

DETERMINATION
Admission arrangements for Maintained schools - Referral

Case reference: AD002403

Referrer: a member of the public

Admission Authority: London Borough of Wandsworth

Date of decision: 18 March 2013

Determination

In accordance with section 88I (5) of the School Standards and Framework Act 1998, I have considered the admission arrangements of Wix Primary School. I determine that the arrangements do conform with the requirements relating to admission arrangements.

The consultation by the London Borough of Wandsworth did include all matters required by the School Admissions Code

The referral

1. The admission arrangements (the arrangements) of Wix Primary School (the School), a community school for pupils age 4-11 years for September 2013 have been brought to the attention of the Schools Adjudicator by a member of the public . The referral is to an oversubscription criterion, in that the method of distance measurement was changed and the point of measurement was not specified in the consultation. Oversubscription criterion 4 in the previous admission arrangements is the distance from home to the school gate by the shortest walking distance with lighting. The consultation change was to measure the distance by the shortest straight line "as the crow flies". The point of measurement for September 2013 is to the "centre of the school" and no longer to the school gate.

Jurisdiction

2. These arrangements were determined under section 88C of the School Standards and Framework Act 1998 (the Act) by the London Borough of Wandsworth, the local authority (LA) which is the admission authority for the School. These arrangements were referred to the adjudicator on 21 February 2013. I am satisfied the referral has been properly made to me in accordance with section 88I of the Act and it is within my jurisdiction to consider them.

Procedure

3. In considering this matter I have had regard to all relevant legislation and the Code.

The documents I have considered in reaching my decision include:

- a. the referrer's email dated 21 February 2013;
- b. the LA's response to the referral and supporting documents;
- c. the LA composite prospectus for parents seeking admission to schools in the area in September 2013 ;
- d. the LA's previous admission arrangements;
- e. the LA's consultation documentation;
- f. confirmation of when consultation on the arrangements last took place;
- g. copies of the minutes of the meeting at which the admission authority of the School determined the arrangements; and
- h. a copy of the determined arrangements.

The Referral

4. The referrer argues that the LA changed the admission arrangements for September 2013 and did not consult fully making reference to the Code paragraph 15b" 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".
5. The concern raised was that the change in the form of measurement for the oversubscription criterion of distance from school did not, in the consultation, specify the point at the school from which all distances are measured as required in paragraph 1.13 "Admission authorities **must** clearly set out how distance from home to the school will be measured, making clear how the 'home' address will be determined and the point in the school from which all distances are measured". She complains as follows "After having read many public documents on Wandsworth Borough Council website we could not find when exactly this change in calculation from "straight line from home to school gate" to "straight line from home to center of school site" took place. But we can say it has definitely taken place after 15 April 2012, making the arrangements not compliant with the code."
6. In addition the referrer asserts that the information now given, that is, a measurement to the centre of the School does not make clear how the centre is to be determined contrary to paragraph 1.8 "Oversubscription criteria **must** be reasonable, clear, objective, procedurally fair, and

comply with all relevant legislation, including equalities”. She writes “after having recently called Pupil services we found out that the point from which the distances were calculated was not yet defined, although the deadline for submission of application was the 15th of January 2013. This leaves room for arbitrariness, in particular 1- when most school sites are neither round nor square and centres can be defined in different ways (excentre, incentre, barycentre, centroid, etc) and 2- when schools are so popular that a few centimetres can make a difference.”

Background

7. Wandsworth, in common with many local authorities, has schools for which more applicants express preference than there are places. The LA offers a service by which parents may ask the distance between their homes or the homes they might wish to buy and a school of their choice. The admission booklet for pupils for September 2013 shows that the majority of schools used home school distance as a criterion in admitting pupils once oversubscribed. A brief internet search shows estate agents list properties showing their distance from popular schools. The LA determined its admission arrangements for 2012/13 on 11 April 2011. The oversubscription criteria were, in summary,
 - i) children looked after
 - ii) children with a professionally supported exceptional medical need or exceptional social need for a place at a particular school,
 - iii) brothers and sisters of children on the roll of the school on the date of admission to the school
 - iv) children in order of lit walking distance from home to school
8. For September 2013 the LA decided to revise the means by which it measures home / school distance. It decided to move from the walking, lit route from home to the school gate to a straight line “as the crow flies” measure.
9. The LA considered that the use of a straight line measurement has the benefit of being more transparent, objective and less open to challenge than the determination and calculation of the shortest walking route with street lighting. This previous method required constant updating to keep up to date with new housing developments and associated roads or footpaths. It would be easier to manage challenge to the distance and enable parents to make easier comparisons for themselves.
10. The LA decided to consult on this change and consulted the required parties within the required timescale. The consultation is, however “silent” on the specific matter of the point of measurement at the school.

