



Office of  
the Schools  
Adjudicator

**DETERMINATION**

**Case reference:** ADA3055, ADA3128, ADA3183,  
ADA3184, ADA3185, ADA3221

**Objectors:** Southville Junior School, Bedfont Primary  
School, the London Borough of Hounslow,  
Victoria Junior School and two members of the  
public

**Admission Authority:** The Aspirations Academy Trust for Rivers  
Academy, Feltham, London Borough of  
Hounslow

**Date of decision:** 11 November 2016

**Determination**

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements for September 2016 determined by the Aspirations Academy Trust for Rivers Academy West London in the London Borough of Hounslow.

In accordance with section 88H(4) I partially uphold the objection to the admission arrangements for September 2017 determined by the Aspirations Academy Trust for Rivers Academy.

I have also considered the arrangements for September 2017 in accordance with section 88I(5) and find that there are 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 the determination unless an alternative timescale is specified by the adjudicator. In this case I specify a deadline of two months from the date of the determination in relation to the published admission number and a deadline of 28 February 2017 in relation to other matters.

**The referrals**

1. Under section 88H(2) of the School Standards and Framework Act 1998 (the Act) objections were referred to the adjudicator by

Southville Junior School, Bedfont Primary School, the London Borough of Hounslow and Victoria Junior School to the admission arrangements for September 2016 (the 2016 arrangements) for Rivers Academy West London (the school), an academy secondary school for pupils between the ages of 11 and 18, which is part of the Aspirations Academy Trust (the trust).

2. A determination of these objections was issued on 28 August 2015. Part of that determination was quashed by Consent Order on 13 January 2016. As a result, one issue remained undetermined and the Office of the Schools Adjudicator (the OSA) was ordered on 17 February 2016 to consider it afresh. The issue in question concerned the naming of two feeder schools on the basis of their being members of the multi academy trust (the MAT). I was appointed as the adjudicator to consider this matter.
3. While I was considering this issue, objections to the school's admission arrangements for September 2017 (the 2017 arrangements) were referred to the OSA under section 88H(2) of the Act by Bedfont Primary School, Victoria Junior School, the London Borough of Hounslow, and two members of the public. These objections raised again the same issue concerning the naming of feeder schools, together with other matters including the consultation process, testing arrangements for applicants, a reduction in the school's published admission number (PAN), and whether or not the arrangements were determined and published in accordance with the requirements of the School Admissions Code (the Code).

#### **Parties to the objections to the 2016 arrangements**

4. The parties to the objections to the 2016 arrangements are:
  - a. Southville Junior School, Bedfont Primary School, Victoria Junior School, and the London Borough of Hounslow (the local authority, the LA) (the 2016 objectors);
  - b. the governing body of the Rivers Academy West London (the school);
  - c. the Aspirations Academy Trust (the trust).

#### **Parties to the objections to the 2017 arrangements**

5. The parties to the objections to the 2017 arrangements are:
  - a. Bedfont Primary School, Victoria Junior School, the London Borough of Hounslow (the local authority, the LA), and two members of the public (the 2017 objectors);
  - b. the governing body (the admission authority) of the Rivers Academy West London (the school);
  - c. the Aspirations Academy Trust (the trust).

## Jurisdiction

6. The terms of the academy agreement between the trust 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. The 2016 and 2017 arrangements were determined on that basis by the governing body on behalf of the trust, which is the admission authority for the school.
7. The 2016 objectors submitted their objections to these determined arrangements on dates between 29 April 2015 and 8 May 2015. I am satisfied that the objections were properly referred to the adjudicator in accordance with section 88H of the Act and it is within my jurisdiction to consider them afresh in accordance with the Consent Order previously mentioned.
8. The 2017 objectors submitted their objections to the 2017 arrangements on dates between 4 and 13 May 2016. The two members of the public have asked to have their identities kept from the other parties and have met the requirement of Regulation 24 of the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 by providing details of their names and addresses to me. I am satisfied that the objections have been properly referred to me in accordance with section 88H of the Act and they are within my jurisdiction.
9. Some matters raised by the 2017 objectors might be regarded as falling within the prohibition in paragraph 3.3e) of the Code, that is, that they are objections "*which raise the same or substantially the same matters as the adjudicator has decided on ... in the last 2 years*". The admission authority has taken account of the determination issued on 28 August 2015 in making changes to its testing procedures and so I consider these matter, raised in three of the objections, to be without my jurisdiction. However, there are other matters decided in that determination of which the admission authority may not have taken account in its arrangements for 2017. These are: the consultation process; the reduction in the school's PAN, and whether or not the arrangements were published in accordance with the requirements of the Code. It is therefore within my jurisdiction to consider them, using the power granted me under section 88I of the Act, as they have come to my attention.

## Procedure

10. In considering this matter I have had regard to all relevant legislation and the Code.
11. The documents I have considered in reaching my decision on the issue referred for redetermination in the 2016 arrangements include:
  - a. the 2016 objectors' emails, forms of objection and subsequent comments on the issue;
  - b. the admission authority's response to the issue, supporting

documents and subsequent correspondence;

- c. the LA's composite prospectus for parents seeking admission to schools in the area and its comments on the issue;
- d. information concerning preferences and allocations for the school for September 2014, September 2015 and September 2016;
- e. maps of the area identifying relevant schools and where children lived who expressed first preferences for the school in 2014, 2015 and 2016;
- f. information concerning distances between local schools;
- g. extracts from the minutes of the meeting at which the trust determined the 2016 arrangements; and
- h. a copy of the determined arrangements for September 2016 (the arrangements) and of the amended arrangements (the amended arrangements) determined by the trust in July 2015.

