

DETERMINATION

Case reference: ADA 2319 and ADA 2332

Objector: a Parent and a Local Campaign Group

Admission Authority: the Governing Body of the Charter School,
London Borough of Southwark

Date of decision: 23 August 2012

Determination

In accordance with section 88H (4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements determined by the governing body of the Charter School.

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 as quickly as possible.

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 and by the convenor of a local campaign group (the objectors), about the admission arrangements (the arrangements) for the Charter School (the school), an Academy School for September 2013. The two objectors make the same objection which concerns the lack of a clear definition of the safe walking routes to the school used in the measurement of home to school distances.

Jurisdiction

2. The terms of the Academy agreement between the Trustees of the Charter School 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 governing body of the Academy Trust (the governing body) which is the admission authority.

3. The objectors submitted their objections to these determined arrangements on 22 June 2012 and 26 June 2012. I am satisfied the objections have been properly referred to me in accordance with section 88H of the Act and they are within my jurisdiction.

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. the objectors' forms of objection dated 22 June 2012 and 26 June 2012;
 - b. the school's response to the objection;
 - c. the composite prospectus published by London Borough of Southwark (the council) for parents seeking admission to schools in the area in September 2012;
 - d. confirmation of when consultation on the arrangements last took place;
 - e. copies of the minutes of the meeting at which the governing body of the school determined the arrangements; and
 - f. a copy of the determined arrangements.

The Objection

6. The objectors have each made the same objection about the lack of clarity about the measurement system used by the school to determine distance from home to school and I consider that it is reasonable to respond to them in one determination. The objection is that the school must be clear, reasonable and procedurally fair and say which footpaths it includes in its "safe walking route" to school calculations and which ones it does not. The objectors have suggested that the school could rectify this by publishing a map to show the routes that will be used.

Background

7. The school became a Foundation School in 2006 and then became an Academy School in 2010. When it first became an admission authority in 2006, the governing body decided to retain the arrangements that had previously been administered by the council as the admission authority in order to secure continuity of practice as well as policy. When the school became an Academy School in 2010 the governing body continued with the existing admission arrangements. The council had used safe walking routes to school as the means by which it measured distance as a discriminator within its oversubscription criteria. It contracted with an independent company to provide the measurement service.

8. The school continues to use safe walking routes to school as the distance measurement and uses the same company to provide the measurement service as had previously been used by the council. Last year an objection was made which was supported by the local campaign group and was concerned that the mapping system used to measure distance did not

take account of a walking route that some young people use to get to school and which parents considered to be safe. The School Admissions Code (2010) in force at the time required objections to admissions arrangements for Academy Schools to be referred to the Secretary of State. Having sought the recommendation of the Adjudicator, the Secretary of State through the Young People's Learning Agency recommended "that the school should modify its walking distance measurement system in the way suggested by the objectors. This means that the method used must be based on safe walking distance for all applications where distance is used as part of the oversubscription criteria". The school accepted this recommendation and amended its determined admission arrangements for 2012 accordingly.

9. The current objection is that the school must be clear, reasonable and procedurally fair and say which footpaths it includes in its "safe walking route" to school calculations and which ones it does not and asks that a map be published so that parents can see exactly which walking routes are taken into account and which are not.

10. I have considered whether or not this new objection should be considered. Section 22 of the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 states that "for the purposes of section 88H (5)(d)(a) of the Act, where the adjudicator has determined an objection to the admissions arrangements of a school or Academy, no objection may be referred to the adjudicator raising the same or substantially the same issues in relation to those admissions arrangements within 2 years of the decision by the adjudicator." I have concluded that I must consider the current as a new objection because it was the Secretary of State and not the adjudicator who made the decision last year.

Consideration of Factors

11. Safe walking routes to school were used to measure distance from home to school by the council when it was the admission authority for the secondary schools in its area. The council's composite prospectus for admissions in 2012 shows that all the secondary schools in the area are now their own admission authorities. They are either Academy Schools or Voluntary Aided Schools. Where distance is used as an oversubscription criterion, some of the schools have retained the use of safe walking routes to schools and others have moved to a system of straight line measurement. This is a decision which each admission authority has made independently as they set their own admission arrangements, as they are required to do, by the Code. Although the council is no longer the admission authority for any secondary schools, it is the admissions authority for the community primary schools in the area. In recent years the council has changed its measurement system from the safe walking routes method to the straight line method when distance is used as an oversubscription criterion.

