

DETERMINATION

Case reference: ADA/2245 and 2267

Objector: Parents

Admission Authority: City of Bradford Metropolitan District Council

Date of decision: 12 July 2012

Determination

In accordance with section 88H (4) of the School Standards and Framework Act 1998, I do not uphold the objections to the admission arrangements determined by the City of Bradford Metropolitan District Council for admission to Eldwick Primary School.

The referral

1. Under section 88H (2) of the Schools Standards and Framework Act 1998 (the Act), two objections have been referred to the Adjudicator by two sets of parents (the objectors) about the admission arrangements (the arrangements) made by the City of Bradford Metropolitan District Council (the Council) in so far as they relate to admissions to Eldwick Primary School (the School), a community primary school, for September 2013.

Jurisdiction

2. These arrangements were determined under section 88C of the Act by the Council which is the admissions authority for the School. The objectors submitted their objections to these determined arrangements on 30 April and 15 May 2012 respectively. I am satisfied the objections have been properly referred to me in accordance with section 88H of the Act and are 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 objectors' initial emails and forms of objection dated 30 April and 15 May 2012;
 - b. the Council's responses to the objections dated 10 and 30 May 2012

and supporting documents, together with the objectors' comments on these responses received on 18 June;

c .the Council's composite prospectus for parents seeking admission to schools in the area in September 2012;

d. maps of the area identifying relevant schools and home addresses;

e. confirmation of when consultation on the arrangements last took place;

f. copies of the minutes of the meeting of the Council at which the arrangements were determined; and

g. a copy of the determined arrangements.

The Objection

5. The oversubscription criteria applicable to the School include two catchment areas, referred to in the admission arrangements as priority areas. When the School is oversubscribed children living in the first priority area (PA1) are given priority over those living in the second (PA2).

6. The objectors argue that the arrangements are not compliant with the Code in that, in respect of admission to the School, they include an oversubscription criterion which is not "reasonable, clear, objective and procedurally fair", contrary to paragraph 1.8 of the Code and that the priority areas have been designed in a way which is not reasonable, contrary to paragraph 1.14.

7. In support of this view they submit the following principal points.

a. The ranked approach, attaching higher priority to applicants from PA1, introduced more than 10 years ago, is no longer justifiable. When the School was relocated to its present site children living in the village where the school was previously located were given priority for places so that they were not disadvantaged by the relocation, thus avoiding their having to undertake an excessive journey to an alternative school. But there has been significant demographic change since this arrangement was first made and it is unreasonable and unfair that the Council should continue to show more concern for Eldwick residents than for residents in other areas, in particular Gilstead which is in PA2, although this is where the School is located.

b. Consultations on the arrangements which first led to the introduction of the two priority areas were conducted before many of the homes in Gilstead were built, and therefore principally involved Eldwick residents. The views of those living in PA2 have never been taken into account.

- c. The boundary between the two priority areas is based on a map that is more than ten years out of date and now cuts randomly through a new housing estate.
- d. Those living in PA2 have less chance of being offered a place in the School, even though they live closer to the School, and some children living PA2 have further to travel to an alternative school. The home to school journey for children and families living in PA2 who have not secured a place at Eldwick School involves negotiating a dangerous road on a steep hill which it is unreasonable to expect young children to cope with, even when accompanied.
- e. There are many homes in PA1 that are further from Eldwick School than some in PA2, and they have closer to alternatives, such as Priestthorpe, Trinity All Saints, Crossflatts and Myrtle Park Schools. On the basis of figures for September 2012 admissions, every family which has made a successful application for a place at Eldwick Primary School from PA1 could also have been offered a place at Crossflatts or Trinity All Saints, so that, in effect, they had a choice of three schools. There is a large part of PA2 where families only have Trinity All Saints as an option and, therefore, have no choice at all.

8. One of the objectors summarise the concerns thus:

“... the priority admission area is clearly needed and in our opinion fairly well defined as a whole. Our argument is that there is no reasonable reason to separate the area into two.”

The Council's Response

- 9. In its response to the objection the Council confirms that the use of the ranked priority areas approach was introduced to ensure that a school which had traditionally served a particular village continued to do so following relocation, and to avoid a situation where children living close to a school have to undertake significant journeys to another school as a result of being unsuccessful for an application for a place.
- 10. The Council goes on to make the following points relating to the current situation.
 - a. Pupil numbers are rising in the area served by the School and in surrounding areas, although there is significant variation in the demand for places in individual schools from year to year. In the case of Eldwick, although the School was oversubscribed this year to the extent that some

applicants from PA2 were unsuccessful, this is only the second occasion when this has happened. In 2011 the School was undersubscribed.

