable and clearly defined. Catchment areas do not prevent parents who live outside the catchment of a particular school from expressing a preference for the school.”
8. Paragraph 1.8 of the Code requires oversubscription criteria to be reasonable.

Background

9. The school, as described above, is a new school which was opened for admissions to YR in 2023. The school therefore has YR and year 1 (Y1) children in September 2024, and in September 2025 will admit its third group of children to YR. The published admission number (PAN) for admission to YR is 30. The trust is the admission authority for the school and is a single school academy trust. The local authority said,

“The Griffin School was designed and built to meet the demand for school places specifically from residents living in the Gateway housing development... The Griffin Primary School shares its priority area with The Revel CofE Primary School (with the exception of a very small area to the South). The Gateway housing development was built on land within The Revel CofE Primary School's priority boundary.”

10. The Revel Church of England Primary School is over four miles from the school and is not germane to my considerations. The oversubscription criteria for the school are, in summary:

- 1) Looked after and previously looked after children
- 2) Children living in the catchment area for the school and eligible for the pupil premium
- 3) Children living in the catchment area with a sibling at the school
- 4) Children living in the catchment area
- 5) Other children eligible for the pupil premium
- 6) Other children with a sibling at the school
- 7) Other children.

11. Priority will be given to a child living closest to the school, in a straight line, if the school is oversubscribed within a criterion.

12. The trust did not comment on the objection and said,

“Setting the catchment area for the school was the responsibility of Warwickshire Local Authority, therefore the Trust are unable to comment on this.”

13. I note that the trust is the admission authority for the school and therefore is responsible for the determination of the admission arrangements and their content, so this comment is not accurate. The local authority said,

“when it came time for the admission authority to set its admission arrangements, in discussion with the LA it was agreed that the priority area would mirror the development boundary [of the Gateway housing development]”.

Consideration of case

14. A map of the area shows that there is a roughly triangular area containing a small housing estate to the south of the catchment area for the school, which is bordered by Brownsover Lane, Brownsover Road and the A426. For ease of reference, I will call this the Brownsover triangle. The Brownsover triangle is the area which the objector says should be in the catchment area for the school for the arrangements to be reasonable.

15. The DfE website, ‘Find and compare schools in England’ provides the distances from a given post code to the nearest schools, in a straight line. In this case, the DfE website lists the nearest primary schools to an address in the Brownsover triangle as follows;

- Boughton Leigh Infant School – 0.5 miles
- The Griffin Primary School – 0.57 miles
- Brownsover Community Infant School – 0.7 miles
- Riverside Academy – 0.93 miles
- nine other schools within two miles of the address.

16. The school is therefore the second closest to the Brownsover triangle although the distances between the three nearest schools are very similar and, if I had chosen a different post code within the Brownsover triangle to put into the DfE website, then the order may have been different. The Brownsover triangle is within the catchment area for Brownsover Infant School which, the local authority has told me, has sufficient places to meet demand from within its catchment area.

17. I noted that the objector was particularly concerned over the route for children living in the Brownsover triangle to Brownsover Infant School, describing the need to cross a fast and dangerous road, the A426, to get there. I asked the local authority to comment on this. The local authority said,

“With regards to children crossing the A426, there are adequate crossings at both ends of the road running parallel to Brownsover Lane. These are Pelican Crossings, one for each side of the road with a space in between at each end. In accordance

with Transport guidance, there is a route deemed safe for children to walk in relative safety, accompanied as necessary, that is less than a mile to Brownsover Infant School.”

18. The trust said, “There is a light traffic controlled pedestrian crossing across the A426 close to the entrance of Lower Lodge Avenue.”

19. The objector has not commented further when provided with these responses. On the basis of the evidence provided to me, I am assured that there is a safe walking route to Brownsover Infant School from the Brownsover triangle.

20. However, it is possible that the school could be closer and a more pleasant walk than travelling to Brownsover Infant School. I therefore considered the demand for the school in its two years of operating (2023 and 2024) and future demand forecast for the school from those living in its catchment area.