12. The documents I have considered in reaching my decision on the objections to and referrals of the 2017 arrangements include:

- a. the 2017 objectors' and referrers' emails, forms of objection and subsequent comments;
- b. the admission authority's response to the objections, supporting documents and subsequent correspondence;
- c. the LA's composite prospectus for parents seeking admission to schools in the area;
- d. information concerning preferences and allocations for the school for September 2014, September 2015 and September 2016;
- e. maps of the area identifying relevant schools and where children lived who expressed first preferences for the school in 2014, 2015 and 2016;
- f. information concerning distances between local schools;
- g. extracts from the minutes of the meeting at which the governing body determined the 2017 arrangements; and
- h. a copy of the determined arrangements for September 2017.

13. I have also consulted the school's website, the websites of the two named feeder schools, the website of the Aspirations Academies Trust and the websites of Hounslow LA and the neighbouring LAs.

14. Much of the documentation listed above was submitted by the admission authority, the LA and the objectors in response to the adjudicator's enquiries in making the determination issued in September 2015; it was confirmed by all parties, in emails received

by the OSA on 24 and 25 February 2016, that this documentation remained relevant to the issue returned to the OSA for redetermination. Nevertheless, I invited the parties to submit updated documentation and data pertinent to the redetermination, for example, concerning the allocation of places in year 7 at the school for September 2016, and I have taken account of additional submissions as appropriate.

15. I have also taken account of information received during separate meetings I convened on 20 April 2016 at Rivers Academy with representatives of the school and the admission authority and of the objectors (the meetings) and additional information supplied at my request following these meetings.
16. The parties (with the exception of Southville school which had not objected to the 2017 arrangements) were invited to respond anew to the objections to the 2017 arrangements, which were submitted following the meetings I held at the school. Much information and many data considered in relation to the redetermination of the feeder school issue in the 2016 arrangements remain valid in considering the objections to the 2017 arrangements, together with the additional submissions made by the parties with reference to the 2017 arrangements concerning the final allocation of places to Rivers West London Academy from local primary schools for September 2016.

### **The 2016 objections**

17. The objectors raised a number of common concerns regarding aspects of the 2016 arrangements as first determined by the admission authority in March 2015. The sole matter remitted to the OSA for redetermination by the previously mentioned Consent Order concerns the naming, in the oversubscription criteria, of two feeder schools. The objectors contend that this was based on those schools being members of the MAT rather than on a historic curricular or social link with, or geographical proximity to, the school; and that this oversubscription criterion limits the potential availability of places for children in Hounslow primary or junior schools that are closer to the school than those named in the arrangements as feeder schools.

### **The 2017 objections and referrals**

18. Three of the referrals of the 2017 arrangements contend that, as in the 2016 arrangements, the naming of feeder schools does not comply with the requirements of paragraph 1.15 in the Code; another objection raises the same issue, but in terms of objectivity and fairness, citing paragraphs 14 and 1.8 in the Code. I shall consider these objections alongside the matter remitted by the Consent Order, as it is clearly the same issue and I shall consider similar information, data and other evidence in reaching decisions on both sets of arrangements.
19. Four of the referrals cite the reduction in the school's PAN from 215 to 180 places; one of these also raises more broadly the nature of the consultation held by the admission authority on the 2017

arrangements. These referrals reference paragraphs 1.2, 1.42, 1.44 and 1.45 in the Code. Two of the referrals contend that the school's arrangements were not published on its website as required by paragraph 1.47 in the Code. Objections on these same, or similar, issues were made to the 2016 arrangements, and were upheld. As the admission authority has not complied with the previous adjudicator's decisions on these matters, I am considering them again, as explained above, using my power under section 88I of the Act.

20. New issues raised in one or more of the objections to the 2017 arrangements are that: they were not determined and published by the dates required in paragraphs 1.46 and 1.47 in the Code; that there is a lack of clarity in the explanation of waiting lists, which might contravene the requirement of paragraph 14 in the Code that *"Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated"*; and that conditions are applied to late applications for a place at the school, which contravenes paragraph 2.9a) of the Code.

## **Background**

21. Rivers Academy, previously Longford Community School, opened as an academy on 1 August 2011. In 2013, it became a member of the Aspirations Academies Trust, which is a MAT and now includes two other schools in the area, Oriel Academy (an academy primary school for pupils between the ages of three and 11) with a PAN of 60 and Oak Hill Academy (an academy junior school for pupils between the ages of seven and 11) with a PAN of 120. The Space Studio, an academy free school for students between the ages of 14 and 18, opened on the school site in September 2015; this school is also a member of the MAT, and part of what is known as the West London District. Within the Aspirations Academy Trust there is also the Banbury District, with four member schools, and the South Coast District, which comprises three schools. Each of the trust's schools has a local advisory body, referred to as the governing body. The Aspirations Academies Trust Board determines the overall admissions policy principles for its schools. A document that defines the principles behind the admission of pupils and students to an Aspirations Academy states that *"The Trust Board has agreed principles for admissions to our academies, although each Aspirations Academy has its own admissions policy. The admissions policy is developed for each academy through discussion between the Central Management Team, the Academy Principal and the relevant Local Advisory Board."* Although the trust is therefore the admission authority, the responsibility for determining arrangements for each member school is delegated to the local advisory board, or governing body.
22. The school is located in the district of Feltham in the London Borough of Hounslow. In addition to the Space Studio on the school's campus, there are two other local schools providing secondary education, one of which is an all-through school for children between the ages of four and 18: the three sites are less than two miles apart. There are six primary schools (excluding those that cater only for

pupils in key stage one who will not be progressing to secondary school when they leave) less than one mile from the school and several others less than two miles away. Of the two feeder schools with which this objection is concerned, Oak Hill Academy is one mile from the school in a direct line, and 1.4 miles by a safe walking route; Oriel Academy is 1.7 miles from the school in a straight line, and 2.1 miles by a safe walking route. These distances have not been disputed by any of the parties.

