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Dear Mrs Short

OBJECTION TO THE ADMISSION ARRANGEMENTS OF HARROGATE SECONDARY SCHOOLS
ADA/001399 – ADA/001409

This letter sets out the Authority's response to the above objections which are to be considered by Dr Elizabeth Passmore.

I enclose a copy of the determined admission arrangements for Sept 2009 and a copy of the County Council minutes in Feb 2008 when these arrangements were determined. I am also sending copies of the Guide for Parents for both 2008/09 and 2009/10.

Although over 40 parents are named in these objections, their objection is essentially the same in that they object to the LA admissions criteria for the community schools in Harrogate. There are five secondary schools in Harrogate, serving the town and the rural area. Two of the schools, St John Fisher RC and St Aidan's C of E are voluntary aided with admissions criteria set by the Governing Body. Because of their religious status, both these schools serve a wider area than Harrogate town and Harrogate rural, and admit pupils from out-area North Yorkshire and out-County. There are three community schools, Harrogate Grammar School, Rossett School and Harrogate High School. All three are comprehensive schools which share a catchment area which covers the town and the rural hinterland (see map attached). From the map, you will see that these three schools are all within walking distance of each other and are reasonably close to Harrogate Town Centre.

The admissions criterion for community schools, which gives priority to rural applicants, has been in place since the 1970s without challenge, although there has been the occasional request from a primary school on the edge of town to be classed as rural. It is, in effect, a sub-division of the countywide in-area criterion and gives rural in-area applicants priority over town in-area applicants. This was put in place in the 1970s as all three Harrogate schools are close to the town centre and on a straightforward "distance

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from the school" criterion rural children would rarely, if ever, be allowed a place at whatever was the more popular school at any one time. This is because "town" greatly outnumber "rural" children.

Between 2003-08, the size of the town cohort has been between 685 and 750 children and the size of the rural cohort has been between 136 and 170 children. Interestingly, 2008 is the year with the highest number of rural pupils over the last five years and the lowest number of "town" pupils so this may have created additional pressure

This prioritisation within the in-area criterion has worked effectively for around 35 years. It is not a guarantee of a place as many objectors state. However, two things have changed in 2008. The first is that Harrogate Grammar School has become even more popular. In 2008 there were 361 first preferences for its 256 places and 341 first preferences in 2007. This has increased from being 30-40 places oversubscribed a few years ago to now being over 100 places oversubscribed. Secondly and more significantly, the authority has had to change the way it allocates parental preferences because of guidance in the 2007 School Admissions Code.

In 2007 and for around ten years prior to that date, the Authority operated an "elevated second preference" system. However, the 2007 Code states at para. 2.13(b) that authorities must not:

"give priority to children according to the order of other schools named as preferences by the parents, including "first preference first" arrangements"

and also at para. 1.31:

"Local authorities must ensure in their schools that parents receive their highest available preference".

This has led many admissions authorities across the country to adopt an equal preference scheme for 2008 and it is the adoption of this type of scheme in North Yorkshire which has led to a small number of rural children receiving a higher priority than there would have been under the previous system. It may be helpful to note that of the 82 rural children allocated places at Harrogate Grammar School for September 2008, 8 were allocated as a second preference and one as a third preference.

Attached is a worked example showing how the new equal preference system works in practice compared with the previous system which is now ruled out by the 2007 Code. This briefing paper was prepared in April 2008 for senior officers and Executive Members showing the effects on different areas of the County of the "equal preference" method of allocation now required by the Code. Also attached is a table showing the difference in allocations for Harrogate Grammar School, currently the most popular community school in 2007 and 2008, and which virtually all of the objectors name as the reason for their complaint. Both lists show which schools are town, which are rural and which are out-area.

