

## **DETERMINATION**

**Case reference:           ADA2445**

**Objector:                   A parent**

**Admission Authority:   The governing body of the Academy Trust for  
The Leventhorpe School, Hertfordshire.**

**Date of decision:         26 July 2013**

### **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 determined by the governing body of the Academy Trust for The Leventhorpe School, Hertfordshire.**

### **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, about the admission arrangements (the arrangements) for The Leventhorpe School (the school), an 11- 18 academy school for September 2014. The objection is to the feeder school criterion in the oversubscription criteria. The objector does not consider this criterion to be transparent or made on reasonable grounds.

### **Jurisdiction**

2. The terms of the academy agreement between the proprietor 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 proprietor, which is the admission authority for the academy school, on that basis. The objector submitted her objection to these determined arrangements on 10 June 2013. 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.

### **Procedure**

3. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).
4. The documents I have considered in reaching my decision include:

- a. the objector's form of objection dated 10 June 2013;
- b. the school's and Hertfordshire County Council's responses to the objection and supporting documents;
- c. a map of the area identifying relevant schools;
- d. confirmation of when consultation on the arrangements last took place;
- e. copies of the minutes of the meeting at which the proprietor of the school determined the arrangements;
- f. the school's Ofsted inspection report of January 2012;
- g. the most recent Ofsted inspection reports for the eight named feeder schools; and
- h. a copy of the determined arrangements.

### **The Objection**

5. The objection is to the listing of eight feeder schools in criterion 4 of the school's oversubscription criteria. The Code states at paragraph 1.15 that the selection of a feeder school or schools as an oversubscription criterion must be transparent and made on reasonable grounds. This criterion lists eight feeder schools with a maximum total intake of 240. The school's published admission number (PAN) is 180. In the objector's view, it is unreasonable for the school to name eight feeder schools when it clearly cannot accommodate all the children in those schools. Nor is it apparent, she continues, how likely parents are to be successful in obtaining a place. Criterion 6 of the school's arrangements provides for the admission of up to 10 per cent of the school's total intake on musical aptitude. The objector questions the allocation of places under this criterion to feeder school children. She also questions the lack of a medical or social needs criterion within the arrangements.

### **Background**

6. The school opened as a state funded academy for pupils aged 11 to 18 on 1 August 2011, replacing The Leventhorpe School, a foundation secondary school.
7. The school is situated in Hertfordshire close to the Essex border. Applications are generally from Hertfordshire and Essex residents. For 2013 admissions Essex residents could express six preferences for schools (up from four) and Hertfordshire residents could express four preferences (up from three). The school has given priority to the same eight feeder schools for over fifteen years. Five of these primary schools are situated in Hertfordshire and three are in Essex.

### **Consideration of Factors**

Among the factors I have considered are the following;

8. The oversubscription criteria for the school give first priority to looked after children and previously looked after children, second to siblings and third to the children of staff directly employed by the governing body of Leventhorpe Trust on a permanent basis for two or more years or where the member of staff was or will be recruited to fill a post for which there is a skills shortage. The fourth priority is given to children attending the eight feeder schools. Criterion five is straight line distance with priority for those living closest to the school.
9. In 2013, the school admitted three children with statements of special educational needs, one looked after child, 90 siblings, three children of staff and 67 children from feeder schools. The school is permitted to allocate up to 10 per cent of its places for musical aptitude and 18 children with a proven aptitude for music were admitted. The largest single group was admitted under the sibling criterion. In the event, there is a considerable amount of overlap between these categories so most of those admitted did attend feeder schools, though they were not necessarily admitted under the feeder school criterion. Of those admitted, 30 children did not attend feeder schools.
10. The objector states that feeder schools serve no purpose in her view if they do not indicate that the natural progression of a child is into the linking secondary school. However, the arrangements in this particular area are quite complex and do not ensure straightforward progression. Nor, in the view of the school, are they intended to do so.
11. The school is part of the Bishop's Stortford and Sawbridgeworth Consortium of Secondary Schools. This is a group of six secondary schools in the local area who collaborate with one another on a number of projects and initiatives. Four of the schools within the consortium name a number of feeder schools: one names 39, including all the school's feeders, another 18 and a third 11. The other two do not have feeder criteria. Parents may find that the primary school which their children attend is a feeder for at least two schools in the consortium. The admissions arrangements within the consortium are complex and not easy for parents to understand and deal with.
12. Given that the school is part of these consortium arrangements, it says that the number of children in the feeder schools (225 in 2013) is not intended to tie in with the school's PAN or planned accommodation. Parents of children attending feeder schools do not all rank the school as a preference on their application forms. It would, the school says, be unrealistic to assume that all children attending feeder schools would rank Leventhorpe first, particularly given that other popular secondary schools are naming the same primary schools as feeders. Therefore the fact that there are around 250 children in the school's eight feeder schools cohort for secondary transfer and only 180 places in total in the school is not a matter for concern in the view of the school.