23. The 2016 arrangements for admission to the school (as first determined in March 2015) included, as the third oversubscription criterion (following those that give priority to looked after and previously looked after children, and those with siblings attending the school) a priority for applicants currently attending Oriel Academy or Oak Hill Academy, that is, the two schools for children up to the age of 11 years that are local primary school members of the Aspirations Academies Trust's West London MAT. As previously noted, objections to these arrangements were submitted to the OSA in April and May 2015 and, before the publication of the adjudicator's determination, amended arrangements were determined by the governing body in July 2015; together with some other changes, these amended arrangements no longer included the oversubscription criterion that referred to the two feeder schools. However, following representations by the school following publication of the adjudicator's determination on 28 August 2015, that part of the determination that upheld the objection to the naming of the two feeder schools was quashed by Consent Order and was remitted to the OSA for redetermination. The trust has subsequently consulted on arrangements for 2017 which include the feeder school criterion and the reduction in the year 7 PAN from 215 to 180, as in the arrangements first determined for 2016 before they were amended.
24. The school currently has a PAN of 215 places in year 7. It is oversubscribed with 444 preferences expressed for it in 2015 and 491 in 2016. Of these preferences there were 168 and 205 first preferences respectively in the last two years.
25. For 2016, the data show that 33 first preference applications were unsuccessful. While 31 applications from Oak Hill academy and 13 applications from Oriel academy did not receive offers of places, none of these was a first preference application which means that the parents concerned preferred at least one other school to Rivers. However, a number of first preference applications from children from the primary schools involved in the objections were unsuccessful and I give further details of this below. Places were allocated to children from a total of 27 different schools across three London boroughs (Hillingdon, Hounslow and Richmond) and the county of Surrey and some applications from 20 of these schools were unsuccessful. There were no successful applications from a further 28 schools covering the same geographical area.

## Consideration of Factors

26. I shall consider the issues raised in the following order: the naming of feeder schools in both the 2016 and 2017 arrangements; the nature of the consultation held by the admission authority on the 2017 arrangements; the proposed reduction in the school's PAN for 2017; the contention that the school's arrangements for 2017 were not determined or published on its website as required by paragraphs 1.46 and 1.47 in the Code; and perceived shortcomings in those parts of the arrangements for 2017 concerned with waiting lists and late applications.
27. The trust considers the naming of **feeder schools** to be fundamental to its philosophy. It sets out as a principle in its general admissions policy document that "*The overriding rationale for the admission of pupils and students to our academies is to encourage, wherever possible, all-through education from the ages of 2 until 19*" and cites continuity, parental engagement, and stress-free transition between different phases of education for children and parents as the underlying rationale. In its response to the objections to the 2017 arrangements, the admission authority reiterated previous comments on objections to the 2016 arrangements by referring the adjudicator to this statement and proposing that "*We were set up as an all-through age Trust, mirroring the educational provision developed in the most successful of schools.*" This is not quite what the trust's principle, as quoted above, provides. It actually refers to the aim of establishing all-through schools "*wherever possible*". The trust has not provided any evidence to support the implicit contention that all-through schools are the most successful nor am I aware of any data or research that shows such schools unequivocally to be "*the most successful of schools.*" In my meeting at the school, senior leaders acknowledged that an application for a free primary school on the site had been refused; had this gone ahead, it might have been argued that there would have been *de facto* all-through provision; as it is, the mere naming of feeder primary and junior schools does not, of itself, create an all-through school either physically, or in law.
28. The Code states, in paragraph 1.15, that "*The selection of a feeder school or schools as an oversubscription criterion **must be transparent and made on reasonable grounds.***" In this case, transparency is hardly in doubt: the two feeder schools are clearly identified, and the reason for their being named as feeder schools is openly stated as their being members of the West London MAT. I will therefore first consider whether reasonable grounds exist for the selection of the feeder schools.
29. There is nothing inherently unreasonable about a secondary school in a MAT naming primary schools within the same MAT as feeder schools if the trust provides a coherent explanation for so doing. I have detailed above the trust's rationale for supporting the principle of all-through education and, although different educationalists might have different views on the matter, the rationale could not be described as unreasonable in itself. I therefore consider that reasonable grounds exist for selecting the feeder schools. There is an objective basis for selecting the feeder schools, in that they are

part of the same organisation, the MAT, and this is easily understood by applicants. I thus have no doubt that the reason for selecting the two feeder schools is “*clear*” (paragraph 14 of the Code) or “*objective [and] clear*” (paragraph 1.8 of the Code). My consideration of this objection to the 2016 and 2017 arrangements centres therefore on whether the overall effect of the arrangements is reasonable (paragraph 1.8 of the Code) and fair (paragraph 14).

