

Annual Report

September 2001 to August 2002



Office of the
Schools
Adjudicator



Office of the
Schools
Adjudicator

31 October 2002

To the Right Honourable Mr Charles Clarke MP,
Secretary of State for Education and Skills

I have pleasure in presenting my third Annual Report as
Chief Adjudicator of the Office of the Schools
Adjudicator, covering the year from 1 September 2001
to 31 August 2002.

Sir Peter Newsam
Chief Adjudicator

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Introduction

This is the third annual report on the work of the schools adjudicators. It is also my last as Chief Adjudicator. Professor Philip Hunter assumed that role from the first of September. He does so in changing circumstances. Adjudicators were established by the School Standards and Framework Act 1998 and have since worked within its terms and regulatory arrangements. On 24 July the Education Act 2002 received Royal Assent. Its provisions will affect the work of adjudicators in a number of ways which it is not yet possible to predict with any precision, but the legislation will, I hope, prove to be helpful to parents trying to secure a place for children at the school they prefer.

There have been fewer referrals to an adjudicator this year than last. This indicates that the legislation is having its intended effect. Local decisions on admission arrangements and statutory proposals are being taken and agreed locally without the need for intervention by any outside agency. This is as it should be. One less happy consequence of this, however, has been that the matters referred to an adjudicator have tended to become increasingly complex and contentious. Where local efforts to reach local agreement, either on admissions or on statutory proposals, have been unsuccessful it is now more often the case than in the past that the differences that have emerged are genuinely irreconcilable. In these circumstances, whatever decision an adjudicator reaches, one party to the disagreement will be disappointed and, it may be, even dismayed by that decision. There is no way round that. To ensure that, whatever decision is thereafter reached, all concerned can be assured that their views have been carefully considered, adjudicators have been willing, either on their own initiative or when asked to do so, to hold informal hearings locally. These local hearings enable adjudicators to listen directly to what interested parties wish to put to them.

In dealing with statutory proposals this year the importance of the role of the secretary to the school organisation committee has become evident. There have been wide differences in the quality of the documentation those committees have had before them. Much of that documentation is required by regulation. In some instances, not all has been provided either to the School Organisation Committee or subsequently to the adjudicator. Defects in public notices have not always been detected and it has remained unclear, to take another example, whether proper regard has been had, when the quality of education is a matter on which a school

organisation committee needs to form a judgement, to the findings contained in reports from Ofsted. In these circumstances, it has been for the adjudicator to assume an investigatory role rather than the one he is ordinarily required to fulfil: whereby evidence provided in the prescribed form can be reviewed and considered "afresh" as part of the decision-making adjudication process envisaged in the legislation.

To set against occasional shortcomings, some of the material provided by secretaries to school organisation committees, including their minutes of meetings, has been of outstanding quality. The importance of these minutes is that they can draw issues to an adjudicator's attention in ways that other documentation may not.

So far as admission arrangements are concerned, it has become apparent in past years that parents in local education authority areas with a high proportion of secondary schools which are their own admission authorities can find the admissions process both confusing and difficult to negotiate successfully. Last year has been no exception. In such areas, a local authority's efforts to coordinate admission arrangements to all the schools in its area have proved difficult, sometimes impossible, to implement. The new Education Act should make coordination easier to develop; though the effect of an increasing number of publicly-funded secondary schools, for the most part outside the remit of a local education authority and to which arrangements for coordinated admissions are intended to apply, has yet to be seen.

The report that follows gives details of the work of adjudication last year. In that work, adjudicators have received assistance from a number of agencies:

- From members of the Treasury Solicitor's Department, whose advice on the proper interpretation of the legislation has once again been invaluable.
- From the Council on Tribunals, who have provided advice on the conduct of local hearings and on other matters relating to the role of adjudication.