In summary the authority's case is:

- it always has and still is possible to use a catchment area criterion to give priority in the case of oversubscribed schools (para. 2.35 of 2007 Code);
- the North Yorkshire definition of catchment area for Harrogate Town + Rural is subdivided to give priority for rural over town (see Admissions Brochure for 2008, p.41, and for 2009 at p. 56);
- the "rural passport" criterion as it is locally known complies with the Code in particular para. 1.65 d) as the balance of numbers between rural and town are such that without this subset within the catchment area, rural parents would have little chance of having their preferences met;
- the Authority notes para. 2.38 of the School Admissions Code as mentioned by the objectors. However, the direction of the Code is to enable all parents to have a fair and reasonable chance of having their preferences met. (See Sections 1.64 onwards.) Without the rural priority criterion, this simply wouldn't happen for children in the Harrogate rural area. The Code seems to support this interpretation as the requirements in 1.64 onwards area described as "musts" whereas 2.38 is described as "should". However, we have taken all the recommendations in 2.38 into account;
- that the requirements of the 2007 Code which leads authorities to adopt "equal preference" schemes as North Yorkshire has done, has led to a number of rural children (19) being given a higher priority than they had been given under the old (and now unacceptable) criteria;
- that the Authority has published its admission arrangements for 2009 entirely properly and has administered the 2008 arrangements in accordance with the published arrangements 2008.

I hope that this enables the Adjudicator to come to her determination. Please let me know if further information is needed. We would be happy to meet Dr Passmore if she would like a briefing or to ask further questions.

Yours sincerely

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Briefing Paper – Admissions

The admissions policy for 2007/08, which applied for a number of years regarding community and voluntary controlled schools, allowed the LA to consider applications made in order of preference (see attachment 1). In effect this was a modified first preference first system thus allowing us to satisfy around 96/7% of first preferences made. The process allowed us to elevate 2nd preferences made for local schools too which assisted the satisfaction figure for parents obtaining the school they wanted for their child(ren).

The new 2007 Schools Admissions Code of Practice prevents local authorities operating such a modified first preference first system and therefore an “equal preference” oversubscription policy replaced the previous one for 2008/09 admission year

This policy now allows us to consider all preferences made within the five priorities specified (see attachment 2). In effect once the relatively few children in priorities 1 – 3 have been allocated their preferred schools those whose parents are living within the normal area of the school are allocated places. Then those children whose parents are living outside the normal area of the school are allocated places on preference.

Thus, all applications for an individual school are assessed using the relevant admissions policy and procedures outlined for the school, without reference to preference order. We then, with our other admission authorities (Voluntary Aided, Foundation and neighbouring LA's) with whom we co-ordinate consider the demand for school places. We consider each child's standing within the relevant admission policy criteria published to decide which children can be provided for a place at each preferred school.

So, if a child can be allocated a place at only one of the parent's preferred schools they will be given a place there.

If a child can be allocated a place at more than one preferred school then the highest ranked school will be allocated. It is important therefore that parents name the school they want most as their highest preference on their preference form.

If a child qualifies for no places at any of the preferred schools named by parents then the child will be given a place at the nearest school maintained by NYCC (or the home admission authority following coordination) which has a place available.

This school may not be a local or named school if that school is oversubscribed and is not named as a preference. We can no longer elevate preferences to ensure parents get a place at their local or normal school.

Children living within the normal area of the school are allocated places before children living outside the normal area of the school.

The enclosed allocation sheets numbered 3-8

- show the numbers of oversubscribed schools by area and how places have been allocated for the 2008/09 academic year (attachment 3)
- the percentage of first preference allocations for 2008/9 which are lower than the previous allocation at around 87% (before appeals) (attachment 4):
- The number/% of first preference allocations for 2007/8 (attachment 5):
The % preference secondary allocations for the last 4 years and appeal results after the same period (attachment 6):
- The % preference allocation for all primary schools for 2004-7 and primary admission appeal results over the same period (Attachment 7).
- Attachment 8 shows the details of this year's Harrogate Grammar School allocations which reflect this. A small change therefore in parents preferring a particular school can have a significant local effect on allocation of places on distance criteria.

Broadly the same schools are oversubscribed across the LA this year compared with the last 4 years but there are some additional factors especially in urban areas where there are one or more 'popular' oversubscribed schools, or other factors such as selection and your catchment areas (e.g. Harrogate urban and rural) which have an effect on school allocations which can be illustrated by some examples.

Harrogate:

A parent living in Jennyfields (NE Harrogate) some 3.2 miles from school preferences thus:

1. Harrogate Grammar School
2. Rossett School
3. St Aidan's Church of England High School
4. King James's School

but is allocated Harrogate High School.

Why?

This parent lives in the joint catchment area of Harrogate Town served by three secondary schools - Rossett School, Harrogate Grammar School and Harrogate High Schools. However the rural Harrogate area has priority over town residents in terms of normal/local area for the same three secondary schools under our current policy dating back to the Old Ridings which we have continued to use as reasonable and objective as advised by the School Admissions Code.