21. The trust managed the admissions to YR in 2023 and there are 29 children in Y1, who are the children admitted to YR in 2023. The local authority told me that the school was oversubscribed for 2024 with 43 first preferences, and 30 offers were made as follows:

- a. Fourteen children who met one of the first four criteria, this includes all those who live inside the catchment area.
- b. Two children who lived outside the catchment area and were in receipt of pupil premium.
- c. Two children who lived outside the catchment area and had a sibling at the school.
- d. Twelve children who lived outside the catchment area, with the furthest living 0.3 miles from the school.

22. It would therefore appear that there were sufficient places to allow for some children living outside the catchment area to be admitted in 2024. However, I am conscious that the Gateway housing estate is in development and so the demand for places may increase as people move into new properties. The local authority, using GP data based on what was known as of May 2024, estimates that there will be 37 children requiring a place in YR and living in the catchment area for the school in 2025, and 51 children in 2026. On the basis of this evidence it appears that the school will struggle to meet demand from within its catchment area and expanding the catchment area would clearly make that more difficult.

23. I have considered the evidence provided to me. I am assured that there is a safe route from houses in the Brownsover triangle to Brownsover Infant School, that Brownsover Infant School is within a reasonable distance of the Brownsover triangle and that there are sufficient places at Brownsover Infant School to meet demand. The forecasts of demand for the school are such that it would be unreasonable to increase the catchment area to include the Brownsover triangle. I therefore conclude that it is reasonable not to include the Brownsover triangle in the catchment area for the school and I do not uphold the objection.

Other matters

24. When I considered the arrangements, I thought that there may be other matters that did not meet the requirements of the Code. I therefore brought these to the attention of the trust and I have used my power under section 88I of the Act to consider the arrangements as a whole. The other matters are as described below. Paragraph 14 of the Code requires arrangements to be clear and so is relevant.

25. The arrangements refer several times to matters being decided by the local authority when in fact these are matters established in law. These inaccuracies make the arrangements misleading and unclear and they therefore do not comply with the requirement for clarity set out in paragraph 14 of the Code.

26. The information on waiting lists does not meet the requirements of paragraph 2.15 of the Code which says,

“Each admission authority **must** maintain a clear, fair, and objective waiting list until at least **31 December** of each school year of admission, stating in their arrangements that each added child will require the list to be ranked again in line with the published oversubscription criteria. Priority **must not** be given to children based on the date their application was received, or their name was added to the list.”

27. The arrangements say,

“If the school is oversubscribed for entry to the Reception year, Warwickshire County Council will automatically add the names of the children refused places to the waiting list (provided no higher preference has been offered). Any vacancies, which occur in this year group, will be re-offered to children on the waiting list using the school’s admission criteria. Parents should be aware that a child’s position in the list can alter, as children with higher priorities are added or withdrawn. This waiting list is held by Warwickshire County Council and terminates at the end of the Autumn Term.”

28. There are three matters relating to waiting lists.

28.1. The Code requires that waiting lists are held until at least 31 December. This is not normally understood to be the end of the autumn term and so the arrangements either do not comply with paragraph 2.15 or are not clear.

28.2. The admission authority would normally hold the waiting list and, given the many inappropriate references to the local authority, this may not be an accurate statement. I asked for clarification but this was not provided by the trust. The arrangements may not be accurate in this matter.

28.3. The arrangements do not state clearly that, “each added child will require the list to be ranked again in line with the published oversubscription criteria.”

29. The information on waiting lists is therefore unclear and does not meet the requirements of paragraphs 14 and 2.15 of the Code.

30. The arrangements do not comply with the Code in the matters set out above and must be revised. Paragraph 3.6 of the Code permits an admission authority to revise determined arrangements to give effect to a mandatory requirement of the Code and in order to respond to a determination of a schools adjudicator.

Determination

31. 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 Griffin Primary School Academy Trust for The Griffin Primary School in the local authority area of Warwickshire County Council.

32. 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.

33. 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: 19 September 2024

Signed:

Schools Adjudicator: Deborah Pritchard