



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** ADA4351 Chesterton Community College

**Objector:** A member of the public

**Admission authority:** Eastern Learning Alliance Multi-Academy Trust

**Date of decision:** 16 July 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 Eastern Learning Alliance for Chesterton Community College, Cambridgeshire.

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 unless an alternative timescale is specified by the adjudicator. In this case I determine that the arrangements must be revised by 31 August 2024.

## The referral

1. Under section 88H(2) of the School Standards and Framework Act 1998, (the Act), an objection has been referred to the adjudicator by a member of the public (the objector), about the admission arrangements (the arrangements) for Chesterton Community College (the school, Chesterton, ChCC), a non-selective secondary academy for children aged 11-18 years for September 2025.
2. The objection is in two parts:
  - that the admissions arrangements are unfair to children living in the school's catchment area but attending a primary school located outside the catchment area, specifically the University of Cambridge Primary School (UCPS);

- that consultations on admission arrangements have not included the parents of children from UCPS and, therefore, do not meet the requirements of the Code.

3. The objector has identified themselves as a member of the public but states the following:

“I am submitting this objection on behalf of a group of parents whose children attend the University of Cambridge Primary School (UCPS) in Cambridge. This includes children currently in reception through to year 5. My own children attend UCPS [...] so although I have defined myself as a member of the public my interest in the objection is that of a parent.”

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

5. Although the objection is specifically in relation to the admissions arrangements for Chesterton, the objector makes several references to Impington Village College (Impington, IVC). Both schools are part of Eastern Learning Alliance.

## **Jurisdiction**

6. The terms of the Academy agreement between the multi-academy 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 maintained schools. These arrangements were determined by the academy trust, which is the admission authority for the school, on that basis.

7. The objector submitted their objection to these determined arrangements on 14 May 2023. 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.

8. The objection is in relation to the school's admissions arrangements for 2025/26. It is not within my jurisdiction to make any determination on matters relating to the admissions arrangements for 2024/25.

## **Procedure**

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

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

- a. a copy of the minutes of the governing body meeting held on 17 October 2023 at which the arrangements were determined;
- b. a copy of the determined arrangements for 2025-2026;

- c. the objector's form of objection dated 14 May 2024 along with supporting documents and other correspondence including a submission received on 9 July 2024;
- d. the trust's response to the objection and supporting documents;
- e. the LA's response to the objection and supporting documents;
- f. information on the school's and LA's websites.

Although I may not directly refer to it in my determination, I have read and taken account of all the information provided to me.

## The Objection

11. The objector believes that the school's admissions arrangements for 2025/26 are unfair to children living in the catchment area of ChCC but attending a primary school located outside of the catchment area, specifically UCPS. The objector states that:

"Children attending UCPS but living in ChCC [catchment area] are given a lower priority than other children at all local secondary schools."

This may be in breach of paragraph 14 of the Code, which states:

"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".

It may also be in breach of paragraph 1.8 of the Code, which states, in part:

"Oversubscription criteria **must** be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation. Admission authorities **must** ensure that their arrangements will not disadvantage unfairly, either directly or indirectly, a child from a particular social or racial group, or a child with a disability or special educational needs, and that other policies around school uniform or school trips do not discourage parents from applying for a place for their child."

12. The objector is also concerned that consultations on admission arrangements have not included parents of children from UCPS, and, therefore, do not meet the requirements of the Code. They state:

"As far as I am aware, no parents of children attending UCPS have been aware of or participated in any consultations on allocation arrangements for ChCC or IVC. ...

I understand there was a consultation on the decision to name UCPS as a feeder school to IVC and not Chesterton that took place in autumn winter 2021-22. This consultation does not appear to meet the School Admissions Code ... for two reasons:

1. Parents from UCPS were not consulted, and the impact the decision would have on children living in the ChCC catchment was not considered.
2. The consultation may have been based on the assumption that DGA [Darwin Green Academy, a new secondary school yet to be built] would be open, if not as planned, at least by 2026.