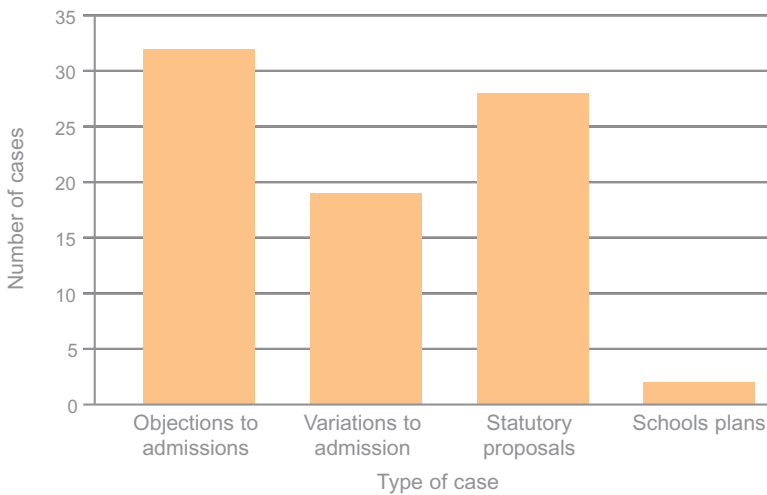
- From officers of the Department for Education and Skills, who have been careful to respect the independence of adjudicators but, in response to requests from the adjudicator's office, have made their specialist advice freely available.
- From the office of the schools adjudicators itself. For much of the past year, the fifteen part-time adjudicators, living in widely-dispersed parts of the country, have been consistently well-supported by five full-time and three part-time members of staff.

Finally, I would like to record my thanks to my fellow adjudicators. All have other commitments but each has been prepared, sometimes at short notice, to set aside time to deal thoroughly with referrals that have been passed on to them. The year ended sadly. On 31 August, the last day of this reporting year, we were distressed to hear of the death of our colleague, Gordon Hainsworth, from whose friendship and deep understanding of education we have all of us benefited both professionally and personally.

Volume of work

There has been a reduction in the total number of referrals to adjudicators between last year and this. Last year's total of 108 referrals has reduced to 79. Objections to admission arrangements have fallen from 63 to 31. Requests for mid-year variations of admission arrangements have, however, risen from 11 to 19. References from school organisation committees on statutory proposals have reduced from 34 to 28. No admission arrangements were referred to the Secretary of State on the grounds that the objection was 'about any criteria for admission to a school relating to a person's religion, religious denomination or religious practice'.

Summary of referrals



Objections to admission arrangements

Total objections	31
Decisions issued	27
Decisions outstanding	3 ¹
Out of jurisdiction	1

Variations to admission arrangements

Total referrals	19
Decisions issued	17
Decisions outstanding	0
Out of jurisdiction	1
Withdrawn	1

Statutory proposals

Total referrals	28
Decisions issued	24
Decisions outstanding	3 ¹
Withdrawn	1

School plans

Total referrals	1
Decisions issued	1
Outstanding	0

Note

- 1 Decisions outstanding on 31 August 2002: 3 admission arrangements and 3 statutory proposals. Five decisions were issued and one statutory proposal was withdrawn shortly after that date.

Speed of disposal

The average time taken to decide on objections to admission arrangements, at 10 weeks, is the same as last year.

The number of mid-year variations to admission arrangements has increased. Some have raised complex issues but most have been uncontroversial. This is reflected in the time taken to deal with them. 14 of the 19 referrals were dealt with within six weeks.

The average time taken to make the determinations on statutory proposals has increased slightly this year to 10 weeks.

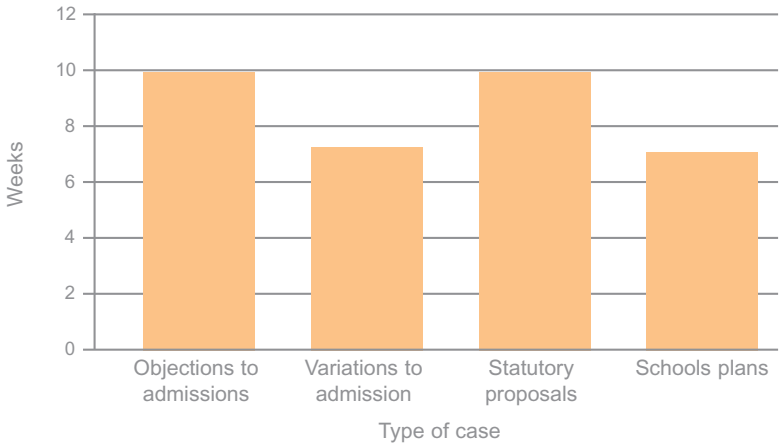
Only one School Organisation Plan was referred to the adjudicator this year. It was dealt with in 7 weeks.

At present, there are two main reasons why it is proving difficult for adjudicators to reduce the average time taken to reach decisions on matters referred to them. The first, already referred to, is that adjudicators almost always require further information to be sent to them before they are in a position to reach a soundly-based conclusion. That is understandable, but in some instances, that information takes a considerable time to collect, either because the initial documentation adjudicators receive is defective or because subsequent correspondence from one or more sources raises complex issues on which a response by other persons or institutions concerned has to be invited and then considered. On some occasions, particularly over school holiday periods, it has proved difficult to obtain appropriately authorised responses within the time limits proposed but, at the same time, it has been considered unfair to proceed to a decision without those responses.

