



Office of
the Schools
Adjudicator

Determination

Case references:	ADA3767, ADA3775, ADA3795, ADA3804, ADA3806-8, ADA3815-26, ADA3829-35, ADA3847-50, ADA3855-6, ADA3859-62, ADA3869
Objectors:	Parents, members of the public and the representative of a local primary school
Admission authority:	Harris Federation Trust for Harris Academy Beckenham, Bromley
Date of decision:	2 September 2021

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objections to the admission arrangements for September 2022 determined by the Harris Federation Trust for Harris Academy, Bromley.

The referrals

1. Under section 88H(2) of the School Standards and Framework Act 1998, (the Act), objections have been referred to the adjudicator by parents, members of the public and the representative of a local primary school (the objectors) about the admission arrangements (the arrangements) for Harris Academy Beckenham (the school), an academy school for children aged 11 to 18, for September 2022. The objections are variously and collectively to the consultation process undertaken prior to the determination of the arrangements, to the reasonableness of the inclusion of a named feeder school in the arrangements, to their consequent fairness, to the extent to which the admission authority has fulfilled its Public Sector Equality Duty during the process of determining its arrangements, to the reduced level of parental choice which some objectors consider will result from the arrangements and to the absence of an oversubscription criterion giving priority to those with a family connection to the school.

2. The local authority (LA) for the area in which the school is located is the London Borough of Bromley. The LA is a party to this objection. The other parties are the objectors, the local Member of Parliament (who has asked to be kept informed about the progress of the case), the Harris Federation Trust and the academy governing board for the school.

Jurisdiction

3. The terms of the Academy agreement between Harris Federation Trust, the multi-academy trust (the Trust), and the Secretary of State for Education require that the admissions policy and arrangements for the academy school are in accordance with admissions law as it applies to maintained schools. These arrangements were determined by the academy governing board, on behalf of the Trust which is the admission authority for the school, on that basis. The objectors submitted their objections to these determined arrangements between 29 March 2021 and 15 May 2021, which is the last date on which objections to admission arrangements for September 2022 can be made to the adjudicator. A number of the objectors have asked to have their identity kept from the other parties and each has met the requirement of Regulation 24 of the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 (the Regulations) by providing details of their names and addresses to me.

4. The Regulations also provide, at regulation 22, that:

“For the purposes of section 88H(5)(d)(a), where the adjudicator has determined an objection to the admission arrangements of a school or academy, no objection may be referred to the adjudicator raising the same or substantially the same issues in relation to those admission arrangements within two years of the decision by the adjudicator.”

Objections were made between January 2020 and May 2020 to the admission arrangements for the school for September 2021 which, taken together, complained that the consultation which the school had carried out prior to their determination was defective, that the inclusion in them of a named feeder school rendered them unfair, that the feeder school was not named on reasonable grounds, and that the school’s duty to observe its Public Sector Equality Duty had not been met. The adjudicator (in ADA3633-9, ADA3642-6, ADA3649, ADA3651-3, ADA3681 which was published on 2 June 2020) upheld those objections which concerned the reasonableness of naming a feeder primary school from which no children could transfer to the school in the year in question, since there would be no children of the relevant age attending it. He went on to say that:

“.....nothing said in this determination should be taken as any judgement one way or another on whether an adjudicator considering the school’s admission arrangements for September 2022 would find the naming of the primary school as a feeder school to be in compliance with the requirements relating to admissions, should such [an objection] arise.”

5. I have considered very carefully whether the present objections to the school’s admission arrangements for September 2022 are within the scope of regulation 22 of the

Regulations because they constitute the same or substantially the same objections that were raised concerning the admission arrangements which the school had determined for September 2021. My view is that this is not the case, for two reasons. First, the consultation carried out prior to the determination of the school's admission arrangements for September 2022 has been a fresh consultation and so is not the consultation which was considered by the adjudicator relating to the admission arrangements for September 2021. Second, it is very clear to me that the underlying circumstances relating to the previous determination have changed, since a group of children are now available to transfer to the school from the named feeder primary school in September 2022.

6. I am satisfied the objections have been properly referred to me in accordance with section 88H of the Act and they are within my jurisdiction.