30. As noted above (paragraph 22), the named feeder schools are not the closest primary or junior schools to the secondary academy. Bedfont Primary School, Southville and Victoria Junior Schools are closer, as are Fairholme and Edward Pauling primary schools and Sparrow Farm Junior School; in their objection to the arrangements, the headteachers of the first three of those schools claim that parents of children in their schools might reasonably expect places to be available at their local secondary school should that be their first preference and that, by virtue of living close to it, a high proportion of those places might be prioritised for them through the school’s admission arrangements. Similarly, an individual objector who has asked for his identity not to be disclosed has pointed out that Rivers is the nearest school to Fairholme and argues on this basis that it is unfair for the school to give priority to children who have attended the more distant Oriel and Oak Hill.
31. It is not the case that children can always expect to be able to attend their nearest school. Sometimes, this may just not be possible because characteristics of the school (such as academic selection or religious character) mean that the child has a lower priority than others living further away. Sometimes, a child’s nearest school may reach capacity from children who live still closer. Sometimes, catchment areas - drawn to ensure that no child has a very long journey to school – mean that a child’s catchment area school is not the closest school to his or her home. In still other cases, a school may be the only school in a relatively large area making a certain type of provision (for example, single sex provision) and wishes to be able to offer this opportunity to children from across the whole of that area. In short, a child should be able to attend a secondary school within a reasonable travelling distance of his or her home but cannot always expect to be able to go to the nearest school.
32. Potential unfairness is created if admission arrangements result in there being no such opportunity for a significant number of children. What is reasonable in terms of travelling distance will depend on local circumstances, including density of population and the locations of schools. My view is that, with the number and location of schools in Hounslow, which is an urban and relatively densely populated area, a secondary aged child should not expect to have to travel more than about a mile and a half. I recognise that some children may travel significantly further if for some reason they or their parents wish them to attend a more distant school, but I am concerned here with what is reasonable in terms of access to a local school. The distance I think is reasonable in the circumstances is half the distance before which transport must be provided to the nearest school for this age group, but I note also that is a national provision intended to cover also more rural areas where secondary schools will

be fewer on the ground than they are in Hounslow. I am conscious that I have considered distance but not addressed public transport or, indeed, the scope for parents to take their children to school by car. This is because it is not feasible to take account of all permutations of rail, bus and other transport in a London borough bearing in mind that what is available to any particular family will vary depending on their precise address. In addition, in such an urban area, there should be scope for children of this age group to walk to a school.

33. The school's current PAN is 215. The PANs of the two named feeder schools add up to 180 but I note in this context that the PAN for Oak Hill (120) rose to this number from 2015 and that only 81 children left its Year 6 in August 2016. However, the number of children in its current Year 6 and who will be seeking secondary places for September 2017 is higher at 120 according to the trust and 116 according to the LA. The number in Year 6 at Oriel is 60 according to both. It is the case that if all the children from the feeders sought places at the school relatively few would be left for other children who live more locally, and this number may be further reduced as priority must be given to looked after and previously looked after children and those with statements of special educational needs or Education, Health and Care plans naming the school must also be admitted. Indeed, should the secondary academy be successful in reducing its PAN for 2017 to 180 (see below), there would be potentially no places for children attending other local schools, including the six which are closest to the school. The following table shows the number of applications for places at the school for September 2016 made by children at the two named feeder school and the nearer primary and junior schools.

School	Applications/ cohort	Successful	Unsuccessful (first preferences in brackets)
Oak Hill	53/81	22 (27%)	31 (0)
Oriel	26/49	13 (50%)	13 (0)
Victoria	49/86	21 (43%)	28 (6)
Southville	69/88	41(59%)	28 (5)
Bedfont	47/57	37 (79%)	10 (3)
Fairholme	39/56	23 (59%)	16 (6)
Sparrow Farm	43/60	16 (37%)	27 (6)
Edward Pauling	25/54	9 (36%)	16 (3)

34. Senior leaders in the secondary academy told me that the trust does not expect all parents of children in the feeder schools to apply for places in the secondary academy, as many will prefer secondary schools that are closer – because of travel and transport issues, for example. If the proportion of children attending the feeder schools

applying for places at Rivers Academy in 2017 is the same as in 2016, then they will take about 60 of the available places, compared with 35 in 2016. This is for the simple reason that the joint cohort of the feeder schools is bigger than it was in 2016. It is the case, as the table shows, that for 2016 while no first preference applications from either of the two named feeder schools were refused, some first preference applicants from the nearer primary and junior schools did not secure places at Rivers Academy. If more places are allocated to children from feeder schools, then fewer will be available to be allocated to others on the basis of distance. It is possible to use the existing data to form a view on whether other reasonably local schools are likely to have capacity to admit the children who might have attended Rivers Academy as their nearest (or in one case third nearest) secondary school, but who may be “displaced” by children from the two named feeder schools. The alternative places that might be available for such children affects whether the arrangements determined by the admission authority are reasonable and fair to those children and hence whether or not they conform to the Code.