The second reason why some decisions take much longer than others is the degree of controversy the proposals in question have already aroused. This is particularly true of statutory proposals referred to an adjudicator by a school organisation committee. Parents are not represented on these committees, though some committees have adopted the practice of inviting representations of parents affected by a proposal to address them before voting on that proposal.

But whatever procedure is adopted at this stage and however thorough earlier consultative arrangements have been, parties in particular increasingly want to put their views directly to an adjudicator, with whom the decision on a disputed proposal now rests. The informal local hearings, which are the means by which adjudicators may decide to respond to these requests by parents, take time to arrange, hold and reflect upon. There is no easy way of reducing the time involved in this.

Average time taken to clear cases



Admission objections and variations by LEA area

The main categories into which objections fell were:

The timing of applications to, or selection tests for, designated grammar schools

This was the main subject of objections this year. Objections relating to the fairness or otherwise of such arrangements arose in relation to nine admissions authorities and affected the whole of one LEA area. Seven were upheld, two not upheld.

Oversubscription criteria

There were seven objections relating to criteria that, for example, gave priority, when a school was oversubscribed, to the children of members of staff or to siblings of pupils who had in the past attended the school. Six were upheld, one was not upheld.

Feeder primary schools

Linking a number of primary schools to a secondary school is normally an acceptable arrangement for managing admissions. Three objections arose because the LEAs considered that the particular arrangements proposed were not in the best interests of local children, some of whom were having to travel a considerable distance to an alternative secondary school. All were upheld.

Objections to partial selection

Following one objection last year to partial selection, there has been an increase to five objections this year. Three were upheld and two not upheld.

Admission arrangements published by an admission authority may be varied by the adjudicator if a major change of circumstances since they were determined makes this necessary in the opinion of the admission authority concerned and the adjudicator. In all 19 cases this year the adjudicator either approved the variation or approved the variation with a modification.

Admission objections by LEA area

LEA	Number of cases
Derbyshire	1
Essex	1
Gateshead	1
Hampshire	3
Hertfordshire	2
Kent	9
London Borough of Bromley	5
Luton	2
Northamptonshire	1
Sheffield	1
Slough	1
Wandsworth	1
Total - 12 LEAs	28

Admission variations by LEA area

LEA	Number of cases
Essex	1
Hertfordshire	1
Kent	2
London Borough of Greenwich	1
London Borough of Harrow	1
London Borough of Havering	1
London Borough of Islington	1
London Borough of Redbridge	2
Medway	2
Plymouth	1
Sandwell	1
Southwark	1
Surrey	1
Tameside	1
Wirral	1
Total - 15 LEAs	18

Statutory proposals and school plans by LEA area

The main categories into which statutory proposals fell were:

To discontinue a school

This was the main subject of proposals this year. Out of the eight cases received, three were approved, two approved with modifications and three were rejected. There was one instance of a case being withdrawn.

To change the category of a school

This year saw the introduction of proposals to change the category of a school, for example, from community to foundation or voluntary controlled to voluntary aided. Seven proposals were received and all were approved or approved with modification.

School organisation plans by LEA area

One school organisation plan was referred to the adjudicator. It had been argued that the plan should include specific area-by-area targets for the reduction in school places. The adjudicator concluded that such precise targets do not need to be included in a school organisation plan.

The table below gives a breakdown of all the categories for statutory proposals this year.

Subject of proposal	Approved	Approved with mod	Rejected
To establish a new school	1	-	-
To discontinue a school	3	2	3
To expand a school	1	1	1
To change category	2	5	-
To change the age range	2	-	1
To increase the standard number	1	-	-
To transfer an ASD unit	1	-	-
Total - 24	11	8	5

Note

Under Schedule 6 of the School Standards and Framework Act 1998 an adjudicator can (a) reject the proposals referred to him by a school organisation committee (b) approve them without modification (c) approve them with modification ("mod" in the column above).