My final point is that parents of children from UCPS were completely unaware of the implications their choice of primary school would have on allocation outcomes for secondary school. This situation has come as a shock, and parents are extremely worried. I am already aware of several parents who have applied to move their children, or already moved their children as a direct result of this issue. I feel that this is a sad outcome for all involved.”

This may be in breach of paragraphs 1.45-1.48 of the Code which set out the requirements of consultation on proposed admissions arrangements.

## Other Matters

13. Having considered the arrangements as a whole, it would appear that the following matters also do not, or may not, conform with requirements:

14. Sections 6.2 and 6.3 of the arrangements make several references to a “catchment area” but do not include details of what this is or any links to further information. Therefore, the criteria may not meet the requirements of paragraph 14 of the Code.

15. Within any specific criterion, where places are oversubscribed, the policy states:

“Priority will be given to children living nearest to the College as measured by a horizontal straight line between the College’s main entrance and the front door of the dwelling (e.g. house or flat) at which the child is normally resident.”

As the policy does not include a definition of what ‘normally resident’ means, this may be in breach of paragraph 1.13 of the Code.

16. The admission arrangements do not include details of a tie-breaker to decide who has highest priority for admission if the distance between two children’s homes and the school is the same or it is not possible to separate two applications in any other way. This is required by paragraph 1.8 of the Code.

17. The arrangements do not include reference to the admission of children outside their normal age group. Therefore, the arrangements do not appear to meet the requirements of paragraphs 2.18 - 2.20 of the Code.

18. With regard to waiting lists, the arrangements do not make it clear that “each added child will require the list to be ranked again in line with the published oversubscription criteria” as set out in paragraph 2.15 of the Code.

19. Section 6.1 of the arrangements refers to “children who have a statement of special educational needs”. This terminology is no longer used and may not meet the requirements of paragraph 14 of the Code.

20. In its response to the objection, the trust indicates that it has not consulted on ChCC admission arrangements for over 10 years. This is in breach of paragraph 15b) of the Code.

## Background

21. Chesterton first opened as an academy in 2011. It was part of the Cambridgeshire Educational Trust before joining Eastern Learning Alliance (then known as Morris Education Trust) in September 2020. The school has capacity for 1,100 pupils. It was last inspected by Ofsted in July 2017 when it was judged to be ‘outstanding’.

22. Impington is also a non-selective secondary academy for children aged 11-18 years. Impington and Chesterton are located about 2.5 miles apart.

23. UCPS is a free school that opened in September 2015. It currently has 663 pupils and was judged to be outstanding by Ofsted in June 2018. The objector provided the following information about UCPS and this has not been disputed by the other parties:

“It [UCPS] was built and opened before the catchment was fully populated, and as such it has had to appeal to children from out of catchment to populate the school. It has been successful in doing so and has mainly attracted families from the catchments of two local secondary schools; Chesterton Community College (ChCC) and Impington Village College (IVC).”

24. In summary, ChCC’s oversubscription criteria are:

Children who have a statement of special educational needs that names the school will be admitted. I note that, as mentioned in paragraph 18, this terminology is no longer used. The criterion should refer to children with an education, health and care plan (EHCP) but the gist of the statement is accurate.

Any remaining places will be allocated according to the following criteria, in order of priority:

- i) Looked after children and children who were previously looked after
- ii) Children of staff who have been employed at the academy for at least two years or have been recruited to fill a vacant post for which there is a demonstrable skill shortage.
- iii) Children who live in catchment area, attend primary schools\* within the catchment area and who have a sibling at the school at the time of admission.
- iv) Children who live in the catchment area with a sibling at the school at the time of the admission.
- v) Children who live in the catchment area who attend the primary schools\* within it.
- vi) Children who live in the catchment area

- vii) Children who live outside the catchment area, who attend primary schools\* within it and who have a sibling at the school at the time of admission.
- viii) Children who live outside the catchment area who have a sibling at the school at the time of admission
- ix) Children who live outside the catchment area who attend the primary schools\* within the catchment area
- x) Children who live outside the catchment area, but nearest the school as measured by a straight line.