35. Victoria, Southville, Bedford and Fairholme are all located less than a mile from the secondary academy. The consequences of not being able to secure a place at Rivers will be different for each pupil cohort as the three primary schools are some distance from each other and thus each serves a slightly different area. I have accordingly considered the circumstances of each separately.
36. The alternative secondary schools that I have considered are those state funded schools within 1.5 miles of each of the four primary schools along with those which are slightly further afield, at up to two miles from any one of the schools. The distances in each case are set out below in the section of this determination which addresses impact on each group of children. I have considered schools within Hounslow and adjacent local authority areas. The schools I have considered are:
  - a. Reach Academy: this was heavily oversubscribed in 2015 and 2016 with 117 first preferences (and 520 applications in total) for the 60 places in 2016. It uses a system of random allocation as a tie-breaker in its admissions process;
  - b. Springwest Academy (formerly Feltham Community College): the number of first preferences to the then Feltham Community College for September 2015 was well below the PAN and there were some 50 places unallocated in September 2015. For 2016, the school was undersubscribed and all who initially applied were offered a place; it subsequently reached (and indeed exceeded) its PAN with allocations of pupils who could not be accommodated at any of the schools they preferred. I note that 91 of its places were allocated to children who had not expressed a preference for it and once all those who had included it as a preference had been accommodated;
  - c. Heathland School, maintained by the London Borough of Hounslow: this school received 393 first preferences for 270

places in 2015. In 2016, the last place allocated on distance was at 0.954 miles;

- d. Cranford Community College, an academy in Hounslow with a PAN of 210; this school was oversubscribed for 2016 with 763 applications including 192 first preferences. The last place allocated on distance was to a child living 1.7 miles from the school;
- e. Kingsley School, an academy in Hounslow: this school was not oversubscribed in 2016, and all applicants were offered a place and 198 places were allocated against a PAN of 240;
- f. Thomas Knyvett College, an academy in Surrey. The school has a PAN of 150 and was oversubscribed for 2016, offering its final place to a child who lived about 1.2 miles from the school;
- g. Sunbury Manor School, an academy in Surrey with a PAN of 240 which was not oversubscribed for 2016;
- h. Twickenham Academy, an academy in Richmond upon Thames with a PAN of 180 which was fully subscribed for 2016 but which appears to have offered places to all who sought one, admitting over its PAN to do so;
- i. Hampton Academy, an academy in Richmond upon Thames with a PAN of 180 which was not oversubscribed for admissions in 2016.

37. For Victoria Junior School, both Springwest Academy and Reach Academy are in fact closer than Rivers Academy. Reach Academy is small and was heavily oversubscribed: in 2015 and it is unlikely that many if any extra children from Victoria Junior School would be allocated places there. It is, however, reasonably likely that those from Victoria who would otherwise have attended Rivers Academy (21 in 2016) could obtain places at Springwest Academy in the future. Heathland is the next nearest school after Rivers and is 1.63 miles from Victoria and thus beyond the 1.5 miles I consider a reasonable distance in this case. Moreover, given it offered its last place in 2016 to a child living less than a mile away would be unlikely to be able to offer a place to a child living near to or attending Victoria.

38. Southville Junior School, is located very close indeed to Rivers – less than 0.2 miles away. Springwest Academy and the Reach Academy are further away than Rivers Academy, although less than a mile distant. Children from Southville who would otherwise have gone to Rivers Academy (41 in 2016) could be accommodated along with those from Victoria Junior School at Springwest Academy. The next nearest school, Heathland, is two miles away and is oversubscribed as noted above; children attending Southville would be unlikely to be allocated a place on distance unless they lived some way from the primary school in the direction of Heathland. The next nearest school is Thomas Knyvett which is 2.3 miles away and, again,

oversubscribed and, as shown above, would not offer a place to a child living more than 1.2 miles away.

39. Bedfont Primary School also has Rivers as its nearest secondary school. It is just over half a mile from Rivers, 1.3 miles from the Reach Academy and 1.6 miles from Springwest Academy. It is 2.1 miles from Thomas Knyvett, 2.3 miles from Cranford Community College, 2.4 miles from Heathland and more than three miles from Kingsley. A child attending and living near Bedfont Primary would be unlikely to secure a place at any of the oversubscribed Hounslow schools mentioned above that applied distance criteria in 2016, so would be dependent upon the availability of places at Springwest Academy or the significantly more distant Kingsley. A very high proportion of parents whose children had attended Bedfont applied for places at Rivers for 2016 and this is not surprising as any other school would mean a significantly longer journey for a child living close to Bedfont. This would be particularly true for children living north of Bedfont as Rivers is south east of Bedfont and Reach and Springwest are south east of Rivers.
40. So far as Fairholme Primary School is concerned, it is 0.7 miles from Rivers which is its closest secondary school, 1.1 miles away from Reach and 1.5 miles from Springwest. Children living close to Fairholme will be unlikely to be able to gain a place at Reach but would be likely to be able to secure places at Springwest (although they would be likely not to have such high priority as children attending Victoria and Southville). The next nearest school is Thomas Knyvett in Surrey which is 1.72 miles away, which is further than I consider a child should have to travel in Hounslow. This school is oversubscribed and offered its last place for 2016 to a child living 1.2 miles from the school so is unlikely to offer places to children living close to Fairholme, unless a child lives half a mile from Fairholme in the direction of Thomas Knyvett.
41. Across the LA, there was expected to be an overall surplus of 59 places in September 2016 for pupils entering year 7, but in September 2017 a shortfall of 214 places is predicted, with a further additional shortfall of 118 places in the following year of admission.
42. Overall, there is a greater proportionate desire for places at Rivers Academy from Victoria, Southville, Bedfont and Fairholme than from its two named feeder schools, and it seems likely that, in the context of a very large shortfall of secondary places soon to impact on the LA, there will be more pressure on places at Rivers Academy from applicants whose children attend one of these four schools, as well as from the other schools that are closer to Rivers than the named feeders. Both of the feeder schools have nearer secondary schools than Rivers. Oriel has three and Oak Hill has two. I have no information which leads me to think that children from Oriel or Oak Hill currently have to travel an unreasonable distance to reach a secondary school. It would seem likely that some children who attend the two feeder schools (perhaps most likely those at Oak Hill) may live at a similar distance from Rivers than do some children who attend the three objecting schools (perhaps most likely Victoria Junior, which is the most distant of the three from Rivers). In

