

Why schools' admissions policy is discriminatory

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Camden Council has changed its admissions policy so that from this year's applicants onwards, priority will be given to children at Camden primary schools. Until now the children nearest the school were given priority, whichever borough they lived in.

French, who has applied for leave for a judicial review, says: "The nub of our case is that the admissions policy is a smokescreen. On its face it is designed to give priority to children attending Camden primary schools, whether or not they live in Camden, but in truth it is to favour Camden residents, which is unlawful and is outside Greenwich."

He says a subsidiary argument will be that the policy breaches the Human Rights Act 1998, using the Convention's Article 9 (which includes education) and article 14 (discrimination). "Article 14 only engages when it is linked to one of the other rights," he says.

Camden argues that education in its secondary schools will be improved if there is more continuity between them and the primaries which feed into them.

French says: "When you look at the evidence it doesn't support that. If you look at the league tables the two Camden schools which [currently] take the highest proportion of children from outside the borough also have the best level of [improved] performance between key stage two and key stage three, [the national tests covering the transition from primary to secondary school]."

"Camden's argument is that performance between those two key stages will be improved by taking more children from Camden primary schools, while the statistics show precisely the opposite," he argues, adding that the information is not declared anywhere in their report justifying the change of admissions policy.

He says the claimants will be arguing that the smokescreen was deliberate. "We have witness statements from governors who were involved in a Joint Chairs Working Party who will say there was a lot of discussion in the late 1990s about circumventing *Greenwich* and the educational [continuity] idea was alighted on as a justification for circumventing *Greenwich*."

The case has arisen because the school catchment boundaries in London do not match the boundaries of the different boroughs. "You get some pretty extreme

cases particularly with [one of the schools,] Acland Burghley, because it's something like 50 metres from the Islington boundary. I know of one family whose child will be excluded under the new criterion, when the school is diagonally opposite to their front door. They could walk to the school in about a minute."

He says the case could have much wider ramifications. "*Greenwich* was a court of appeal decision. If this one goes to the House of Lords, which is not impossible, it is possible the Lords will re-look at the *Greenwich* principle.

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Case annotations in other services: R v Shadow Education Committee of the London Borough of Greenwich ex parte the Governors of John Ball Primary School & Others [1990] Fam Law 469.

Legislative annotations in other services: European Convention on Human Rights, arts 9, 14.