

DETERMINATION

Case reference: ADA/001712

Objector: Two qualified parents

Admission Authority: City of York Council

Date of decision: 24 September 2009

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection lodged by two qualified parents in respect of the 2010 admission arrangements for community primary schools in the City of York.

I determine that for September 2010 the admission arrangements shall be as determined by the City Council.

The referral

1. Two qualified parents (the objectors) have referred an objection to the Adjudicator about the admission arrangements (the arrangements) made by the City of York Council (the City Council) for community primary schools for admissions in 2010, with particular regard to the relatively low priority attached to children who have siblings attending their parents' preferred school.

Jurisdiction

2. These arrangements were determined as required by the School Standards and Framework Act 1998 (the Act) and the School Admissions (Admissions Arrangements) (England) Regulations 2008 (the Regulations) by the City Council, which is the admission authority for community schools in the area. The objectors submitted their objection in accordance with section 88H of the Act and the Regulations. I am satisfied that this objection has been properly referred to me in accordance with section 88H of the Act, and that it

falls within my jurisdiction.

Procedure

3. In coming to my conclusions I have had full regard to the Act and Regulations made thereunder, the Schools Admissions Code (the Code) and all the evidence presented so far as it is relevant to the objection. I have also had regard to the relevant provisions of the Sex Discrimination Act 1975; the Race Relations Act 1976; the Disability Discrimination Act 1995; and the Human Rights Act 1998.
4. The documents I have considered in reaching my decision include:
 - The objectors' statement of objection dated 29 July 2009
 - Comments on the objection submitted by the City Council, on 20 August with supporting documents, including a statement from the school which is the focus of the objectors' concern
 - The objectors' comments of 27 August on the City Council's statement
 - Maps of the area identifying relevant school.

Background

5. The City Council first established the policies upon which its admission arrangements are based in 2002, following extensive consultation. The arrangements have subsequently been reviewed in the light of changing requirements and developing local circumstances, but the underlying policy, summarised as "local schools for local children" has been confirmed and maintained.

The Objection

6. The objector makes the following points in support of their case that the arrangements are unfair and thus not compliant with the Code.
 - a. Paragraph 2.25 of the Code states that families should be at the heart of admissions systems and that the Government expects admission authorities for primary schools to take the needs of parents with young children into account in deciding which oversubscription criteria should

be used. Further, the paragraph states that admission authorities for primary schools should ensure that their oversubscription criteria enable siblings to attend the same primary school. The City Council has failed to comply with these expectations.

- b. By giving children living in a designated catchment area higher priority in the allocation of places than siblings of children already at the school, the City Council makes unreasonable demands on the parents of young children, requiring complex and onerous arrangements for accompanying their children to their schools.
- c. This has the additional adverse effect of making it more difficult for parents to play an active part in the life of their children's schools.
- d. Several Local Authorities in the area have arrangements that give higher priority to siblings. There appears to be no reason why this should not be the case in York.

Response by the City Council

7. In response to the objection the City Council makes the following points.
 - a. The oversubscription criteria are fair and equitable, meet the requirements of the Code, and are appropriate to local circumstances, which include rural and urban areas.
 - b. The City Council's continuing commitment to the arrangements is based on annual reviews and consultation with the School Admissions Forum. A major consideration in this is the high proportion of families securing a place in their first preference schools (98% in 2007 and 95% in 2008).
 - c. The high priority attached to families living in designated catchment areas brings stability and predictability to the admissions process, and reinforces peer friendships.
 - d. Although some Local Authorities do operate arrangements that give higher priority to siblings, the City's neighbours in North Yorkshire and the North Riding of Yorkshire have adopted policies that are similar to those in the City of York.

Consideration of Factors and Conclusion

8. The City Council is correct in its view that the arrangements do not contain any feature that is specifically proscribed by the Code. But there is a duty to go beyond this to ensure that the arrangements and associated policies taken as a whole are fair (paragraph 1.72 of the Code). Insofar as the arrangements operate on a consistent basis across the City, so that every family has a priority for admission to at least one local school I consider the arrangements to be fair and equitable, and therefore compliant with the mandatory requirement of the Code set out in paragraph 1.72.
9. On the important but narrower point of the priority to be afforded to siblings, it is important to note that the relevant section of the Code does not refer to a mandatory requirement, but to feature that admission authorities should seek to include. In broad terms this means that the absence of such a feature can be acceptable if the admission authority has cogent reasons for this. The arguments put in support of the arrangements by the City Council are persuasive, although not in themselves conclusive. The Code supports the City Council's aspiration that parents be as clear as possible about their chances of securing a place in a particular school; that the arrangements should be as simple as possible; and that schools should serve their local communities.
10. In circumstances where families attach the highest importance to their children attending the same primary school, whether for the reasons given by the objectors or for other reasons, it is open to them to apply for places at their catchment area school where they can be more confident that both/all their children will be offered places.
11. I note that, although higher priority is attached to children living in a school's catchment area, sibling connections are included in the oversubscription criteria. The City Council has taken this issue into account and attached some weight to it, insofar as this is consistent with its wider policy on admissions.

12. Finally I would observe that, whilst the Code does encourage priority for siblings in primary school admission arrangements, it also prohibits the use of a sibling criterion that unfairly disadvantages other families (paragraph 2.24). Where an over-subscribed school gives a higher priority to siblings than to children living in the catchment area, it can quickly reach the point where it is unable to accommodate all applicants living in the catchment area, thereby undermining the benefits of a catchment area and introducing a perception of unfairness.

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection lodged by two qualified parents in respect of the 2010 admission arrangements for community primary schools in the City of York.

I determine that for September 2010 the admission arrangements shall be as determined by the City Council.

Dated: 24 September 2009

Signed:

Schools Adjudicator: Andrew Baxter