

# Appendix C



Office of  
the Schools  
Adjudicator

## DETERMINATION

**Reference:** ADA2982

**Objector:** A member of the public

**Admission Authority:** The London Borough of Barnet for Moss Hall Infant School

**Date:** 28 October 2015

### Determination

**In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements determined by the London Borough of Barnet for Moss Hall Infant School for September 2016.**

### 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 about the admission arrangements (the arrangements) for September 2016 for Moss Hall Infant School (the school), a community infant school for pupils aged 4 to 7 years. The admission authority and the local authority is the London Borough of Barnet. The objection is to the catchment area of the school, called defined area in the admission arrangements, which the objector considers to be unfair and to the priority for siblings.

### Jurisdiction

2. These arrangements were determined under section 88C of the Act by the London Borough of Barnet. The objector submitted the objection to these determined arrangements on 26 June 2015. The objector is a member of the public who wishes to remain anonymous. Regulation 24 of the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 (the Regulations), provides that an objection may only be made where an objector provides his or her name and address to the adjudicator and the objector has done so in this case. I am satisfied the objection has been properly referred to me in accordance with section 88H of the Act and it is within my jurisdiction. 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 objector's form of objection and supporting documents dated 26 June 2015;
- b) the local authority's response to the objection and supporting documents dated 29 July 2015;
- c) the local authority's composite prospectus for parents seeking admission to schools in the area in September 2015 and 2016;
- d) maps of the area identifying relevant schools and catchment areas;
- e) further communications from the objector and the local authority;
- f) a copy of the determined arrangements; and
- g) information about the projected number of pupils in the local authority's area, downloaded from the internet.

## The Objection

- 6. The objector considers that the arrangements are unfair and therefore do not comply with paragraph 14 of the Code which states that "*In drawing up their admission arrangements, admission authorities **must** ensure that the practices and the criteria used to decide the allocation of school places are fair, clear and objective*". The objection focuses on the size of catchment areas and compares the relative size of the school's catchment area and published admission number (PAN) with those of a nearby school, Northside Primary School.
- 7. The objector also says that the priority for siblings is unfair as they have priority whether or not they live in the catchment area. This is unfair as the use of the sibling criterion is enabling children who live further away from the school to be allocated a place before those nearer without siblings.

## Background

8. The school is a local authority maintained community infant school for 4 to 7 year olds in the West Finchley area of Barnet. The school has a PAN of 120 for

admission to the Reception year in September 2016. The school was expanded from a PAN of 90 to 120 in 2013. The school is oversubscribed, but it admitted all applicants living in the catchment area and a short distance outside in both 2014 and 2015.

9. The local authority has a rapidly growing school population. Data from the London Government Association shows there was an increase in the number of households from 136,000 in 2011 to 150,000 in 2015 with an associated increase in demand for school places. The local authority operates a system of catchment (defined) areas for each of its schools. These were originally designed so that every address was within a catchment area and all addresses were within a safe walking route to a school. The local authority writes that the areas *"took account of the location and proximity of other schools in the area. The defined areas do not, therefore, necessarily represent the closest school to the address."*

10. The catchment area of Northside Primary School has parts that are also in the catchment areas of other schools, namely Queenswell Infant School in the north, Summerside Primary in the south east and Moss Hall to the South. However, part of Northside's catchment does not overlap with the catchment of any other school, including part of its most southerly area adjacent to the school's area. It is this part of Northside's catchment that the objector believes should be included in the school's catchment area.

11. The arrangements for admission in September 2016 were determined by the Director for Education and Skills and were subsequently published as required by the Code; they are in summary:

- a) Looked after children and previously looked after children;
- b) Children considered to have exceptional medical/social or other needs;
- c) Children who have a sibling at the school;
- d) Children who live in the individual school's defined area with priority given to those who live closest to the school;
- e) Children who live outside the defined area with priority given to those who live closest to the school.

### **Consideration of Factors**

12. The first part of the objection is the fairness of the catchment area of the school and the second part is the priority for siblings. There are other issues and questions which the objector submitted in the objection form and subsequent communications which are not within my jurisdiction, including questions about the responses from the local authority.

13. The first part of the objection is the fairness of the catchment area used in the oversubscription criteria which it is said contravenes paragraph 14 of the Code. The Code at paragraph 1.14 sets out the requirements for a catchment area and says *"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.*” There is no dispute about the catchment area being clearly defined. The local authority’s website has a map for each school which clearly defines its boundaries.