arrangements based on distance, they would all be treated in the same way. I make the point that, in any case, Rivers could not accommodate all the children leaving Victoria, Southville, Bedfont and Fairholme even if it took no children at all from Oriel or Oak Hill or any children who must be admitted or given highest priority wherever they live. This is because the PANs of those four schools total more than the PAN of Rivers Academy (whether set at 215 or 180). I take this into account in considering below whether the determined arrangements are reasonable and fair.

43. I have weighed the benefits which would accrue to children in terms of continuity of education and the same educational ethos and philosophy against the disadvantages for the children who attend the primary schools referred to in these objections. So far as Victoria Junior School is concerned, its pupils are likely to live nearer to other secondary schools. They may prefer to go to Rivers but they have other schools which are easy to reach and where they will have a high priority for a place in 2017. I do not consider that there is unfairness to them, or that the impact on them is unreasonable.
44. For pupils who attend and live near to Southville – which is the nearest of all the schools to Rivers – they are also likely to live reasonably close to Springwest. I can readily see that parents would like their child to have a high priority for a place at an oversubscribed school very close to home. However, I cannot conclude that there is unfairness to children attending Southville by reason of priority at Rivers for the named feeder schools. This is because the children at Southville will have a reasonable expectation in 2017 of a place at Springwest.
45. So far as pupils who attend and who are likely to live close to Bedfont are concerned, they have no realistic chance of gaining a place at Reach (the PAN for which is only 60 in any case) and would be likely to have to travel more than 1.5 miles to Springwest as the next nearest school. A child living to the north of Bedfont would be particularly disadvantaged as I have outlined above and I consider that there is unfairness if children who attend Oriel and Oak Hill have a higher priority than do children attending Bedfont, and that the impact on the Bedfont children would be unreasonable.
46. Fairholme is 1.5 miles from Springwest and 1.1 miles from Reach. Its pupils also have little realistic prospect of places at Reach. I have already said that I think it reasonable for a child in an area such as Hounslow to travel for up to 1.5 miles to school. Of course, some children attending Fairholme will live a little further from Springwest and some a little nearer. On balance, I consider that it is unfair to give a higher priority to children who attend Oriel and Oak Hill than to children who attend Fairholme. This is especially the case for those who live more than 1.5 miles from Springwest. The impact on them would be unreasonable.
47. I have not considered whether there is or is not unfairness to children who attend the other schools near to Rivers Academy. This is because no representations on their behalf have been made to me.

48. In this case, I consider that the naming of the two feeder schools in Rivers Academy's arrangements, while based on reasonable grounds, creates a significant disadvantage for some children attending primary schools closer to the school, especially those who attended Bedfont and Fairholme schools and who will be likely to have significantly more difficult and longer journeys to school if they cannot attend Rivers. I do not consider that the benefits in terms of all through education and the philosophy espoused by Rivers (while not questioning their merits) are great enough to outweigh the disadvantage to these children. For these reasons, I consider that it is unfair and unreasonable for Rivers to give priority to children who have attended Oak Hill and Oriel Schools over those who have attended Bedfont and Fairholme schools.
49. I accordingly conclude that the naming of the two feeder schools in the 2016 and 2017 arrangements, while clear and reasonable on educational grounds and so complying with the requirements of paragraph 1.15 in the Code, is not reasonable and fair in accordance with the requirements of paragraphs 1.8 and 14 of the Code because of the unfairness caused to children who have attended Bedfont and Fairholme schools. I do not find that there is unfairness to children who have attended Victoria and Southville. I therefore uphold the objections to this oversubscription criterion in the 2016 arrangements. For the same reasons, I determine that the naming of the feeder schools in the 2017 arrangements does not conform with the requirements of the Code.
50. Concerning the **consultation** on the 2017 arrangements, I note first that the feeder school criterion discussed above, worded as in the proposed arrangements for 2016, and a reduction in the school's PAN (which I consider below) were reintroduced in the proposed arrangements for September 2017, together with some simplifications or modifications of wording. A consultation on these proposals was conducted between 4 December 2015 and 29 January 2016, a period of eight weeks, thereby exceeding the requirement in paragraph 1.43 of the Code for a minimum period of six weeks. The consultation document states that the process would meet the requirements in paragraph 1.43 of the Code concerning its distribution; in addition to the document being published on the school's website, with links to it from the websites of the other schools in the West London MAT, a notice was to be placed in a local newspaper in December 2015 and posters would be supplied to local supermarkets and nurseries. In not responding in detail to the 2017 objections, the governing body did not provide me with evidence that these intended measures were carried out effectively, although a local school did supply me with a copy of a letter to parents and carers that it was asked to distribute. This letter did not give any indication of the nature of the proposed changes to the 2017 arrangements but directed parents to the consultation document on the school's website. While meeting the basic requirement concerning notification, it might be felt that a brief indication in this letter of the nature of the changes proposed might have been helpful.
51. One of the objectors complained that he had been aware of the consultation only at the last minute, via social media. That

experience may not be typical, but the same objector reports that he had asked for detailed information from the governing body about responses to the consultation, and had not been provided with an answer. The admission authority's lack of response, including its statement in an email to the OSA dated 27 June 2016 that "*we do not have anything further to that which has already been provided in our correspondence and in the hearing with the Schools Adjudicator*" indicates an unfortunate unwillingness on its part to engage with the latest objections, given that the objection to its conduct of the consultation on the 2016 arrangements was upheld in the determination of August 2015. However, on the balance of the limited evidence I have seen, I do not consider that the consultation on the 2017 arrangements can be shown to have failed to meet the requirements of the Code in paragraphs 1.42-1.45.