Procedure

7. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code). When the arrangements were determined, and when the objections to them were made, the Code in force was the School Admissions Code (December 2014). A revised Code came into effect on 1 September 2021. Since the objections and the responses to them were framed in terms of the earlier version, I shall use the references to it which have been made by the parties to the case, but will indicate if the new Code differs in any respect. It is of course the revised version of the Code which is now in force. That being the case, the extension of the priority given to looked after and previously looked after children to children who appear (to the admission authority) to have been in state care outside England and who have ceased to be in state care because of being adopted, is now a requirement. All admission authorities should have varied their arrangements, both those for September 2021 and those for September 2022, accordingly by 1 September 2021. There was no reason for the school to send me these varied arrangements and I have made my determination on the basis that the Trust, as admission authority, will have varied its arrangements in order to comply with the new requirements.

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

- a. a copy of the minutes of the meeting of the governing board at which the arrangements were determined;
- b. a copy of the determined arrangements;
- c. the objectors' forms of objection dated between 29 March and 15 May 2021;
- d. the school's response to the objections and supporting documents;
- e. the local authority's online composite prospectus for admissions to primary and secondary schools;
- f. a map of the area identifying relevant schools and information available on the Department for Education website;

- g. confirmation of when consultation on the arrangements last took place and details of the nature of the consultation and responses to it;
- h. information provided by the local authority concerning:
 - (i) the future availability of secondary school places in specific locations referred to in the objections, and
 - (ii) first preference data for the school and the alternative schools offered to unsuccessful first preference applicants for admissions in September 2021.

The Objections

9. There has been a total of 37 objections; 13 from parents, one from a grandparent, 22 from members of the public and one from the representative of a school. The objections concerned different matters, in different combinations, as follows:

Matters objected to	Number of objections
Consultation and fairness	1
Consultation and the naming of a feeder primary school	1
Consultation, fairness and the naming of a feeder primary school	1
Consultation, the naming of a feeder primary school and the school's public sector equality duty	1
Consultation, fairness, the naming of a feeder primary school and the school's public sector equality duty	1
Consultation, fairness, the naming of a feeder primary school and clarity	1
The naming of a feeder primary school and fairness	5
The naming of a feeder primary school and the school's public sector equality duty	6
Fairness and the school's public sector equality duty	1
Fairness, the naming of a feeder primary school and the school's public sector equality duty	3
Fairness	10
Reduced parental choice	2
The naming of a feeder primary school	2

Matters objected to	Number of objections
Reduced chance of obtaining a place at the school	1
The lack of recognition of existing family ties	1

In terms of the matters that have been raised by the objectors, these are as follows:

Matter objected to	Number of objectors who included this in their objection
Consultation	6
The fairness of the arrangements	24
That the feeder primary school had not been named on reasonable grounds	21
That the school had not complied with its public sector equality duty	12
That the arrangements are not clear	1
That parental choice is reduced	2
That the chances of obtaining a place at the school are reduced	1
That the arrangements do not recognise existing family ties	1

These figures are slightly, but not materially, different from the school's own assessment of the spread of the objections.

10. I shall summarise below the arguments put forward by the objectors concerning each of these eight different complaints, the responses of the school and the local authority concerning them and my consideration of each in the light of the information which I have received. However, it is worthy of mention at this point that the adjudicator is concerned with the extent to which school admission arrangements do, or do not, comply with the requirements concerning them, and not with the weight of opinion about them. Although it is of course open to all to object to the admission arrangements of a school and a large number of objections certainly demonstrates that a large number of people do not like the arrangements, the only matter for me remains whether or not the arrangements conform or do not conform with the relevant requirements.

Background

11. I have referred above to the determination in 2020 which concerned objections which had been made to the school's admission arrangements for September 2021, and to the fact that the adjudicator at that time found that the school's naming of Harris Primary Academy Beckenham as a feeder school for Year 7 admissions in September 2021 had not been on reasonable grounds.

12. The broad background was fully set out in that determination, and I will repeat here those features of it which are pertinent to my present consideration of the objections.