14. When I consider the requirement for reasonableness, viewing the catchment area for Moss Hall about which the objection is made I see from the data supplied by the local authority that the school admitted all the catchment area pupils who applied both in 2014 and 2015 and that the school was expanded from a PAN of 90 to 120 to meet an increase in demand from the locality. I can see from the map that the all the addresses are within a reasonable walking distance from the school. I find that the catchment area for the school is reasonable and clearly defined.

15. The objector argues that not to include part of the catchment area of Northside Primary which has PAN of 30 and of those places, 22 were taken by siblings, in the catchment of the school, is unfair. The local authority’s response is that *“the high demand for primary places unfortunately means that most Barnet schools have more applications than places available. The local authority is aware that a consequence has been that an increasing number of children living in a school’s defined area were not being offered a place. So far we have responded by increasing capacity in the areas of greatest demand but have not changed the boundaries of existing priority areas”*.

16. In arguing that the catchment area is unfair, with reference to paragraph 14 of the Code, the objector has constructed a table to demonstrate this unfairness which I show below.

Year	Total Number of applications	
	Northside (30 places)	Moss Hall (120 places)
2015	283	513
2014	288	492
2013	216	426
2012	204	474

17. The objector concludes from this table that, at Northside, the chance of admission is 1 in 9 and at Moss Hall it is 1 in 4 and further argues that when the PAN of Moss Hall was increased from 90 to 120, the catchment area should have been increased to include certain roads such Avondale Avenue, which are immediately adjacent to the school’s catchment.

18. I think there may be a variety of ways to try to calculate a chance of gaining admission to a school. I asked the local authority for projected numbers of pupils in the catchment area in relation to the available PANs; they responded that they do not hold data at the level of catchment areas but of wards; I looked at numbers of first preferences in relation to PANs, so for example for September 2015, Northside had 77 first preferences and admitted 29 of them and Moss Hall had 164 first preferences and admitted 109 and at the numbers of 'in catchment' applicants offered school places, each giving a different "chance" of entry. My view of this is, in an area that is densely populated such as Barnet, where the schools are of different sizes, and then the chances of gaining a place at a school will vary between schools. I take fairness in the Code to be the application of the rules without prejudice or discrimination and just and reasonable treatment in accordance with those accepted rules or principles. Fairness does not in this case mean that all applicants will or can have the same chance of admission to the school they most prefer. I am not persuaded that the catchment area for the school is unfair and I do not uphold this part of the objection.

20. I move on to consider the second part of the objection, the place of siblings in the oversubscription criteria. The objector refers to some recent publicity and the report of the Chief Schools Adjudicator about this matter. The objector writes *"the other concern I have raised is that the Admission Criteria of Moss Hall Infant and Northside Primary School is unfair to the local children, who don't have older siblings at the school Children with siblings attending are given a priority regardless of the area in which they now live. The sibling criterion is generally a good practice. For it to appear fair, it should only be applied to families living in the area as it is in some Local Authorities. The issue was raised in 2013, when the Office of the School Adjudicator criticized the policy of awarding priority school places to siblings in heavily oversubscribed school, saying the system may harm other pupils living in the catchment area."*

21. The local authority states in its response that it *"firmly believes it is fair to support families by giving a high priority to siblings"*.

22. In some previous Codes there was a positive encouragement for admission arrangements of primary schools to prioritise siblings so that children of the same family could attend the same school. The current Code makes it clear that it is for admission authorities to determine their arrangements that must be reasonable, clear, objective, procedurally fair and comply with the law. In the paragraph on siblings the Code requires admission authorities to define siblings and to be clear about their priority. It does not encourage or discourage authorities from including sibling priority in their arrangements.

23. I can see this might be an issue of concern for the objector about Northside, where 22 of the 30 places were offered to siblings, but at Moss Hall in 2014 and

2015 all of the applicants within the catchment area were offered places and some from outside. No child living in the catchment area was denied admission because places were taken by siblings. I do not accept that for the school the priority for siblings is unfair and so I do not uphold this part of the objection.

### **Conclusion**

24. I have considered the objection to the admission arrangements of Moss Hall Infant School and have concluded that the arrangements do not contravene the Code. I have not been persuaded that difficulties identified by the objector faced by parents living in the catchment area of another nearby school make Moss Hall's catchment area unfair nor is the priority given to siblings at the school unfair. I therefore conclude that the oversubscription criteria do not contravene paragraphs 1.14 and 14 of the Code.

25. I have noted in correspondence that the local authority is aware that given the rise on the number of children for whom a school place is required some residents are concerned about the appropriateness of the catchment areas for schools. The authority will be reviewing its arrangements before determining them for 2017.

### **Determination**

26. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements determined by the London Borough of Barnet for Moss Hall Infant School.

Dated: 28 October 2015

Signed:

Schools Adjudicator: Miss Jill Pullen