52. On 4 April 2016, a member of the trust issued a letter to consultees regarding responses to the consultation and the decisions made subsequently by the central management team of the trust. Addressing the main concerns raised, this letter essentially repeated the admission authority's stance on feeder schools, suggesting again that other schools might wish to join the trust in order "*to take advantage of the all-through (age 2-19) education model*" which, as I have argued above, is not an offer, let alone a promise, that the admission authority is in any position to make. Concerns raised about the reduction in PAN were countered by restating the case made previously concerning capacity issues on the school site; concerns about increased traffic if more pupils travelled to the site from the named feeder schools were interestingly used to bolster the case for reducing the PAN, since that would "*naturally decrease the numbers of students travelling to the site.*" That is an ingenious, but not in my view well-founded, argument and I now move to consider that specific aspect in the 2017 arrangements, and the objections made against it.
53. The **reduction in the school's PAN** was proposed in the initial 2016 arrangements but the determination of 28 August 2015 found insufficient justification for it, and in the revised 2016 arrangements the PAN was retained as 215. The relevant provisions of the Code are at paragraphs 1.2-1.5. Setting the PAN is part of the process of determining admission arrangements (paragraph 1.2), and paragraph 1.3 states that any proposed decrease must be consulted upon in accordance with paragraph 1.42, while setting out a strong presumption in favour of an increase to the PAN. There is no reference to any presumption either way, or to any test to be applied, when considering a decrease in the PAN.
54. In its consultation on the 2017 arrangements, the admission authority reintroduced the proposed reduction of the PAN to 180 places. In this consultation, the admission authority offered three justifications for seeking the reduction, the same reasons that had been put forward in the previous year's consultation: first, the limited capacity of the site, a difficulty exacerbated by the opening of the Space Studio School with the potential of 300 additional students to be accommodated on the campus; second, a belief that the optimum size of a year group, in order to enable an effective "climate" for

learning and smaller classes, is 180; and finally, that the trust considers an 11-16 academy of 900 pupils with a sixth form of 200 *“to be the most educationally and economically efficient school size.”*

55. The admission authority made no comment on this matter when it was raised again in the referrals of the 2017 arrangements other than to reiterate the points made previously when it was first raised in the objections to the 2016 arrangements; no new evidence or data was submitted. The LA argued strongly against the reduction in PAN in the context of the current and future need for secondary school places. In the Greater London Authority (GLA) Demography Report (November 2015) Bedford ward, in which the school is located, is grouped within the areas of highest increased demand for school places across the period 2014/15-2024/25. Four local primary schools that have traditionally sent large numbers of pupils to the secondary academy are in, or border, this ward and so the LA contends that *“demand for secondary places in the local area is not expected to reduce for several years to come.”* One of the objectors pointed out that *“Several local primary schools ... took bulge classes or permanently expanded (or both) from 2010 through 2014, and as a result the number of local children entering year 7 is due to increase substantially ...”*. Rather more strongly, another objector contended that the move to reduce the PAN *“is grossly negligent to the consideration of the local community and [the school’s] responsibility to that community in which [it is] located.”*
56. I do not propose to analyse again in detail the large quantity of data evidenced in the determination of August 2015 when the adjudicator upheld the objection to the same proposal to reduce the school’s PAN in its 2016 arrangements. As indicated in that determination, precise projections are complex in a densely populated urban area with a highly transient population. However, the school has not submitted any information that supersedes data on which the original determination was made; the LA’s straightforward restatement of the anticipated demand for additional places is convincing and the GLA document to which it refers offers ample support for its claims regarding the need for more, rather than fewer, school places. I cannot disagree with the conclusion expressed by the adjudicator in the previous determination that *“Given all the circumstances it is likely that the school will be fully subscribed [with a PAN of 215] for each new September intake for the foreseeable future and this is likely to be a pattern across Hounslow.”*
57. Section 86 of the Act requires admission authorities of maintained schools to *“comply with any preference expressed [for places at the school]”* unless *“compliance with the preference would prejudice the provision of efficient education or the efficient use of resources.”* The school has offered no evidence of the prejudice which would arise should 215 rather than 180 children be admitted in 2017. While Rivers is an academy and not a maintained school, it is required by its funding agreement to comply with the Code and the law relating to admissions.
58. In weighing the admission authority’s arguments for reducing the school’s PAN against demographic demands and local expectations,

I must comment that to invoke overcrowding of the site as a result of opening the Space Studio seems odd, when it was the trust's decision to provide this extra facility and the opening of the Space Studio was not dependent on capacity being released from the school. I can only assume that all factors were taken into consideration beforehand, including the physical capacity of the campus in relation to current and future needs; if assumptions were made concerning the perceived ease in reducing the school's PAN to free up capacity, that was an error. While many educationalists might agree that 180 is an appropriate size for a year group, I do not understand how this number in itself "*enables smaller class sizes*", nor would it be true to say that schools cannot, and do not, function effectively with larger or smaller numbers in year groups. The trust is entitled to believe that the optimum size of an academy with a sixth form is 1100 pupils and students, but idealism has always to be tempered by compromise dictated by local circumstances and requirements. I do not find the admission authority's arguments for reducing the school's PAN compelling, whereas there is a clear need for additional, rather than fewer, school places in the LA generally and in the local area specifically. I therefore uphold the objection to the reduction in the school's PAN for admissions in 2017.