Consideration of Factors

The consultation

11. The issue here is not whether consultation was undertaken or when but whether all required matters were included.
12. The view of the referrer is that they were not and therefore the arrangements were not clear and she was denied the opportunity to comment.
13. The LA's view is "The nature of the oversubscription criteria are unchanged from those determined for 2012/13. However, although the determining factor within the fourth criterion and tie break clause continues to be proximity of home to school, the methodology of calculating such proximity has changed from the shortest walking route to a straight line measurement. In view of this, the Local Authority decided it would be right to consult on the change of methodology. The consultation was carried out via the Local Authority website within the statutory timescale. The outcome of consultation indicated overwhelming support for the change and the arrangements were determined accordingly."
14. I accept the referrer's point that it was not clear that the point of measure had changed. Indeed the initial press release identifies the point of measure as the school gate.
15. The question I ask myself is if this negates the consultation as required by the Code. The Code requires an admission authority to consult on changes to its arrangements by paragraph 15b "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." Clearly moving from measuring lit walking routes to "as the crow flies " will make a difference to how a school place is to be offered and is a change requiring consultation. I am not convinced that measuring that distance from the centre of the school rather than the school gate will make a significant difference to who may or may not gain a place at the school.
16. I accept that it is difficult to judge that absolutely as the distances given last year were by lit walking routes. However I rely firstly on the impact assessment undertaken by the LA who say that no families will be affected by the change as siblings continue to be given priority, secondly that Wix Primary School is not identified as being affected by the change and thirdly that the furthest distance of home for pupils admitted last year at Wix Primary was 654 metres.

Opportunity to comment

17. The referrer argues that she could not comment on this element of the measure. This is true. I note that of all the parties consulted, 24 primary schools responded as did five parents of whom four were in favour and one against. I do not think then, that had this additional information been included, there would have been many more comments or indeed objections from parents such as to persuade the LA not to proceed with the changes.

Means of measurement

18. The referrer argues that the means of measurement are unclear “when most school sites are neither round nor square and centres can be defined in different ways (excentre, incentre, barycentre, centroid, etc).

19. I did give some thought to how the centre of an irregular 3D shape might be arrived at but concluded that it was not reasonable to think that most parents would wish to check this for themselves. My view is that the technology for geographic information systems (GIS) is sufficiently well established and sophisticated that reliance may be placed on its accuracy and a detailed explanation is unnecessary.

Conclusion

20. I have considered this matter very carefully. I agree that the LA was silent on an aspect, albeit minor, of the change. I agree with the LA that their consultation on the matter that was a significant difference was thorough and met the requirements of the Code and the Regulations.

21. I agree that the referrer could not comment on the matter of where the measuring point would precisely be located, but could comment on the principle and substantive matter involved in changing the way distance is measured from walking to straight line distance. I note also that only five parents commented on the major change and only one disagreed.

22. I have decided then that the factor of common sense and reasonableness should apply. The purpose of the Code, as paragraph 12 says “is to ensure that all school places for maintained schools (excluding maintained special schools) and Academies are allocated and offered in an open and fair way” and that as paragraph 15 say “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.”

23. I do not think that the arrangements as changed are unfair, I think that the LA intended that the arrangements should be clearer to parents and indeed are so. The mechanism for measurement is clearly stated in the LA’s documentation and on its website.

24. I found the referral to be founded on a reasonable concern but the lack of detail in the consultation does not overwhelm the strength of the LA's argument. The requirement is to consult and then make a decision that takes into account the views expressed. I have decided therefore that the admission arrangements comply with the Code.

Determination

25. In accordance with section 88(5) of the School Standards and Framework Act 1998, I have considered the admission arrangements of Wix Primary School. I determine that the arrangements do conform with the requirements relating to admission arrangements.

26. The consultation by the London Borough of Wandsworth did include all matters required by the School Admissions Code

Dated: 18 March 2013

Signed:

Schools Adjudicator: Ms Jill Pullen