



## DETERMINATION

<b>Case reference:</b>	<b>ADA3215</b>
<b>Referrer:</b>	<b>A parent</b>
<b>Admission Authority:</b>	<b>South Gloucestershire Council for Stanbridge Primary School, South Gloucestershire</b>
<b>Date of decision:</b>	<b>22 September 2016</b>

### 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 South Gloucestershire Council for Stanbridge Primary School for admissions in September 2017.**

**I have also considered the arrangements in accordance with section 88I(5). I determine that 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 this determination.**

### 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 (the objector) about the 2017 admission arrangements (the arrangements) for Stanbridge Primary School (the school), a community school for boys and girls aged 4 to 11 years. The objection relates to whether or not the area of prime responsibility (APR) is reasonable and to the lack of priority in the oversubscription criteria for children who live outside the APR but who have a sibling at the school.

### Jurisdiction

2. The arrangements were determined on 4 March 2016 by South Gloucestershire Council (the local authority) which is the admission authority for community and voluntary controlled schools in South Gloucestershire.

3. The objection was initially submitted on 13 May 2016 by the local authority on behalf of the objector, and the concerns were then clarified by the objector on 24 May 2016. I am satisfied the objection has been properly referred to me in accordance with section 88H of the Act and that the objector's concerns about the admission arrangements are within my jurisdiction. I have also used my power under section 88I of the Act to consider the arrangements as a whole.

### **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 form of objection dated 13 May 2016 and subsequent clarification by the objector on 24 May 2016;
  - b. the council's response to the objection, supporting documents and subsequent correspondence;
  - c. comments on the objection from the school;
  - d. the 2016 composite prospectus for admissions to schools downloaded from the council's website; and
  - e. a copy of the minutes of the council's Children and Young People Committee meeting of 2 March 2016 (the CYP meeting) at which the arrangements were determined.

### **The Objection**

6. The objection relates to whether or not the school's arrangements for admissions in September 2017 comply with the Code with respect to the APR which the objector considers is unreasonable and may contravene the Code because it "*excludes siblings living in Lyde Green...*"
7. The objection also concerns the lack of priority in the oversubscription criteria for children who live outside the APR but who have a sibling at the school (out APR siblings).

### **Other Matters**

8. Having reviewed the arrangements as a whole, I noted that some other aspects appeared not to conform with the requirements relating to admissions. The aspects that appeared not to comply with the Code (relevant paragraph in brackets) are:
  - the wording of the first oversubscription criterion regarding looked after children and all previously looked after children. (1.7); and
  - the admission of children with a statement of special educational needs (a statement of SEN) or education, health and care plan (EHC plan) which names the school (1.6).

## Background

9. Stanbridge Primary School is a community school for boys and girls aged 4 to 11 years in Downend, South Gloucestershire. The school has a published admission number (PAN) of 60 and there are two classes per year group from the Reception year (Year R) to Year 6. The capacity of the school is 420 pupils.
10. On its website, the school says *“the staff and school community at Stanbridge want the best for every single child. Our motto ‘Aim high and Fly Strive to new heights together’ is central to all we do. We encourage children to do their best and work hard to ensure they meet their potential.”*
11. The 2017 arrangements say that if there are more applications than the 60 places available in Year R, then the oversubscription criteria, which I have summarised below, will be applied:
  1. Children in Public Care and Previously in Public Care;
  2. Local siblings;
  3. Geographical considerations (including reference to Areas of Prime Responsibility where appropriate).
  4. Tie Breaker: where it is not possible to resolve allocations by the application of criteria 1 to 3, any remaining places will be allocated by the drawing of lots by a senior council officer independent of the school admissions process.
12. The council supplied the allocations data for the school for the period 2014 to 2016, as shown in the table below.