Within each criterion, priority is given according to the distance the child lives from the school site.

\* There are four primary schools within Chesterton's catchment area. They are its feeder schools. The four schools are: St Luke's Primary School, Milton Road Primary School, Mayfield Primary School and Arbury Primary School.

I note that the school's 2025-26 admission policy contains two 'viii' criteria so the final two criteria above are numbered differently to those in the school's policy.

25. The oversubscription criteria for Impington are very similar in nature and priority order to Chesterton's criteria. The named feeder schools for Impington are: Girton Glebe Primary School; Impington Park Primary School; Brook Primary School; Milton CofE Academy; Oakington CofE Primary School and UCPS.

26. The LA recognises that there is a shortfall in secondary places in the north of Cambridge. Its data shows that for admission to Y7 in 2024, 53 children living in the school's catchment area were not offered a place at ChCC. This includes 19 children attending UCPS and 34 children attending 20 other schools. There are similar numbers in the catchment for September 2025. The LA states that this will be addressed by the opening of a new secondary school, Darwin Green Secondary. It is my understanding that the proposed new secondary school, initially due to open in 2020, is yet to be built due to issues with securing planning permission. However, the LA believes that "it is feasible to open a new secondary school in Darwin Green in September 2026". They are working with local schools and academy trusts to address the shortfall until the new school opens. In the meantime, a number of schools in the area, including Chesterton, continue to admit pupils above their published admission number (PAN).

## Consideration of Case

27. Before dealing with the issue of whether or not the admission arrangements are unfair, I will address the concerns about the consultation that took place in autumn/winter 2021-22 to name UCPS as a feeder school to Impington.

28. The trust is clear that

"Chesterton has at no point changed its admissions procedures, policies, catchment maps or list of feeder schools. We have not made any changes to our admissions policy for September 2025."

The trust goes on to say that no consultation has taken place on their admissions arrangements since 2013. Although not explicitly stated, the implication of this is that there have been no material changes to the admission arrangements for ChCC in recent years.

29. The trust then goes on to explain that:

“The local approach to secondary admissions arrangements are predicated on longstanding agreements regarding primary feeder schools allocated to each secondary school.

It is clear that from 2019, the headteacher at UCPS became aware that UCPS had not been named by the Local Authority as a feeder school to any secondary school. Our understanding is that headteachers from a range of local schools were invited to speak to parents at UCPS regarding their school offer and transition arrangements in February 2019.

Discussions with the Local Authority at the time suggested that it was their plan that UCPS would feed into Darwin Green Academy once built (this remains delayed) but that until then children would feed into North Cambridge Academy rather than Chesterton.

Our understanding is that this plan changed following a meeting called by the Local Authority at which it was agreed that a consultation should take place to name UCPS as a feeder school to Impington Village College.

This consultation took place in 2021 ready for the 2023 admissions round. This consultation was shared with UCPS parents and absolutely clarified the ‘feeder’ status of UCPS.”

30. The LA provided similar information:

“The decision to designate Impington Village College (IVC) as a feeder school was made following consultation between IVC and the County Council and was included in the annual admission consultation for 2023/24 that took place in autumn and winter 2021/2022. The rationale for including UCPS in the IVC catchment rather than the ChCC one was because there is less pressure on catchment places in the IVC catchment compared to the ChCC.”

31. Both the trust and the LA provide information that a consultation in relation to IVC’s admission arrangements did take place between November 2021 and January 2022. This consultation did not relate to Chesterton’s arrangements in any way. As this consultation relates to another school, it is not within my jurisdiction to comment here on whether it complied with all aspects of the Code, including whether or not parents were fully consulted. In relation to this case, I find that Chesterton is not in breach of paragraphs 1.45-1.48 of the Code because a consultation on these matters did not take place. However, I do find that the school is in breach of paragraph 15b) of the Code, as set out under ‘Other Matters’, for not holding a consultation within seven years of the most recent consultation, in 2013.