LEA	Number of cases
Bath and North East Somerset	1
Brighton and Hove	1
Buckinghamshire	1
Cornwall	1
Cumbria	1
Derbyshire	1
Dorset	1
East Sussex	1
Essex	1
Herefordshire	1
Knowsley	1
London Borough of Barnet	1
London Borough of Harrow	1
London Borough of Redbridge	1
Medway	1
Milton Keynes	4
North Somerset	1
Somerset	1
Stockton on Tees	1
Wigan	1
Wolverhampton	1
Worcestershire	1
Total - 22 LEAs	25

Public inquiries and informal hearings

For the third year in succession, no adjudicator has found it necessary to hold a public inquiry. Nearly all referrals, both on admission and school organisation matters, have been dealt with after consideration of the papers received, supplemented by answers to requests for further information. However, there have been ten occasions where an adjudicator has found it appropriate to visit an area and listen to representations, from all the parties concerned, on the matter to be determined.

Adjudicators have adopted a procedure for holding informal hearings. That procedure may be adapted to meet particular circumstances but persons attending the meeting are informed that there are some procedural principles which generally apply:

- a. that the role of the adjudicator holding the hearing will be made clear in advance to those invited to attend and be repeated at the hearing itself;
- b. that the purpose of the hearing (what that purpose is and what it is not) will similarly be made clear in advance and at the hearing;
- c. that those present at the meeting will be required at all times to address the adjudicator rather than any other person present;
- d. that the method of recording what is said at the meeting will be established. So too should the manner in which that record is to be subsequently made available;
- e. that the presence or otherwise of the Press will be decided upon before the meeting by the adjudicator and announced at the meeting;
- f. that a decision will be made by the adjudicator on whether the meeting or meetings should be closed to a particular set of people or open to any who wish to attend;
- g. that any visit by an adjudicator, before a hearing, will be made known in advance to persons agreed by the adjudicator;
- h. that arrangements for the hearing itself will be made, if at all possible, locally rather than by the Office of the Schools Adjudicator. The location should be such as to enable persons with disabilities to attend. Similarly, publicity relating to date, location and timing of the hearing should preferably be organised locally;

- i. at the conclusion of any hearing, to meet the needs of any person who had been unwilling or been prevented by time constraints from expressing a view, any present who wish to send in further written material to the adjudicator, within a given time limit, will be invited to do so.
- j. the Office of the Schools Adjudicator will, if required, be prepared to deal with any costs involved in the hearing (including the services of interpreters and specialist equipment for persons with sight or hearing impairment).

Areas where the adjudicator has made a visit and held an informal hearing

LEA	School
Buckinghamshire	Waddesdon C of E School
Cornwall	Barncoose Community Primary School
Essex	The Colne Community School
Hampshire	Crofton School, Cams Hill School
London Borough of Havering	Gobions School
Luton	Stopsley High School
Milton Keynes	St Monica's Catholic Combined School
North Somerset	Four Oaks Community Infant School
Somerset	Sexey's School
Surrey	Blenheim High School

Judicial review proceedings

No decisions of an adjudicator have been subject to judicial review proceedings in the past two years.

Information and advice

Customer charters

Customer charters have been introduced for parents, and for LEAs and schools, involved in admission objection cases to help the Office improve customer service. Charters are issued to all parties at the beginning of each case and shortly after the case is decided, the same parties are invited to feedback their views on performance. To date the response has been positive.

Help and advice

The Office provides information and advice in the form of two information leaflets on objections to admission arrangements: one for parents and one for schools and LEAs. Leaflets contain information on who can bring a case to the schools adjudicator and how to go about it; they also describe the decision-making process and time-scales estimated relating to the process. The leaflets are distributed via LEAs and public libraries, and the same information is published on the schools adjudicators' website.

Complaints

Over the year one formal complaint was received. This arose from a disagreement with an adjudicator's decision rather than from the procedures adopted by the office.

Expenditure April 2001 to March 2002

The direct costs of running the schools adjudication service are shown below, broken down by staff running costs and adjudicator costs. The financial information derives from the DfES budget management system and relates to the two last full financial years 2000/2001 and 2001/2002. This overlaps with the period of this report but does not coincide with it.

	2000/01	2001/02
Adjudicator programme costs	£,000	£,000
Adjudicators' fees	195 ¹	203 ¹
Adjudicators' expenses	21	19
Adjudicator training/meetings	4	2
Legal fees	78	11
Publicity	51 ²	20 ²
Consultancy fees	69 ³	89 ³
Administration/consumables	24	19
Total	442	363

	2000/01	2001/02
Staff running costs	£,000	£,000
Staff salaries	331	197
Staff expenses	13	2
Staff training	7	4
Administration/consumables	4	3
Total	355	206

Total expenditure	797	569
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Notes

- ¹ Includes National Insurance contributions.
- ² Relates to COI fees for media handling.
- ³ Relates to website reconfiguration and maintenance.