- b. When there are significant variations in intakes, it is not possible to ensure that any one school will be able to accommodate all the growth from an area, and it is necessary and reasonable for a Local Authority to take into account the availability of places in a number of neighbouring schools.
- c. Consultations about admission arrangements and the provision of additional places have been conducted every year over a number of years, especially in order to address the growth in demand whilst enabling the maximum possible number of families to be offered places in their preferred schools. This is the first year that there has been any objection to this aspect of the arrangements. Proposals for the expansion of Eldwick Primary School which would enable it to meet expected demand from both priority areas have not so far been supported by those consulted, so that the Council has not pursued these.
- d. There will be a further consultation with schools about admissions and place planning in the coming months. These will provide an opportunity to look again at the details of the admission arrangements.

Consideration of Factors

- 11. I have considered the objections and the Council's response with particular regard to the aspects of the Code referred to by the objectors, namely that the arrangements include an oversubscription criterion which is not "reasonable, clear, objective and procedurally fair", contrary to paragraph 1.8 of the Code and that the priority areas have been designed in a way which is not reasonable, contrary to paragraph 1.14.
- 12. There does not seem to me to be any want of clarity or objectivity in the arrangements in general or in the criterion objected to in particular. The boundaries of the priority area are well defined and no evidence has been submitted to suggest that they are not known or understood by local parents. The boundaries of the priority areas do not allow or require any exercise of discretion on the part of the admission authority, and are, therefore, entirely objective.
- 13. Similarly, no evidence has been submitted to suggest that there is any unfairness in the procedures by which the criterion is and has been applied.
- 14. So, the matter turns on the question of reasonableness.
- 15. I have no doubt that, when the two-tier priority areas for admission were introduced, they represented a reasonable mechanism for reassuring a community whose local school was to be relocated. But the objectors' challenge to the continuing appropriateness of this aspect of the arrangement

is a valid one, especially in view of the more recent housing development and population change. Part of the Council's defence of this aspect of the arrangements rests on the considerations which applied when the School was relocated, and I have to say that this seems to me less persuasive now than it would have done up to 10 years ago. On the other hand, I have seen evidence of serious and extensive consultations with schools about the provision of additional primary school places. These, and the statutory consultations on admission arrangements, have provided opportunities for the matter to be re-examined in the light of changing circumstances. However, these consultations have primarily involved representatives of schools rather than parents and the wider community, and have been principally concerned with place planning rather than admission arrangements including oversubscription criteria. There does appear to me to be a need to ensure that the voice of local parents is heard more systematically. I consider that, although the Council's approach to consultation has been reasonable, there is scope for improvement.

16. Whilst the Council ought to consider a more wide-ranging consultation on these matters in future years, I note that there have been no previous objections to the arrangements which have been in place for some years. Furthermore, no representation about the aspect of the arrangements now objected to was made to the Council during statutory consultation period.
17. The Council's comment to the effect that changing pupil numbers make it impossible to guarantee that all residents of a particular area will secure a place in a designated school is valid. Indeed, the Code proscribes any such guarantee. There is no basis for finding this aspect of the arrangements unreasonable.
18. Implicit in the objectors' case is the suggestion that it is unreasonable to protect the position of families living in PA1, the residents of which have a wider range of realistic primary school options than those living in PA2, especially as the alternative school for residents of PA2 would involve families in a difficult journey from home to school. I have to say that this argument appears to me to have some merit, and I note that the Council have not commented on the specific point. The Council needs to satisfy itself and local residents as to whether the arrangements are fair and reasonable or could be improved to address this matter.
19. I have taken into account the work which the Council is doing in consultation with schools in the area to plan for pupil number growth and note that this will necessarily include consideration of admission arrangements including the continuing appropriateness of current catchment areas. I judge that, in view of the inevitable knock-on effects of any change on other schools and communities, the impact of such changes should be explored in the context of such wider considerations.

Conclusion

20. The admission arrangements made by the Council for the primary schools for which it is the admissions authority comply with the requirements of the Code.
21. The matters raised by the objectors, particularly with reference to the apparently different range of options available to families in the two priority areas and ease of access to alternative schools deserve further attention as it does appear that they could be improved in the interests of fairness. I cannot, however, conclude that these matters are so anomalous as to be unreasonable.
22. Furthermore, I do not consider that I could make the changes to the arrangements sought by the objectors without some form of consultation with those living in the areas likely to regard themselves as unfairly disadvantaged by such a change. Such changes should be given careful consideration for future years, in consultation with all potentially affected, in the reviews of the arrangements which the Council has in hand. A failure to do so could well be regarded as unreasonable.
23. I have therefore concluded that the objections to the admission arrangements for 2013 should not be supported.

Determination

24. In accordance with section 88H (4) of the School Standards and Framework Act 1998, I do not uphold the objections to the admission arrangements determined by the City of Bradford Metropolitan District Council for admission to Eldwick Primary School.

Dated: 12 July 2012

Signed:



Schools Adjudicator: Andrew Baxter