32. Moving on to the consideration of whether or not the admission arrangements are unfair, I note that all admission authorities must have oversubscription criteria to decide who will be admitted if a school is oversubscribed. These must be in accordance with the Code. Paragraph 14 of the Code requires, amongst other things, that arrangements must be clear and fair. Paragraph 1.8 requires that oversubscription criteria be reasonable and clear. All admission arrangements create advantage for some applicants and disadvantage for others; indeed, that is their purpose. However, any disadvantage must not be unfair. To test the fairness of those parts of the arrangements that trouble the objector, namely that admissions arrangements are unfair to children living in the catchment area of ChCC but attending a primary school located outside of ChCC's catchment area, I will first consider whether the arrangements are reasonable. Only if they are found to be reasonable will I then consider whether the arrangements are fair.

33. The Code uses the term 'reasonable' but does not define it. An everyday definition is of having sound judgement; being sensible and rational. It is the requirement of public bodies, including admission authorities, that they must act reasonably in adopting any policy or making any decision. The test I will apply to reach a conclusion on this aspect of the objection, therefore, is whether the admission arrangements are such that a reasonable admission authority acting rationally and taking into account all relevant factors and no irrelevant factors could choose them.

34. I have carefully considered the oversubscription criteria as set out earlier in the determination. Both Chesterton and Impington give priority to children living in the relevant school's catchment area and attending one of the feeder primary schools within their catchment area.

35. According to paragraph 1.14 of the Code:

"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."

While the school's arrangements do not include direct links to a definition of their catchment area or a map, a link is available from the school's website to the LA's website that contains this information. The LA has acknowledged that there was an error in their catchment area map but this was rectified in December 2023. In relation to this, the trust states:

"Chesterton delegate the responsibility of allocating places at this transition point to the Local Authority. The catchment area map that is published is done so by the Local Authority: Chesterton do not approve or have any oversight of this. Chesterton have never included UCPS as a feeder school in our admissions policy, nor have we ever been asked to do so by the Local Authority. The information provided to parents by the school has not changed and is published on the school website."

I accept that an error relating to the map of the catchment area may have caused some confusion for parents applying for places in the 2024 round of admissions but this has been addressed. The LA assures me that the map now showing on their website accurately



reflects the school's catchment area. However, it is the trust, as the admission authority, who is responsible for determining the school's admission arrangements and ensuring that the arrangements are accurate. The responsibility for ensuring that the school accurately defines its catchment area sits with the trust.

36. Paragraph 1.15 of the Code states:

"Admission authorities may wish to name a primary or middle school as a feeder school. The selection of a feeder school or schools as an oversubscription criterion **must** be transparent and made on reasonable grounds."

The schools named as feeder schools for Chesterton have been the same for several years. The trust provided the following rationale for the selection of these schools:

"Students living in catchment and attending (feeder) schools are prioritised. This criterion means that regardless of where in the Chesterton catchment a child lives, they are prioritised for a place if they attend a catchment primary school.

This is crucial in terms of ensuring equity of access to Chesterton because this criterion ensures that students attending catchment primary schools but living in the less affluent areas - sometimes towards the edge of our geographical catchment area - are not disadvantaged due to distance lived from the school.

An important point of context is that Chesterton serves a demographically mixed area, with a huge economic gap between the most affluent and most disadvantaged postcodes we serve. Our current admissions policy ensures a genuinely comprehensive cohort as opposed to advantaging those able to buy or rent houses closest to the school.

This criterion also ensures that full cohorts of students move on to their secondary schools together. We work with the Local Authority year on year to ensure all children in our catchment primary schools are offered a place."

There are no rules about which schools should or should not be named as feeder primary schools for a secondary school except that, as stated in paragraph 1.15 of the Code, the reasons must be transparent and made on reasonable grounds. In this case, the four primary schools listed earlier in the determination have been named feeder schools for Chesterton for several years and the trust has provided an explanation about why they believe it is important to link with these schools, namely, to secure a "genuinely comprehensive cohort" and enable "full cohorts of children to transfer to secondary school together." I find that these reasons are transparent and reasonable. There is no evidence that UCPS has ever been named as a feeder school for Chesterton.