Adjudicators

There has been one change in the adjudicators over the past year. Peter Downes OBE resigned as an adjudicator, after much valued service since April 1999, from May 2002. Those in post on 31 August were:

Sir Peter Newsam
Dr Alan Billings
June Brown
John Clark
Andrew Collier CBE
John Evans
Gordon Hainsworth
Ann Holt
Louise Kidd
Robert Lanwarne
Peter Neafsey
Professor David Newton
Dr Hilary Nicolle
Anthony Webster

From 1 September 2002, on the retirement of the Chief Adjudicator, Professor Philip Hunter will assume that role.

Adjudicator training

Adjudicators have held five meetings during the year. Training sessions were provided by guest speakers from the Schools Private Finance Team and the Divisional Manager from the Department for Education and Skills' Admissions Team on the implications of the Education Bill (now the Education Act 2002).

Objections to admissions arrangements for September 2002

LEA	Proposer	Objector	Criteria	Outcome
Gateshead	Lord Lawson of Beamish School	Sunderland LEA	Increase to published admissions number	Not upheld
Hampshire	Purbrook Park School	Hampshire LEA	Over-subscription criteria - members of staff Closing date for applications	Upheld
Hertfordshire	St Clement Danes School	Parental objection	Partial selection	Upheld
	Rickmansworth School	Parental objection		
Northamptonshire	Christopher Hatton School	Northamptonshire LEA	Partial selection	Upheld
Slough	The Priory School	Slough LEA	Over-subscription criteria - children attending the nursery	Not upheld

Objections to admission arrangements for September 2003

LEA	Proposer	Objector	Criteria	Outcome
Derbyshire	Ecclesbourne School	Walter Evans C of E Primary School	Over-subscription criteria - catchment area	Upheld
Essex	Colne Community School	Essex County Council	Change from feeder primary schools to first preference applications	Upheld

Objections to admission arrangements for September 2003

LEA	Proposer	Objector	Criteria	Outcome
Hampshire	Crofton School	Hampshire LEA	Oversubscription criteria - priority given to children who have attended a linked school for the longest period	Upheld
	Cams Hill School		Oversubscription criteria - priority given to children who have attended linked schools - children of staff employed at the school - 10% places allocated to children with aptitude in music	Upheld Not upheld Not upheld
Kent	Gravesend Grammar School for Girls	St John's RC Comprehensive	Determined arrangements unfair	Not upheld
	Gravesend Grammar School	St John's RC Comprehensive		
	Homewood School	Kent LEA	Timing of the date places are offered	Upheld
	Kent LEA	Homewood School	Statutory consultation flawed	Not upheld
	Kent LEA	Bennett Memorial Diocesan School	Conditional and unconditional arrangements unclear	Upheld
	Kent LEA	St John's RC Comprehensive		
	Kent LEA	Hillview School for Girls		
	Kent LEA	St Gregory's Catholic Comprehensive		
	Kent LEA	Mascalls School		
	Kent LEA			

LEA	Proposer	Objector	Criteria	Outcome
London Borough of Bromley	Beaverwood School for Girls	London Borough of Bromley	Over-subscription criteria - children of members of staff - siblings	Upheld
	Coopers School			
	Darrick Wood School			
	Langley Park School for Boys			
	Ravens Wood School			
Luton	Stopsley High School	Luton LEA	Oversubscription criteria - priority to out of catchment area children - children of staff - tie breaker	Upheld
Sheffield	Sheffield LEA	Broomhill Infant School	Linked status	Upheld
Wandsworth	Graveney School	Parents	Partial selection	Not upheld

Variations to admission arrangements for 2001

LEA	Proposer	Proposed variation	Outcome
Greenwich	Ruxley Manor School Montbelle School	To change the priority recruitment area	Approved
Islington	Islington LEA	To change the admission policy at all the schools in Islington LEA to enable them to admit Angel School pupils	Approved
London Borough of Redbridge	Redbridge LEA	To include a criterion to accommodate any influx of pupil numbers	Approved