59. The next point that I must consider in relation to the objections to the 2017 arrangements concerns **the determination and publication of the school's arrangements** on its website. When I met with senior leaders at the school, I was assured – although provided with no evidence – that the arrangements had been determined, although later than required by paragraph 1.46 of the Code. I pointed out non-compliance with paragraph 1.47 of the Code, which says that admission authorities "*must publish a copy of the determined arrangements on their website displaying them for the whole offer year ...*". This was accepted, and the admission authority undertook to ensure that the arrangements for 2015, 2016 and 2017 were available on the school's website as required at the time. All three sets of arrangements were quickly put onto the school's website and are easily accessible, although it might have been helpful to have included a note to potential applicants that there have been objections to the 2016 and 2017 arrangements and that a determination by the OSA was pending.
60. Finally, the LA raised an objection to a statement concerning the operation of **waiting lists**, which it considered to be unclear in relation to the requirements of paragraph 2.14 of the Code, and to perceived non-compliance with paragraph 2.9a) of the Code concerning **late applications**. Regarding the first of these points, the arrangements are clear about the length of time during which a waiting list will be maintained and that the oversubscription criteria will be applied when offering an available place as required by paragraph 2.14. Although reference to the ability band in which a place is available undoubtedly complicates the arrangements and requires an applicant to cross-reference two separate parts of the arrangements, I do not see any lack of compliance with paragraph 2.14 and so I do not uphold the objection to a lack of clarity concerning waiting lists. The objection to the section in the arrangements concerning late applications draws attention to the fact

that conditions are applied. Paragraph 2.9a) of the Code states that admission authorities “**must not refuse to admit a child solely because ... they have applied later than other applicants**”. However, the arrangements make it clear that late applications will be accepted and explains the circumstances that might permit this. I therefore do not uphold this part of the objection.

61. I have considered carefully an appropriate date by which the arrangements must be amended in accordance with this determination. In relation to the school’s PAN, this change can be made quickly and that this be done is in the interests of meeting as much parental demand as is possible for admissions in September 2017. So far as other changes are concerned, I consider that on balance it is right to give the admission authority until 28 February 2017 (which is the deadline for determining arrangements for 2018) to make the necessary changes. This will allow time for the admission authority to consider the options available to it and to consult with others with an interest.

### **Conclusion**

62. In the preceding paragraphs I have considered, against the requirements of the Code and other relevant legislation, the evidence put forward by the admission authority and the other parties to objections against the 2016 and 2017 arrangements. For the reasons set out in detail above, I uphold the objection to the oversubscription criterion in the 2016 arrangements that names two feeder primary schools which, while clear, transparent and made on reasonable grounds as required by paragraph 1.15, are not fair as required by paragraph 14 of the Code because it is unfair to children who have attended two other local primary schools (Bedfont and Fairholme) and are not reasonable as required by paragraph 1.8 as they are not reasonable in their impact on these children. I also determine, for the same reasons, that the oversubscription criterion in the 2017 arrangements naming two feeder primary schools does not conform with paragraphs 14 and 1.8 of the Code.

63. I uphold those parts of the objections to the 2017 arrangements objections that contend that:

- a. the reduction to the school’s PAN is unfair to local children and their families in limiting their access to places at the nearest school at a time when the overall demand in the local authority for places in secondary schools is increasing;
- b. the arrangements were not determined according to the timescale set out in paragraph 1.46 of the Code, although they were subsequently determined; and
- c. the school’s arrangements for 2017 were not published on its website as required by paragraph 1.47 of the Code, although the admission authority did rectify that omission after it was pointed out by the adjudicator.

64. I do not uphold those objections to the 2017 arrangements that:

- a. refer to the admission authority's conduct of the consultation on its proposed arrangements for 2017, although I believe greater efforts might have been made to communicate effectively with interested parties and to ensure that the reasons for decisions based on responses to the consultation were fully and convincingly explained; and
- b. are concerned with the explanation of the operation of waiting lists and the acceptance of late applications.

## **Determination**

65. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements for September 2016 determined by the Aspirations Academy Trust for Rivers Academy West London in the London Borough of Hounslow.

66. In accordance with section 88H(4), I partially uphold the objection to the admission arrangements for September 2017 determined by the Aspirations Academy Trust for Rivers Academy West London.

67. I have also considered the arrangements for September 2017 in accordance with section 88I(5) and find that there are matters which do not conform with the requirements relating to admission arrangements in the ways set out in this determination.

68. 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 the determination unless an alternative timescale is specified by the adjudicator. In this case I specify a deadline of two months from the date of the determination in relation to the published admission number and a date of 28 February 2017 in relation to all other matters.

Dated: 11 November 2016

Signed:

Schools Adjudicator: Andrew Bennett