37. Oversubscription criteria that prioritise children living in a particular catchment area and who also attend a named feeder school can be found in other schools in the LA and, indeed, across the country. I find that there is nothing in the oversubscription criteria for Chesterton that is unreasonable. I find that the admission arrangements are clear and

objective as required by paragraph 14 of the Code. I will now consider whether the application of those criteria result in unfairness to a relevant group of children.

38. Fairness is a concept that is used in the Code but, like “reasonable”, is not defined. Fairness cannot be defined in universal terms as its requirements will depend on the circumstances. Fairness is focused on the effect of the arrangements on any relevant group. I re-state here that it is the purpose of oversubscription criteria to create advantage for some applicants and disadvantage to others. The assessment of the fairness of the effect of admission arrangements requires a balancing judgment, between the benefits resulting to some children from an oversubscription criterion and the disadvantage it may cause to others. Unfairness can be found when the disadvantage is considered to outweigh the advantage. In this context, the disadvantage to assess is to those who apply for a place at Chesterton while living in the school’s catchment area but not attending one of its named feeder schools.

39. The objector is concerned that children attending UCPS are unfairly disadvantaged as only 76% of the current Y6 cohort were offered a place at one of their preferred schools compared to 95.8% of children within Cambridge as a whole.

40. In May 2024, the LA stated:

“Our records show that in the first round of allocations this year of those students currently attending University of Cambridge Primary School (UCPS), 76% (63 of 83) received one of their 1st, 2nd or 3rd preferences, 2% (2) were allocated their catchment school (not a preference) and 22% (18) were allocated alternative school places. Of those 18 children mentioned above, 7 have now been offered one of their preference schools, 9 are allocated to a city school and 2 to [a local town].”

This means that, in May 2024, 84% (70 of 83) of children had received one of their 1st, 2nd or 3rd preferences, 2% (2) were allocated their catchment school (not a preference) and 13% (11) were allocated alternative school places.

41. In July 2024, the objector notes that based on LA data: “figures show that only 30% of the children attending UCPS but living in ChCC catchment secured their 1st preference (compared with 83% of other children in the catchment), and 66% didn’t receive an offer [at Chesterton] (compared with 16% of other children living in the catchment).”

42. This data indicates that, for admission in 2024, pupils attending UCPS are less likely to secure a place at a preferred secondary school compared to all pupils in Cambridge.

43. As established above, UCPS has been a named feeder school for admission to Impington since 2023. Prior to this it was not named as a feeder school for any secondary school. Being named as a feeder school has had the effect of securing a higher priority for a place at Impington for those children attending UCPS and living in Impington’s catchment area.

44. As UCPS was not previously linked with any secondary school, the naming of UCPS as a feeder school for Impington has had no impact on the criteria applicable to children attending UCPS but living in Chesterton's catchment area and whose families are looking for a place at Chesterton.

45. Excluding the criteria linked to children with an EHCP, children who are looked after or those who are children of staff, priority for a place at Chesterton is given to children living in its catchment area and attending one of its feeder schools or who have a sibling already attending the school. Only then, if any places remain, are children whose only relevant criterion is 'living in the catchment' offered a place. These children are prioritised by the distance that they live from the school. These are the children who are the subject of this objection and who may be at risk of missing out on a place at the school.

46. Table 1 shows that, in the last three years, including admission for 2024, the lowest criterion at which children are offered a place at Chesterton is criterion vi), living in catchment, or criterion vii), living outside the catchment area, but attending primary schools within it and who have a sibling at the school. In the context of the objection, it is important to note that each year some children who would be eligible for a place under criterion vi), living in the catchment, do gain a place. The number of pupils admitted to the school under this criterion varies year on year. In each of 2022, 2023 and 2024, the school offered more places than its determined PAN. In these years, if Chesterton had only admitted to PAN, the number of places offered under this criterion would have been 10, 15 and 0 respectively.