13. Harris Academy Beckenham is part of the Harris Federation multi-academy trust, which also includes a number of primary schools in the London Borough of Bromley. One of these is Harris Primary Academy Beckenham, situated on the same site as the school. This primary school opened as a new school in September 2015 with a PAN of 60 and admitted children to reception that year. As a consequence, the first group of children who have attended it will transfer to secondary school in September 2022. The adjudicator found in June 2020 that it was therefore not reasonable for the school to be named as a feeder school for secondary school admissions in September 2021 as there would be no children leaving the primary school to move to secondary school that year.

14. The school carried out a consultation, which I shall consider in more detail below, starting in November 2020 on proposed admission arrangements for the school for September 2022 in which Harris Primary Academy Beckenham was named as a feeder school. When the school determined its arrangements in February 2021, they retained this proposed addition and so were, in summary, as follows:

- (i) The published admission number for Year 7 is 180;
- (ii) Children take the school's banding test and are allocated to one of nine ability bands;
- (iii) If the school is oversubscribed, priority within each band is given in the following order.
 - a. Looked after and previously looked after children,
 - b. Siblings of children at the school (as defined),
 - c. Children of staff (as defined),
 - d. Children attending Harris Primary Academy Beckenham,
 - e. Other children, on the basis of the distance between their home and the school (as defined), with random allocation as a tie-breaker.
- (iv) Unallocated places are offered to children from adjacent bands if some are not oversubscribed.

15. In essence, the difference between the school's admission arrangements for 2021 and those for 2022 is the introduction of the priority for children who attend Harris Primary Academy Beckenham between those for children of staff and other children.

Consideration of Case

The Consultation

16. The consultation carried out by the school before it determined its arrangements was a principal focus of the objections made in 2020 to the arrangements for 2021, and it has again been the subject of objections with respect to the arrangements for 2022.

17. As well as complaining that it was the case that the consultation was "poorly publicised in the local community", and giving specific instances of this communication having allegedly failed, objectors in this present set of cases made reference to the contents of the meeting at which the consultation was considered by the school's governing board, the minutes of which the school has made available to objectors. These minutes state that 623 respondents were in favour of the proposal to name Harris Primary Academy Beckenham as a feeder school, and that 375 respondents had been opposed. Objectors have expressed concern about the scale of the "positive" response, believing that such responses came principally from those associated with Harris Primary Academy Beckenham and pointing to the fact that it cannot have this number of parents. They refer to the relatively low level of "negative" responses as evidence that the community had not been adequately consulted. One correctly stated that while such figures would of course not mandate a decision by the school's governing board, they could nevertheless influence it.

18. The adjudicator found in 2021 that the school's consultation in 2020 did not fail to meet the minimum requirements which are set out in the Code in paragraphs 1.42 to 1.45 and in the Regulations referred to there, but that it had certainly not exceeded those requirements, as the school had suggested was the case. The school had acknowledged that it could have taken further steps to bring the consultation to the attention of parents, and the adjudicator had pointed to the importance of explicitly seeking the support of other schools in doing so where it was hoped or expected that other schools would pass on information to parents. Nevertheless, in the most recent consultation, the details of which have been provided to me and copied to all the objectors, the letter which was sent to other schools informing them of the consultation again did not explicitly ask them to bring the matter to the attention of their own parent group. This is a simple and helpful adjunct to any consultation process for consulting a significant proportion of one of the key groups set out in paragraph 1.42 of the Code ("parents of children between the ages of two and eighteen"), and given the school's expressed desire to satisfy these requirements, it is disappointing to note that the adjudicator's previous comments have apparently not been heeded.

19. However, although the correspondence which I have received following the circulation of the details of the consultation has revealed that there was an apparent error in the means used to contact one Early Years setting, the school has given me evidence of a comprehensive attempt to reach the consultees specified in the Code by means of

advertisements and posters provided by it to places such as GP surgeries, shops, libraries and cafes. It has also stated that advertisements were placed in local newspapers, but did not provide me with copies of these. I have no reason to doubt that this was the case however, and none of the objectors has challenged this statement by the school. It seems to me that in view of these measures taken by the school, there is likely to have been good general awareness locally about the school's consultation.

20. The school has also refuted suggestions made by objectors that signatures in favour of the proposal were canvassed at the school gate, and provided me with evidence of the receipt of the online responses to the consultation which were taken into account by the school's governing board when determining the arrangements. This matter has not been commented on further by any of the objectors.