<b>Admission Offers/Allocations</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
Total number of preferences received	107	141	177
First preferences	35	47	59
Statement of SEN/EHC plan	0	0	0
Looked after and previously looked after	0	0	0
Local Siblings	19	21	23
Distance (in APR)	N/A	29	37
Distance (out APR)	37	9	0
Furthest distance in APR (miles)	N/A	1.274	0.430
Furthest distance out APR (miles)	3.255	2.064	N/A
Number of Refusals	0	0	22

## Consideration of Case

13. The first part of the objection relates to the APR which the objector considers is unreasonable and may contravene the Code because it *“excludes siblings living in Lyde Green from the school.”* The objector

explained that the family decided in 2014 to move to Lyde Green which is *“just outside the area of prime responsibility”* for Stanbridge Primary School. The objector said that *“we [had] no awareness that a new Area of Prime Responsibility ... was coming into existence. We believe the council did not make enough effort to reach us and other people that this change would affect... Had we understood the impact of moving on our children’s access to Stanbridge Primary School, we would not have moved to Lyde Green.”*

14. The glossary section of the council’s 2016 composite prospectus says that APR is a *“defined geographical area ... [which] indicates to parents/carers the school(s) which normally serve the home address. When allocating places South Gloucestershire Council will give priority to those children who live within the APR of the school.”*
15. I note that the glossary section of the Code defines catchment area as *“a geographical area, from which children may be afforded priority for admission to a particular school.”* It seems to me that the APR is, in effect, a catchment area. The Code at paragraph 1.14 requires that *“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.”*
16. In its email of 17 June 2016 in response to the objection, the council said that APRs were introduced as part of the 2015 admission arrangements for community and voluntary controlled schools in South Gloucestershire. A public consultation was conducted in the period 7 January to 28 February 2014 before the 2015 arrangements were determined by the council in March 2014, and *“published on the Council’s website as required by law... By 2017/18 the APR will be in its third year of implementation.”*
17. Maps of each APR are available on the council’s website. The school is located in the APR for the Kingswood North, Downend, Emersons Green Primaries Consortium, and the relevant map shows clearly the roads and the group of schools that are included in the APR. I consider that the APR or catchment area has been clearly defined. It is unfortunate that the objector had *“no awareness”* of the APR for Stanbridge Primary School before moving to an area not included in the APR. However, whether or not the council made *“enough effort to reach”* parents during a previous admission round is not within the scope of this determination. My jurisdiction is to consider whether or not the 2017 determined arrangements comply with admissions law and the Code.
18. The minutes of the CYP meeting state that *“the APR was created to help resolve problems of admission created by population density both within South Gloucestershire and in Bristol... whilst APRs are not perfect, they do help to achieve a balance between competing claims for admission.”* The council explained further in its email of 17 June 2016 that APRs had been *“established to help manage increasing demand for school places in an area which is densely populated.”* Where there are more applications than places available at the school, after places are allocated to children living within the APR, any remaining places would be allocated to children living

outside the APR that are closest to the school. The arrangements provide for applications to be considered regardless of the home address. Distances from home to school are measured in a direct line between the address point of the child's home and a central point within the main school building using the council's computerised mapping system.

19. The school is located in a densely populated area served by a number of popular schools. The council has allocated a group of schools to the APR which ensures that children in the area have access to a local school and so that school places in the area can be managed fairly. As the arrangements provide for parents who live outside the APR to express a preference for the school, siblings living in Lyde Green are not excluded from the school but they do have a lower priority than children who live in the APR. The function of oversubscription criteria is to allocate a higher priority to some children than others for a place at a given school. In this case, I consider that the APR is reasonable and meets the requirements of the Code. I do not uphold this part of the objection.
20. The objector also expressed concern that there is no priority in the oversubscription criteria for out APR siblings. The sibling priority in the arrangements at oversubscription criterion 2 is for "*local siblings*" which in this case means the siblings of children living in the APR who will be on roll at the school at the time of admission. The objector's elder child attends the school, but the younger child will not be eligible for the local sibling priority because the family live in Lyde Green which is outside the APR.
21. As a working parent, the objector does not wish to have children at different schools, to avoid the struggle of meeting "*the conflicting dates of school commitments such as sports day, parents evenings, pta events, and the challenge of school drop off and collections. Our option of walking to and from school will be completely removed.*"
22. The objector's preference is to have both children at the same school. The objector is concerned that Stanbridge Primary School may be oversubscribed for admissions in 2017, with the likely result that an application for the younger sibling a place in Year R would not be successful because it would be considered on the basis of the distance from home to school and not by reference to a sibling link.
23. In its email of 17 June 2016, the council explained that "*Lyde Green Primary School opened in September 2015 to provide 30 places for children entering the Reception class. It is planned that children will age through the school and it will reach its full complement of year groups over a 7 year period. This means that in September 2017, the school will have a Reception Class, a Year 1 class and a Year 2 class.*" Although the younger child may be eligible for a Reception place in Lyde Green Primary School, the objector's first born child cannot move to the same school as it will not have the provision in place for older year groups.
24. The objector suggests that in order to enable both children to attend the same school, the sibling link at Stanbridge Primary School should apply to