**Table 1: Chesterton's intake broken down by oversubscription criteria**

<b>Oversubscription Criterion</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25 (places offered)</b>
Education, health and care plan	4	4	3
i) Looked after children and children who were previously looked after	1	5	3
ii) Child of member of staff	0	3	1
iii) live in catchment, attend feeder primary, sibling at school	53	40	47
iv) live in catchment, sibling at school	21	11	24
v) live in catchment, attend feeder primary,	91	100	102
vi) live in catchment	40	75	10
vii) live outside of catchment, attend feeder primary, sibling at school	0	2	0
viii) live outside of catchment, sibling at school	0	0	0
ix) live outside of catchment, attend feeder primary	0	0	0
x) live outside of catchment, nearest to school	0	0	0
Total admitted*	210	240	190
Published admission number	180	180	180

\* Additional places allocated with agreement of the admission authority

47. Table 2 provides the same information for Impington. In this case, we are particularly interested in criteria vii), viii) and ix), in other words, the criteria relevant to children living outside of Impington's catchment area but attending one of their feeder schools. For admission in 2022 and 2024, some children were admitted to the school under these criteria. For example, in 2024, 20 children living outside the catchment area have been offered a place at IVC.

**Table 2: Impington's intake broken down by oversubscription criteria**

<b>Oversubscription Criterion</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25 (places offered)</b>
Education, health and care plan	19	22	27
i) Looked after children and children who were previously looked after	1	0	1
ii) Child of member of staff	0	2	3
iii) live in catchment, attend feeder primary, sibling at school	49	55	61
iv) live in catchment, sibling at school	3	3	4
v) live in catchment, attend feeder primary,	103	141	115
vi) live in catchment	27	15	9
vii) live outside of catchment, attend feeder primary, sibling at school	11	2	9
viii) live outside of catchment, sibling at school	15	0	5
ix) live outside of catchment, attend feeder primary	12	0	6
x) live outside of catchment, nearest to school	0	0	0
Total allocated	240	240	240
Published admission number	240	240	240

48. Table 3 give details of the number of preferences both Chesterton and Impington have received for entry to Y7 in recent years. It is clear that both schools are popular with parents seeking places for their children and both are significantly oversubscribed. It is also clear that the demand for places is increasing over time. The high level of demand for places suggests that an applicant in the objector's position could not be sure of securing a place at either school.

**Table 3 – Summary of parental preference for Chesterton (ChCC) and Impington (IVC)**

<b>School</b>	<b>ChCC</b>	<b>ChCC</b>	<b>ChCC</b>	<b>IVC</b>	<b>IVC</b>	<b>IVC</b>
<b>Year</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>
Published admission number	180	180	180	240	240	240
No. of places allocated	210	240	190	240	240	240
Total preferences	356	423	704	339	395	649
1 <sup>st</sup> preference	311	340	343	283	323	272

School	ChCC	ChCC	ChCC	IVC	IVC	IVC
Year	2022-23	2023-24	2024-25	2022-23	2023-24	2024-25
2 <sup>nd</sup> preference	34	68	251	45	51	216
3 <sup>rd</sup> preference	11	14	110	11	21	161
Final criterion allocated to	vi	vii	vi	viii	vii	viii
Farthest distance pupil lives within last criterion (miles)	0.775	0.738	0.37	2.36	1.097	1.672

49. The objector asks whether the oversubscription criteria could be temporarily amended such as naming UCPS as a feeder school for other secondary schools or removing the feeder school requirement. The LA's response states:

"It is rare for a primary school to be a feeder to more than one secondary school. This does not seem fair and equitable because children in other local primary schools will be a feeder school to only one secondary school. We are aware that other local schools would also like to be a feeder for ChCC.

The catchment of ChCC comprises the four [named] primary schools' catchment areas. By removing this, all allocations would be solely based on distance disadvantaging those residents further away especially those who do not have siblings already in attendance. It should be noted that North Cambridge Academy is 1.1 miles from ChCC, so based solely on distance some children from its catchment would gain a place. There are also other primary schools closer to Chesterton such as Orchard Park that are not one its feeders [and consequently not in its catchment area]."