21. The six objectors who complained about the adequacy of the consultation were all informed by me that:

"It is open to the adjudicator to determine that there has been a failure to consult in accordance with the relevant legal requirements, and therefore a failure to comply with both the 2012 School Admissions Regulations and the School Admissions Code. Please note, however, that the adjudicator cannot impose a requirement upon an admission authority to re-consult after it has determined the arrangements even if the consultation has not been conducted in accordance with the requirements of the Regulations and the Code. Nor can the adjudicator require the admission authority to re-instate the previous year's arrangements."

22. I have considered carefully the objections which have been made concerning the consultation. In spite of the comments which I have made above about how this might have been made more effective, I believe that the school made a genuine attempt to ensure that the consultation was brought to the attention of consultees and that it made its decision in the light of the responses which it received. It did not fail to consult in accordance with the relevant legal requirements in my view, and I do not uphold these objections.

The fairness of the arrangements

23. Of the objectors, 24 say that the naming of Harris Primary Academy Beckenham (which I shall refer to subsequently as "HPAB") as a feeder school for Harris Academy Beckenham in September 2022 makes the arrangements unfair. The objections fall into three broad groups according to the reason given for the alleged unfairness:

- (i) there is unfairness because this change either reduces the extent of parental choice, or reduces the chance of parents being able to secure a place for their child at a local school;
- (ii) there is unfairness because children who attend HPAB but who do not live near to it will take priority over children who do not attend the school and who live closer to Harris Academy Beckenham;

- (iii) there is unfairness because the consequence of not being able to access a place at Harris Academy Beckenham would mean children will face difficult or unreasonable journeys to alternative schools.

24. One further objector said that the arrangements were unfair because of the effect of “skewing” the choice of primary school which local parents will make in the future, if going to HPAB is seen as the route to obtaining a place at Harris Academy Beckenham. This might indeed be an accurate appraisal, but, as I shall consider further below, in order for admission arrangements to be unfair they would need to cause an actual unfairness to someone. Such an unfairness would arise if a child were not offered a school place, or only one that involved an unreasonable journey in terms of the time or the distance involved. I cannot see that a parent knowing (or believing) that there is a particular consequence of the preferences which they express for a primary school place for their child means that they or their child has been caused an actual unfairness of this sort. All parents are in a similar position to a greater or lesser extent when expressing a preference for a school place, and it is simply never possible for such preferences to be made of equal value. I do not uphold this objection.

25. Similarly, objections that refer to reduced choice, or to reduced chances of securing a place at a particular school, also do not speak to the issue of unfairness as I must consider it. Simply having fewer options of schools concerning which it is likely that an expressed preference might be met than might otherwise be the case, does not amount to suffering an actual unfairness. The co-ordinated schemes in place across England set out the numbers of preferences parents can express, but no parent can be guaranteed a specified likelihood of having any expressed preference met. The fact that some families – by virtue of where they live or their adherence to a particular faith or a child’s ability or aptitude – enjoy relatively high levels of priority for a school or more than one school does not of itself result in unfairness to other families. I do not uphold these objections.

26. A specific concern was raised by some objectors about the effect of the school’s banding arrangements. These mean that only a very few places (seven) are available in the bands at the extremes of the ability range, the implication being that in these bands it will make it more difficult than in other bands with up to 36 places for children to be admitted to the school. The school has confirmed that the number of children admitted in the nine bands is dictated by the distribution of ability nationally. My understanding is therefore that all groups of children who conform to this same spread of abilities will be equally affected under the school’s banding. So, in the absence of any information to the contrary, children living in a particular locality or those attending a particular primary school would not be affected differently from the whole, or from any other group. That is, children in such groups would not have more or less chance than other children of being admitted because of the band they were assigned to. I note further that the type of banding used by the school is explicitly permitted by virtue of section 101(1A)(b) of the Act as is made clear in paragraph 1.25 c of the Code.