12. The objectors are seeking clarity about which footpaths the school includes in the "safe walking route" to school calculations and which ones it does not and ask that a map be published so that parents can see exactly which walking routes are taken into account.

13. The school has responded to the objections by stating that it has continued to use the same mapping company to measure the distance as the council had used previously and that it does not consider that publishing a map would be helpful because the mapping company will always base its measurements on the basis of the latest information that it has available and this will not be reflected on a static published map.

14. The school explains the measurement process by saying “the company uses the Ordnance Survey Integrated Transport Layer as the core layer for the distance mapping. This contains all main roads, minor roads and residential routes with pavement and lighting. The Urban Footpath Layer which we do not use in an unmediated way contains footpaths through parks and other spaces that are not always accessible and are therefore not true comparator routes for example because the route may be closed at certain times, routes that are unlit and therefore unsafe, have high incidences of crime, are narrow and have limited sight lines and are therefore unsafe. Fortunately there are very few such routes within the surrounding area of the school. This is supplemented by the Ordnance Survey Topographic layer.”

15. The Code in paragraph 14, states that “admission authorities **must** ensure that the practices and 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.” The Code at paragraph 1.9 allows an admission authority to determine the objective criteria for its admission arrangements and at paragraph 1.13 requires that an admission authority **must** clearly explain how distance will be measured.

16. I have considered the arrangements with reference to paragraph 14 of the Code. The use of safe walking routes to school to measure distance is an objective criterion and as such is compliant with the Code. I have not been presented with evidence that the use of the criterion is unfair. The difficulty with the use of safe walking routes to school as a measurement system is that a degree of judgement is required about which routes will be regarded as safe. The school has provided an explanation about the mapping system and which layers of the system are used. It has given an explanation of how it judges a route to be safe. In my view, this explanation will not ensure that parents can understand easily how places at the school will be allocated. The issue in this case, therefore, is how best to allow parents to be clear about the detail of the measurement system.

17. The school has expressed a willingness to publish a map showing the safe walking routes to the school but does not wish to publish information which could become inaccurate. The school states that the mapping company that measures the home to school distances will use the latest digital information available to update its system. In consequence, the school is concerned that a published map may be out of date by the time that it is used to determine distance within the admission arrangements.

18. I note the school’s concern about a map becoming out of date; however, I consider that it would be helpful to publish a map showing the walking routes that are included. Such a map published as part of the

determined arrangements each year would inform parents clearly and objectively about the routes that the school considers to be the safe walking routes to school and will be used for determining distance from home to the school. It would be current on the date that the admissions arrangements were determined for a given admission year.

19. I note what the school says about the mapping system being updated. It will need to decide whether or not to update the map between the time it is published as part of the determined admission arrangements and the time that it is used to determine distance in the offer year. If the school decides that the map should be updated, it will need to consider how it will ensure that parents can see any revisions to the published map and explain the system for doing this in the determined arrangements. Any change before the closing date for applications would need to be communicated to all prospective applicants and any later change could result in challenges at appeal.

Conclusion

20. For the reasons given above, the way the measurement of home to school distance is described is not sufficiently clear as applicants cannot know which walking routes are included and whether a walking route they use is considered safe by the school and is a route for which distance will be measured in relation deciding between applications for a place at the school. For these reasons I uphold the objection. The school has expressed a willingness to publish a map and this will need to inform parents clearly and objectively about the routes considered to be the safe walking routes to school on the date that the admissions arrangements are determined for a given admission year. If the map is subsequently updated after it is published, the school will need to consider how to ensure that parents are informed about any revisions made and include a reference to this in the determined arrangements after checking first that making any amendment is in line with the requirements for changes as set out in the Code.

Determination

21. In accordance with section 88H (4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements determined by the governing body of the Charter School.

22. 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 as quickly as possible.

Dated: 23 August 2012

Signed:

Schools Adjudicator: David Lennard Jones