50. If the use of feeder schools were to be removed, but catchment areas retained, then priority would firstly be given to those living in the catchment area by distance from the school. As the trust has said, this advantages those who already live near or can choose to live near the school. In this scenario, the children at risk of missing out on a place are those who happen to live furthest from the school.

51. Whether the oversubscription criteria are based, as now, on living in the school's catchment area and attendance at a named feeder school or just living in the catchment area, the children at risk of missing out on a place would not have a high priority for any other school. The question to consider then is whether it is fairer to prioritise places linked to the feeder school attended or simply by the distance a child lives from the school?

52. The trust is clear that a feeder school approach allows those living in the catchment area but further away from the school, and who may be more socio-economically disadvantaged, a fairer chance of admission. This seems to me to be a rationale that is reasonable and creates an outcome which is fair.

53. The LA has a duty to provide sufficient school places and every child who applied for a Y7 place on time for September 2024 was offered a place on National Offer Day in March

2024. As has been acknowledged by the LA, there is currently a shortage of places for pupils entering Y7 in the north of Cambridge and this will continue to be the case in 2025. The shortage of places in the area has led to the unfortunate situation in which some pupils cannot secure a place at a local school. This is likely to continue until pupil numbers fall or until the proposed new secondary school opens. However, changing the school's oversubscription criteria at this time, without proper consultation, is likely to result in unintended consequences which may disadvantage other groups of children.

54. The objector is concerned that this situation is particularly unfair because parents were encouraged to send their children to UCPS irrespective of where they lived when UCPS was newly opened. At that time, they had no awareness of the impact that decision would have on their choice of secondary education for their children. While I appreciate the level of concern this situation is causing, there is never any guarantee that a child will be admitted to a specific secondary school when they start primary school. Firstly, this is because numbers at secondary transfer fluctuate. Secondly, admission arrangements are determined on an annual basis and, following the appropriate consultation, arrangements are subject to change, as set out in paragraph 15 of the Code.

55. The Code does not confer a right for children to attend their nearest school or require admission arrangements to be based on proximity. Many of the examples of oversubscription criteria mentioned in the Code, including priority for siblings and those attending feeder schools, can have the effect of giving a higher priority to children who live further away from the school, as is the case here. Indeed, the requirement for all schools to give first priority to looked after and previously looked after children may disadvantage a small number of children who live closer to the school. The reason for giving such a priority is so strong that few would argue that other children have been unfairly treated.

56. On balance, I find that there is some disadvantage in terms of securing a place at Chesterton and Impington for children attending UCPS but living in ChCC catchment area. However, this is due to the overall shortage of school places within the local area rather than any inherent unfairness of the oversubscription criteria. I have considered whether amending the oversubscription criteria, even temporarily, would address this disadvantage but I conclude that this would simply result in other children in the area not being able to secure a place at a local school. The trust says that the criteria protect those with greater socio-economic disadvantage, and I find this to be a sound rationale for the criteria as they stand. Having considered the arguments put forward by the objector, I find that the oversubscription criteria are, on balance, fair. I do not find any unfair disadvantage to a particular social or racial group or to a child with a disability or special education need. In conclusion, therefore, I do not find that the admission arrangements are unfair and consequently they are not in breach of the Code.

## Other Matters

57. I will now consider each of the other matters identified during my review of the admissions arrangements to determine whether these matters conform with the requirements of the Code.

58. Section 6.2 of the admission arrangements makes several references to a “catchment area” with no details of what this is. While section 6.3 states: “A map of the College’s defined catchment area is shown on the County Council’s website.” There is, however, no link to the website included in the arrangements and it is not easy to find on the council’s website. As set out in the Code, 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.” Therefore, the criteria are not clear and do not meet the requirements of paragraph 14 of the Code, as set out above.

59. Section 6.4 of the arrangements states:

“Where places are oversubscribed within any of the above groups, priority will be given to children living nearest to the College as measured by a horizontal straight line between the College’s main entrance and the front door of the dwelling (e.g. house or flat) at which the child is normally resident.”