13. Following the adjudicator's advice given in 2012, the governors discussed the question of feeder schools and decided to retain the current arrangements for the moment. The particular feeder schools named by the school are those closest to the school. They range from two classed as satisfactory by Ofsted, through four classed as good to two classed as outstanding. This is a longstanding arrangement and the school has demonstrated to me that it has significant curricular, cultural, sporting and other links with its eight feeder schools. I am satisfied that the school has had a reasonable historical rationale for its naming of feeder schools.
14. However, the number of children admitted to the school from feeders has been on a rising trend between 2004, when it was 126 and 2013, when it was 151. In 2004, 2005, 2007 and 2009, all feeder children received offers. In 2011, the school increased its published admission number by 12 to help meet feeder demand but by 2013 the number not receiving offers had risen again, to 29. It is clear that circumstances have changed and an arrangement that was originally fit for purpose has become progressively less so.
15. Although the school notes that in 2013, 20 per cent of feeder parents either did not rank Leventhorpe among their preferences or ranked another school higher, it had 753 applications this year, a large increase. This is partially due to the increased number of preferences now being permitted to parents. Governors of the school also cite an increasing number of parents living further away who move their children into feeder primary schools in year 6 in the hope of gaining places at a consortium school. Housing development has also upped demand in the local area.
16. The school currently manages this difficulty by having an additional oversubscription criterion which ranks applicants according to straight line distance between the child's permanent address and the school, with those living closer to the school given a higher priority than those living further away. This year, the last distance admitted was the shortest it has ever been at 3036 metres. With an increased number of parents in feeder schools expressing a preference for the school, the distance criterion has become the deciding factor for many applicants. Under these circumstances, the objector questions the necessity of having feeder schools at all. Not to do so would give priority to additional children who live close to the school but do not attend feeder schools, but would completely rule out the current very limited chance for children who live further away but do attend feeder schools to gain a place under the feeder criterion.
17. For parents, the arrangements across the consortium are complex and potentially confusing. Not without reason, the objector complains of a lack of consistency and clarity. Since the schools work within a consortium this places a strong responsibility on the individual admission authorities to ensure that their arrangements are easy to understand both individually and across the consortium.

18. The objector has said that the current arrangements do not give parents a clear indication of the likelihood of their children obtaining places. The school has responded by saying that this is difficult to do given that the numbers vary from year to year. They do however run around 15 information sessions for parents every year. The school has supplied me with very good information and analysis about admissions over the last decade. Putting this in the public domain carefully in a way that does not compromise confidentiality would make matters more transparent and give parents a better understanding of the likelihood of their children obtaining places.
19. As far as the school is concerned, demand has risen steadily and this year, more dramatically. This is an outstanding school in an area of increasing demand. There is no reason to suppose that the pressure on the school will reduce. With this increasing demand comes a potentially increasing number of disappointed parents. The historical arrangements with feeder schools are based on well-established community and curricular links as well as proximity. They are not intrinsically unreasonable, but now that demand for places has intensified, they have become less clear for parents because they set up expectations for parents of children attending the feeder schools that could not be fulfilled if all the children in the feeder schools placed the school as their highest preference for a secondary school place. The school should keep its arrangements under review and consider its options. It could for example reduce the number of feeder schools or dispense with the feeder criterion altogether and simply use distance. It may be that it would be timely for the schools of the consortium to consider their inclusion of feeder schools.
20. Both Hertfordshire and Essex county councils have “exceptional social and medical” criteria within their admission arrangements and social/medical issues are therefore included on the local authority forms. The school has no such criterion and the objector considers this to be unfair to parents. There is however no requirement in the Code for such a criterion. I do not uphold this part of the objection.
21. The school allocates 10 per cent of places on musical aptitude, which it is permitted to do. For 2013, eight of the 18 children allocated places on musical aptitude attended feeder schools. The objector infers from this that feeder school children are expected to compete for their places. In fact these places are offered on aptitude not feeder grounds so this objection is unfounded.

## **Conclusion**

22. The Code says that the selection of feeder schools must be transparent and made on reasonable grounds. Distance is a reasonable ground and so are the existing curricular and community links. In this case, the school lists a relatively large number of feeders. But it does so in a consortium context where this is the norm. I cite this not to condone it nor to suggest that it is or is not fair, but to state that in my judgement it is not unreasonable for the school to do this in the context of current

practice in the consortium.

23. I do however accept that, from a parent's point of view, the use of the term "feeder" may set up an expectation of natural progression from the existing school into the linking secondary school. The admission number of the school and of the feeder schools show clearly that under current circumstances, these expectations could not be fulfilled for a sizeable number of parents. So from the point of view of a disappointed parent, the grounds for naming these feeder schools are not reasonable. However, as the data available to me demonstrates not all the parents of children in the feeder schools seek places at the school and places have been available to other children. The reasons for naming the feeder schools seems to me to be clear, but could be made clearer to parents along with providing information to give parents a clear indication of how likely it is that their children will obtain places.
24. There is clearly rising pressure on admissions to the school and nothing to suggest that this will reduce. Under the circumstances, the current feeder school criterion may in time no longer be fit for purpose. The school will need to keep the naming of feeder schools under review. The school has very good information about admissions allocations. Putting some of this into the public domain would also help parents to form a clearer view of the likelihood of obtaining places.
25. For the reasons given above, I do not uphold the objection to the inclusion of named feeder schools or the allocation of 10 percent of places on the basis of aptitude in music in the school's arrangements. Neither do I uphold the objection to the absence of an oversubscription criterion giving priority on grounds of medical or social need.

### **Determination**

26. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements determined by the governing body of the Academy Trust for The Leventhorpe School.

Dated: 26 July 2013

Signed:

Schools Adjudicator: Mrs Janet Mokades