



Education Answers LBMW briefing No 10

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Sibling admissions policy in all-through schools and academies:

an issue with primary-phase admissions criteria where a sibling priority is given throughout all phases of the school.

Readers who have oversight of all-through schools or academies in any respect are recommended to consider the way any such policy is implemented and how it may be perceived or challenged in terms of fairness.



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Introduction

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Readers who have oversight of all-through schools or academies in any respect are recommended to consider the way any such policy is implemented and how it may be perceived or challenged in terms of fairness.

This briefing note is issued alongside two publications:

1. The Office of the Schools Adjudicator (OSA) Determination of 22nd December 2017 with respect to The Academy Trust of The Emmanuel Schools Foundation, for Bede Academy, Blyth, case reference REF3337 (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/670697/REF3337_Bede_Academy_Northumberland_22_December_2017.pdf);

2. a recent Education Answers Paper (EA Paper) "Be careful about admissions policies" available to subscribers via www.educationanswers.co.uk. The paper itself is directly linked [here](#). If you would like to subscribe to Education Answers at no charge for a preliminary period, go to [Application for EA account](#).

THE KEY ISSUE

The Adjudicator finds that the admissions policy which gives higher priority to siblings of children of secondary age than to those living in the primary catchment area for admissions to Year R is unreasonable and unfair.

It should be noted that the particular school concerned had separate primary and secondary sites, and separate catchment areas for each phase. Many all-through schools have a single site and a single catchment area. It is our view that the concerns we express in this briefing apply to the latter situation as well as the former.

It is also key to the narrative that in this particular school, as we believe is the case in virtually every all-through school, the number of pupils in each year group of the secondary phase exceeds the number in the primary phase by a considerable amount. In other words, the primary PAN is different to, and smaller than, the secondary PAN.



1 It is unreasonable.

The adjudicator gives three main grounds for coming to this conclusion:

1.1 The benefits of all-through education were not substantiated by the school.

In making this point, the adjudicator felt the school relied on the benefits of all-through schooling to justify its admissions policy, but did not state – or did not state clearly and convincingly – what those benefits were.

1.2 The benefits of all-through education are not universal in application.

Even if a school did provide a clear and convincing narrative for the benefits of all-through education, this would not be overriding, since the majority, or a significant proportion at least, of the pupils in the secondary phase would not have been through the primary phase, due to the difference in PAN between the phases.

1.3 The different catchment areas for primary and secondary admissions cause the arrangements to be unreasonable.

The burden of this falls on parents with primary-age children who live within the primary catchment area but have no siblings, whose children fail to get a place whereas primary-age children with siblings in the secondary phase living outside the primary catchment area did get places. We are aware that the use of the phrase 'catchment area' is in many places redundant, but the same effect would be produced wherever sibling priority takes precedence over distance criteria, as is generally the case.



2 It is unfair.

2.1 It is unfair, and thus contrary to the Code, that the sibling over-subscription criterion has the effect of prioritising children outside the catchment area of the primary phase over children within the immediate area of the school who do not have a sibling at the school, such that an undue preponderance of local children are denied access to the school. The Adjudicator states that it is unfair "for some children who live in the school's primary catchment area because the arrangements give those living there a lower priority than that given to children with siblings of secondary school age at the school."

2.2 This argument has effectively been made with respect to the unreasonableness criterion at 1.3 above. However, that argument referred to the specific case where the primary and secondary catchment areas were different.

2.3 We pointed out that, even if there were a single catchment area, wherever sibling priority takes precedence over distance criteria, the same undesirable effect could result.



3 How should all-through schools respond?

3.1 As we point out in the Education Answers paper, determining what is fair and unfair has many difficulties, although it is a requirement of the School Admissions Code that arrangements are fair. In the end, we suppose that the existence of the OSA and its adjudicators in part expresses the need to examine these matters in context rather than in general. However, if others are to be able to structure their admissions criteria in such a way as to avoid the pitfalls in the specific case referred to, we do need to see if some generalisation is possible.

3.2 A simple (hopefully not simplistic) route to a solution may be to start from a 'normal' situation where there is a primary school that is not part of any 'all-through' arrangement. Here the sibling priority is likely to come earlier in the oversubscription criteria, and works perfectly well. Whatever arguments may be made by parents with children with no sibling in the school, there is general acceptance in the locality that the preference for siblings is appropriate, reasonable, and fair. There are possible arguments against this; they can be

made; but the sibling priority is regarded within the education system as an acceptable arrangement. It would therefore be hard to challenge it as unfair.

3.2.1 To put flesh on this, for example, a 2FE Primary school with a PAN of 60 has a roll of 420 pupils. Therefore, if there is a priority for siblings in admissions, each applicant has 419 possible opportunities to have a sibling in the school.

3.3 By contrast, in a 'typical' all-through setting, a primary PAN of 60 might be sitting alongside a secondary PAN of 210. This would give a secondary roll of 1470 students. The total roll of the whole school would be $(420+1470)=1890$.

3.3.1 Therefore, if there is a priority for siblings in admissions, each YR applicant has 1889 possible opportunities to have a sibling in the school.

3.3.2 Statistically this means that in the all-through school each YR applicant has 4.5 times the chance of having a sibling than in a 'normal' primary school.

3.4 This being the case, is it correct to say that such an admissions arrangement in an all-through school is unfair?

3.4.1 The best that we can say is that a) there is some statistical evidence that it may be; and b) that such was clearly the view of the adjudicator in this particular case.

3.5 It should further be noted that all assessments of what is or is not fair will finally be assessed according to local context. The key is whether the actual effect in the circumstances of the area is unfair – ie does it unfairly discriminate against the children from other primary schools in the area such that they stand a significantly lower chance of admission to a secondary school to which they might reasonably expect to be admitted (usually on distance grounds). It does not mean that preference for the all-through primary is outlawed any more than preference for any other named primaries (or their own nursery in the case of primary schools), if it does not have an unfairly discriminatory effect.



4 Conclusions and Recommendations.

4.1 Any person or organisation operating, governing, overseeing or in other ways relating to an all-through academy needs to be aware of the perils a sibling priority can introduce into oversubscription criteria.

4.2 There is no reason why the primary and secondary phases within a single all-through school cannot have different admissions criteria and so separate the sibling priority in primary from the secondary phase.

4.3 While some may see this as an undesirable route because it may undermine the unity of the school, consideration ought to be given to the fact that all-through education is

available only to a minority of secondary pupils. Also, it was not considered a strong enough factor by the adjudicator in this case to remediate the imbalance caused by the sibling prioritisation in this specific Determination.

4.4 In consequence, we would suggest those responsible for admissions criteria in all-through academies carefully consider the position in their context. If in doubt you may need to take specific legal advice.



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