I am unclear what ‘horizontal’ means in this context. More importantly, however, there is no definition of what ‘normally resident’ means. This is in breach of paragraph 1.13 of the Code which states:

“1.13 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. The selection of a nodal point must be clearly explained and made on reasonable grounds.”

60. There is nothing in the admission arrangements about a tie-breaker for two applications that cannot otherwise be separated. This is in breach of paragraph 1.8 of the Code which states, in part:

“Admission arrangements **must** include an effective, clear, and fair tie-breaker to decide between two applications that cannot otherwise be separated.”

61. The arrangements do not include any reference to the admission of children outside their normal age group. Therefore, the arrangements do not meet the requirements of paragraphs 2.18 - 2.20 of the Code. In its response to me on this point, the trust refers to its in-year or mid-phase admissions process. This is not the issue here. For clarity, I reproduce the relevant sections of paragraphs 2.18-2.20:

“2.18 Parents may seek a place for their child outside of their normal age group, for example, if the child is gifted and talented or has experienced problems such as ill health.... Admission authorities must make clear in their admission arrangements the process for requesting admission out of the normal age group.

2.19 Admission authorities must make decisions on the basis of the circumstances of each case and in the best interests of the child concerned. This will include taking account of the parent's views; information about the child's academic, social, and emotional development; where relevant, their medical history and the views of a medical professional; whether they have previously been educated out of their normal age group; and whether they may naturally have fallen into a lower age group if it were not for being born prematurely. They must also take into account the views of the head teacher of the school concerned. When informing a parent of their decision on the year group the child should be admitted to, the admission authority must set out clearly the reasons for their decision.

2.20 Where an admission authority agrees to a parent's request for their child to be admitted out of their normal age group and, as a consequence of that decision, the child will be admitted to a relevant age group (i.e. the age group to which pupils are normally admitted to the school) the local authority and admission authority must process the application as part of the main admissions round, unless the parental request is made too late for this to be possible, and on the basis of their determined admission arrangements only, including the application of oversubscription criteria where applicable. They must not give the application lower priority on the basis that the child is being admitted out of their normal age group. Parents have a statutory right to appeal against the refusal of a place at a school for which they have applied. This right does not apply if they are offered a place at the school, but it is not in their preferred age group."

62. With regard to waiting lists, the arrangements do not make it clear that "each added child will require the list to be ranked again in line with the published oversubscription criteria". This is in breach of paragraph 2.15 of the Code which states:

"2.15 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. Looked after children or previously looked after children allocated a place at the school in accordance with a Fair Access Protocol must take precedence over those on a waiting list".

63. Section 6.1 refers to "children who have a statement of special educational needs". This is out of date as statements of special educational needs were replaced by EHCPs several years ago. The different terminology may cause parents some confusion and, therefore, the criterion does not meet the requirements of paragraph 14 of the Code, as set out earlier in this determination.



64. In its response to the objection, the trust states:

“We have not had to consult on any changes to admissions arrangements since our CEO joined Chesterton as headteacher in 2013. As such, no consultation has taken place on our admissions policy since before that date.”

This is in breach of paragraph 15b) of the Code which states, in part:

“Admission authorities **must** set (‘determine’) admission arrangements annually. Where changes are proposed to admission arrangements, the admission authority **must** first publicly consult on those arrangements. If no changes are made to admission arrangements, they must be consulted on at least once every 7 years.”

65. I am grateful to the trust for offering to make the necessary changes to its admissions arrangements to ensure compliance with the Code. I note that the school’s website contains some additional information relating to admissions and links to the LA’s admissions website. I also note that the school sends its admission policy to the LA for approval each year.

## Determination

66. 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 Eastern Learning Alliance for Chesterton Community College, Cambridgeshire.

67. 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.

68. 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 an alternative timescale is specified by the adjudicator. In this case I determine that the arrangements must be revised by 31 August 2024.

Dated: 16 July 2024

Signed:

Schools Adjudicator: Catherine Crooks