*“those of us in this situation until Lyde Green Primary can accommodate all ages.” In its email of 17 June 2016, the council said that while the arrangements “intend to support the wishes of families for their children to attend the same school, the council’s published information makes it clear that priority of admission cannot be given to siblings irrespective of the distance from home to school. The local sibling criterion was introduced in order to deal with the situation where children living very close to a school were unable to obtain places because siblings from distant addresses were being given priority places. The criterion supports the principle of providing local places for local children and this must be applied equitably to all applications.”*

25. The arrangements do prioritise siblings, but this priority operates in conjunction with the requirement for residence in the APR. Siblings and first born or only children in families living in the APR therefore have a higher priority than any children, including siblings of those at the school, who live outside the APR.
26. It is understandable when parents want their children to attend the same primary school so that the older child is in a position to offer support to their younger siblings. It is also clear that having children at different schools may cause the family practical difficulties and additional stress in trying to meet the commitments of each school. However, when a school is oversubscribed and decisions have to be made about which children should be offered places, it seems to me inevitable that some families will be disappointed. It also seems to me that the council has tried to ensure that siblings living at some distance from the school will not displace any siblings and children with no sibling links who live close to the school.
27. I consider it is reasonable for the council to prioritise local siblings, to ensure that siblings and children with no sibling links living close to the school shall not be prevented from attending their local school by offers of places to siblings living at some distance from the school. I do not uphold this second part of the objection.
28. I have also used my power under section 88I of the Act to consider the arrangements as a whole and whether they conform to the requirements relating to admissions. The first matter of consideration is the wording of the first oversubscription criterion. As noted above, this refers to children in public care and children previously in public care. The requirement set out in paragraph 1.7 of the Code is that this highest level of priority must be afforded to looked after children and previously looked after children. Children in public care are not the same as looked after children as the latter includes those provided with accommodation by local authorities in pursuance of their social services functions. I note that the footnote to this criterion does refer to looked after and previously looked after children. However, it is important that the arrangements are accurate and properly reflect the requirements relating to admissions throughout. The Code requires that the arrangements are amended.

29. I could not find any reference in the arrangements that children with a statement of SEN or EHC plan which names the school will be admitted. As the Code at paragraph 1.6 requires that all such children must be admitted, it may be helpful to parents to include a reference to this effect in an introductory paragraph before the oversubscription criteria are listed.

### **Summary of Findings**

30. The area of prime responsibility is reasonable and complies with the requirements for catchment areas specified in paragraph 1.14 of the Code.

31. I am not persuaded that the lack of priority in the oversubscription criteria for children who live outside the APR but who have a sibling at the school contravenes the Code for the reasons set out above.

32. For these reasons I do not uphold the objection to the 2017 admission arrangements for Stanbridge Primary School.

33. I have also identified in the paragraphs above the other ways in which the arrangements do not comply with the requirements relating to admissions.

### **Determination**

34. 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 South Gloucestershire Council for Stanbridge Primary School for admissions in September 2017.

35. I have also considered the arrangements in accordance with section 88I(5). I determine that there are other matters which do not conform with the requirements relating to admission arrangements in the ways set out in this determination.

36. 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 this determination.

Dated: 22 September 2016

Signed:

Schools Adjudicator: Ms Cecilia Galloway