In considering this application let us assume that the child has no statement of special educational needs naming a (town) school, is not in Public Care and has no special social or medical reasons for admission.

The child is not allocated Harrogate Grammar School because the places have been taken up by rural area parents and those parents living in town closest to their school. The same is true for the Rossett School application.

For St Aidan's Church of England High School the parent does not qualify under that aided school admission policy for admission.

In King James's School case the parent is classed as an out of area applicant and therefore is not allocated a place on distance due to significant oversubscription from in area parents, some of whom are not allocated places on distance either.

The nearest available school place for the parents is therefore Harrogate High School and the child is allocated a place there.

Comment:

This year, for the 2008/9 academic Year 7 admissions as a result of "equal preferences" the distance to Harrogate Grammar School and Rossett School for town applications has been reduced.

In previous years up to the 2007 allocation we allocated all first preferences for parents living in rural Harrogate, then all first preferences in Harrogate town, then second rural preferences, second town preferences and so on (i.e. ranked preferences). The new Code of Admissions does not allow this – all preferences (1-5) have to be considered for rural applicants then the same process is undertaken for urban applicants. A fifth preference rural Harrogate application to a town school could theoretically get a place allocated over a first preference town applicant therefore. Attachment 8 gives the details of this year's Y7 allocation where 19 more rural children have been allocated places at Harrogate Grammar School. As a result, 20 fewer town children have allocated places to that school compared with the 2007 Year 7 allocation.

In Skipton

If a parent lives in Skipton town 0.5 of a mile from Aireville School and makes the following preferences then a place will be provided at Aireville School for the child.

Preferences made:

1. Skipton Girls' High School
2. South Craven School, The Technology & Engineering college
3. Upper Wharfedale School – A Specialist Sports College
4. Aireville School

Why?

Let us assume the child is not deemed suitable for a selective school.

The child's parents do not live in South Craven's local area and are too far away from the school for an allocation to be made since all in-area applicants living nearest the school have been allocated before her on distance. The same is true of the Upper Wharfedale School preference. Thus, as the only local school with places available Aireville can be allocated.

Scarborough

A parent living on South Cliff/Cornelian Drive area in the joint catchment town area for Graham and Raincliffe Schools and 3.45 miles distant from Graham School is allocated Raincliffe School makes the following preferences.

1. Graham School Science College
2. St Augustine's Catholic School
3. Filey School, a Technology College
4. George Pindar Community Sports College
5. Raincliffe School

Why given these preferences?

As an in-area parent for Graham School the parents live too far from school since as a result of all in area first preferences Graham School is oversubscribed through our in area distance criteria. The non-Catholic parents do not qualify for St Augustine's Voluntary Aided Catholic School using their admission policy.

Parents are not successful in their Filey and George Pindar Schools application since they do not live in the local area of the school which has been filled by in-area parents and those out of area living closest to the school.

The child is therefore allocated their fifth preference Raincliffe School.

Comment:

It can be seen therefore, where 'popular' schools expand as encouraged by national strategies and work at full or over pupil capacity pressure builds to admit more children to them. Because of local arrangements relating to catchment areas as in Harrogate (rural versus town), this has changed the degree by distance to which parents living near one over subscribed school which is close to their home geographically have gained places there this year.

Where capacity for places is limited in a number of popular town schools – e.g. Harrogate and Skipton sharing a local catchment area and/or one school is extremely popular as in Scarborough parental preference satisfaction rates will fall. There is a tension between the popular school which has potential and is encouraged to expand therefore and the ability of an admission authority to satisfy parental preference at such a school when capacity within

a group of (urban) schools is very limited. In addition, required DCSF capacity reduction requirements and the LA's subsequent ability to ensure the viability of less popular schools is reduced.

As a result of the number of parental appeals is rising in certain parts of the county and the percentage of parents satisfied with their secondary school allocation is falling.

This is coupled with increased parents knowledge and accessibility to greater information and support relating to admissions which is affecting length of time needed in preparing for and presenting admission appeals as well as responding to admission information requirements and subsequent complaints made by parents to the LA or outside bodies like the Local Government Ombudsman or School Adjudicator. More resources are being used therefore to meet this ever growing and more complicated area of work.

PLM/JC
11 April 2008