

## **DETERMINATION**

**Case reference:** ADA/000930

**Objector:** Derby City Council

**Admission Authority:** Chellaston School

**Date of decision:** 19 June 2006

### **Determination**

**In accordance with section 90 (3) of the School Standards and Framework Act 1998, I partially uphold the objection to the admission arrangements determined by Chellaston School.**

**I determine that for admissions in September 2007 the first footnote should be replaced by: “In categories 1 to 3, when choices have to be made between children meeting the same criteria, preference will be given to children who would have to travel furthest to an alternative school”.**

**I also determine that the second footnote should be replaced by: “Parents may need to provide evidence of their permanent residence by producing proof of the purchase of their home or a Council tax bill *and* a bank statement or services bill showing their address.”**

### **The Referral**

1. Derby City Council (“the Council”) has referred an objection to the Adjudicator about the admission arrangements for Chellaston School (“the school”), a secondary Foundation school, for September 2007.

### **Jurisdiction**

2. These arrangements were determined under section 89(4) of the School Standards and Framework Act 1998 (“the Act”) by the governing body which is the admission authority for the school. The arrangements were notified to the objector on 10 April 2006 and the Council’s objection was received on the 23 May. I am satisfied that this objection has been properly referred to me in accordance with section 90 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 Code of Practice on School Admissions and all the evidence presented so far as it is relevant to the objection. I have also had regard to the Human Rights Act 1998, and, as required by Schedule 5 to the Act, to the relevant provisions of:

- The Sex Discrimination Act 1975;
- The Race Relations Act 1976;
- The Disability Discrimination Act 1995.

4. The documents I have considered in reaching my decision include:

- The Council's letter of objection and supporting documents;
- The school's response to the objection and supporting documentation;
- The Council's booklet for parents seeking admission to schools in the area in September 2006;

5. I have also taken account of information received during a meeting I convened on 12 June attended by representatives of the school and the Council.

## **Context**

6. Chellaston School is an 11-18 comprehensive school within Derby City Council but situated close to the border with the County. It has a catchment area that includes part of the City and a number of villages in the County. The school has expanded considerably in recent years. It has been able to accommodate all the children from the catchment area so far but more house building locally has placed it under increasing pressure. It occupies a restricted site and, with a further growth in numbers projected for the area, believes that it may not in future be able to offer places to all catchment area children. It has proposed some changes to its admission arrangements for 2007 with the intention of giving priority to families with closest links to the school and the community.

## **The Objection and Response**

7. The objection is that:

- Priority is given to children whose residence was first registered on HM land registry
- Parents and guardians are required to have a lease or rental agreement of not less than six months

- Siblings of compulsory school age are given priority over those who live in the catchment area.

8. The response was:

- The existing tie-breaker of distance between home and school is unfair to children in villages where an alternative school is not easily accessible. The Land registry proposal at least gives security to families who have lived longest in the community;
- The school needs assurance that parents will not be able to cheat the system by taking a short term let in the catchment area solely to get a place for their child and then move back to their permanent home;
- The governors think it important that families should be educated together.

### **Consideration and Conclusions**

9. I first considered the question of whether the school should give priority to children who have lived in the catchment area the longest, as evidenced by the registration of their property on HM land registry. Paragraph 7.29 of the Code of Practice says that priority should not be given to children on waiting lists based simply on the date of application. While this reference is not directly aimed at the matter under consideration here, it can be inferred that the intention of the Code is to discourage admission authorities from discriminating against people who have moved into the area most recently. In many areas it is likely that this could discriminate against certain social groups. Many people who have lived in the area for many years will have chosen to move to a new house in the same area. Some will have moved into the area because of a change of job or another reason beyond their control. Many of them will have made a considerable contribution to the community they have left. There is no good reason for them to receive worse treatment than people who have lived in the area longer. Additionally, the way in which the length of residence is measured (by reference to the Land Registry) is problematic because many older residences have not been registered.

10. Having reached the conclusion that the school should not use the tie-breaker it proposes, I have to acknowledge that a tie-breaker of some kind is needed. The school, the City and the County all agree that it would not be reasonable to expand accommodation on the existing restricted site so that all children from the catchment area can be accommodated. All agree that it would be extremely difficult to reduce the pressure by making a permanent reduction in the catchment area (and so reducing the number of children eligible for priority). All agree that the existing tie-breaker of home to school distance creates unfair difficulties for children who live a long way from alternative schools.

11. I have discussed with the school a number of alternative tie-breakers that might be introduced instead of the one they propose. I share their view

that there is no solution that all parents would find attractive. I have concluded that the most suitable tie-breaker would be to give priority to children who would have to travel furthest to an alternative school.

12. The second objection is about the criterion that gives priority to people who can demonstrate that they are committed to live in the area for at least twelve months after submitting their application. The school says that the requirement was designed to deal with a perception that some families are prepared to take short term lets in the catchment area simply to secure a place at the school. These people have no intention of staying in the area and move again as soon as they have been allocated a place. The City Council has dealt with this problem by using a slightly different set of criteria in neighboring schools. Since parents apply for places in several schools, the Council suggests that it would be clearer for parents if all schools used the same criteria. I agree with the Council that the school should use the same criteria, namely that parents should provide proof of the purchase of their home or a Council tax bill *and* a bank statement or services bill showing their address.

13. The third objection is to the order of the criteria. In some local authorities, siblings of children already at the school are given priority over children who live in the catchment area; in other authorities, catchment area children take priority. The Derby admissions forum decided that they would encourage Derby schools to give priority to children who live in the catchment area above siblings who do not. There is nothing in the Code to suggest that either approach is preferable. The Council argues that parents will find it simpler if all schools in the area are using the same approach. The school believes that it should be possible for children in the same family to be educated together. In addition, appeals panels have agreed in recent years to all appeals from siblings who live outside the catchment. It would be clearer for parents if they knew from the start that these children would get in. Both arguments are valid. In the absence of a stronger argument for the objection, I have concluded that this aspect of the arrangements should remain as published.

### **Determination**

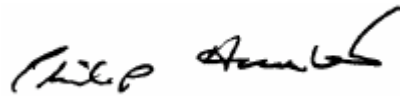
14. In accordance with section 90 (3) of the School Standards and Framework Act 1998, I partially uphold the objection to the admission arrangements determined by Chellaston School.

15. I determine that for admissions in September 2007 the first footnote should be replaced by: "In categories 1 to 3, when choices have to be made between children meeting the same criteria, preference will be given to children who have to travel furthest to an alternative school".

16. I also determine that the second footnote should be replaced by:  
“Parents may need to provide evidence of their permanent residence by producing proof of the purchase of their home or a Council tax bill *and* a bank statement or services bill showing their address.”

Dated: 19 June 2006

Signed:

A handwritten signature in black ink, appearing to read 'Philip Hunter', written over a light grey rectangular background.

Schools Adjudicator: Dr Philip Hunter