Variations to admission arrangements for 2002

LEA	Proposer	Proposed variation	Outcome
Essex	Essex LEA (Glebe Junior School)	To remove guaranteed catchment place	Approved
Hertfordshire	Fearnhill School, The Highfield School and Knights Templar School	To amend the oversubscription criteria following the statutory proposal to close Norton School	Approved
Kent	Kent County Council	To vary arrangements to implement recent adjudication	Approved
	Homewood School and Sixth Form Centre	To change the admission criteria in line with recent Kent determinations	Approved
London Borough of Harrow	Westminster Diocese on behalf of Salvatorian College and Sacred Heart High School	To change the wording of admission arrangements in light of statutory proposal to admit pupils only at age 11	Approved
London Borough of Havering	Havering LEA (Gobions School)	To realign the existing neighbourhood area for Gobions Primary School	Approved
London Borough of Redbridge	Redbridge LEA	To include a criterion to accommodate any influx of pupils	Approved

LEA	Proposer	Proposed variation	Outcome
Medway	The Robert Napier School	To admit 30 additional children	Approved
	Greenacre School Walderslade Girls School	Increase published admission number	Approved
Plymouth	Plymouth LEA (Sir John Hunt School)	To increase the published admission number To re-designate feeder primary schools	Approved
Southwark	Aylwin Girls' Sacred Heart St Michael's St Saviour's and St Olave's	To increase the published admission number for 2002/3 only	Approved
Surrey	Blenheim High School	To change oversubscription criteria	Approved
Tameside	Egerton Park Art College Copley High School Hyde Technology School	To increase the admission number	Approved
Wirral	Upton Hall School FCJ	To increase the published admission limit	Approved

Statutory proposals for 2001

LEA	Proposer	Proposed variation	Outcome
Herefordshire	Hope-under-Dinmore C of E Primary School	To discontinue the school	Rejected
Stockton on Tees	Tedder Primary School Bader Primary School Mandale Mill Primary School	To discontinue Tedder Primary school and enlarge Bader and Mandale Mill Primary School	Approved
Worcestershire	St George's CE Primary School	To change the age range by adding a nursery class	Conditional approval

Statutory proposals for 2002

LEA	Proposer	Proposed variation	Outcome
Bath and North East Somerset	Hayesfield School Technology College	To change category from community to foundation	Approved with modification
Brighton and Hove	Balfour Junior School and Balfour Infant School	To discontinue the junior school and expand the infant school to create an all-through primary school	Rejected
Buckinghamshire	Great Kingshill CE Combined School	To change category from voluntary controlled to voluntary aided.	Approved
Cornwall	Barncoose and Treloweth Community Primary Schools	To discontinue Barncoose Community Primary School and extend Treloweth Community Primary School	Conditional approval with modification
Cumbria	Yewdale Community Primary School	To extend the age range from 4-11 to 3-11 by adding a nursery	Rejected
Derbyshire	Gorsebyrigg Infant and Junior Schools	To discontinue Gorsebyrigg Infant and Junior Schools and establish a new community primary school with nursery	Approved with modification

LEA	Proposer	Proposed variation	Outcome
Dorset	Stoborough CE VC First School	To change category from voluntary controlled to voluntary aided	Approved
East Sussex	Elphinstone Community Primary School	To transfer the Autistic Spectrum Disorder unit	Approved
Essex	-	To establish a new secondary community school in the West Clacton area of Essex	Approved
Knowsley	Southmead Community Primary School	To discontinue the school	Rejected
London Borough of Barnet	Mill Hill High School	To enlarge the school by increasing the standard number	Conditional approval
London Borough of Harrow	St Anselm's St Bernadette's St George's St Joseph's Catholic First and Middle Schools Salvatorian Roman Catholic College and Sacred Heart Roman Catholic High School	To change the age range and admit an additional 120 pupils to each school at age 11	Approved
London Borough of Redbridge	Mayfield School and College	To change category from community to foundation	Approved with modification
Medway	Chatham Boys Grammar School	To enlarge the premises of the school	Rejected

LEA	Proposer	Proposed variation	Outcome
Milton Keynes	Germander Park School	To change category from community to foundation	Approved with modification
	Shenley Brook End	To change category from community to foundation	Approved with modification
	Stanton Middle School	To change category from community to foundation	Approved with modification
	St Monica's Catholic Combined School	To enlarge the school	Conditional approval with modification
Wigan	Perry Brook Community Primary School and Nicol Mere Primary School	To discontinue Perry Brook Community School and enlarge Nicol Mere Primary School	Approved

Statutory proposals for 2003

LEA	Proposer	Proposed variation	Outcome
North Somerset	Four Oaks Community Infant School	To discontinue the school	Approved
Somerset	Sexey's School	To increase the standard number of pupils	Approved

School organisation plan

LEA	Proposer	Outcome
Wolverhampton	To request approval of draft school organisation plan	Approved

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