27. In order to gain further evidence on this point, I have asked the school to tell me under which oversubscription criterion the different bands became oversubscribed in the

application of the school's oversubscription criteria for September 2021 admissions. It confirmed that each band was oversubscribed in the category "other children", which although to be expected does at least show that the banding operates, as far as can be seen from this information, fairly in this respect currently. The LA admissions document also gives the maximum distance from the school at which children in each of the nine bands were admitted for the three years 2018-2020. These vary from band to band and from year to year, but are generally between 1.5 and 2 miles. I can see no obvious pattern in this data and so nothing that indicates that, across years, children in any particular band or bands are likely to have been admitted from greater distances from the school than those from another. I have no reason to believe that the introduction of a named feeder school will alter this position and so have no reason to find that it will make the arrangements less fair because of its effect when combined with the school's use of banding.

28. Some objectors have provided me with data showing that the distance from HPAB of the homes of some of the children attending it is greater than the greatest distance from which children have generally been admitted to Harris Academy Beckenham in the past. The point being made by these objectors is that these children would not have been likely to have secured a place at the school under the previous admission arrangements in which priority was not given on the basis of attending HPAB, but was based for most children on the distance between their home and the school. I concur with the view that this information shows that it is likely that some children who attend HPAB living further away from the school than children attending other primary schools who live closer to the school are likely to be admitted to the school under the arrangements which have been determined for September 2022. Again, however, this fact of itself does not mean that an unfairness will necessarily follow for those other children who live closer to the school, since that is dependent on the consequence of this change in priority. I shall return to the information which I have been given about the location of the homes of children currently attending HPAB below.

29. As further background, the particular concerns of many of those objectors who have expressed a view about the consequence of the naming of HPAB as a feeder school are centred on the geographical area which they have referred to either as "Penge" or "Clockhouse/Penge". Objectors refer to the small number of local secondary schools which they say are available to children living in this area, saying that this is in practice only Harris Academy Beckenham in the case of boys, since Harris Girls' Academy Bromley is a single-sex school for girls (in Beckenham). According to some, the distance from which children are admitted to Eden Park High School (which is a mixed Free School situated about 1.5 miles from the centre of Penge with a PAN of 240, which opened in September 2017) does not extend to this locality. I have been told by more than one objector that the maximum distance from Eden Park High School for Year 7 admissions has reduced in the last two years such that admissions to it from the Penge area are unlikely. The LA's composite prospectus gives the maximum distance for admissions to Eden Park High School on national offer day as 1.32 miles in 2019 and 0.83 miles in 2020. I note in this context that according to Department for Education's Get Information About Schools website, there are 16 state funded secondary schools within three miles of the school, of which eight are

within two miles. Using the same source gives the following information for the two postcodes which the LA has used as a basis for providing me with information about recent admission patterns in this locality (to which I will refer below):

Numbers of state-funded secondary schools within 3 or 2 miles

Distance	SE20 (Penge)	BR3 (Beckenham)
3 miles	26 (all schools) 11 (schools with no faith character)	19 (all schools) 9 (schools with no faith character)
2 miles	11 (all schools) 4 (schools with no faith character)	8 (all schools) 6 (schools with no faith character)

30. When it responded to the objections, the school said that since some children attending HPAB will be admitted under higher ranked oversubscription criteria (such as “siblings”), and since some parents of children at HPAB will not seek a place at the school, it estimated that a “much higher” proportion of the Year 7 places than is implied by the PANs of 180 for the school and 60 for HPAB will be available to children who have not attended HPAB. As one objector has pointed out, there is of course no certainty associated with this assessment.

31. The school has also told me that the admission arrangements of HPAB for 2022 have themselves been the subject of a consultation and subsequent determination concerning the way in which the distance to children’s homes is measured. This was previously measured from five nodal points near to the school but, for 2022 will be measured from the school itself. This clearly means that children living nearer the school and attending HPAB will have the greatest chance of admission in future, but as has been pointed out to me, it will be some years before this change will have an effect on admissions to Harris Academy Beckenham through the priority given to those attending HPAB.

32. The school also responded to comments made by one of the objectors about the importance of the data concerning the distance from the school of the homes of the cohort of children at HPAB who will be the first group given priority for a place in Year 7 at Harris Academy Beckenham because of their attendance at the named feeder school. It is these children that objectors say may take up places much needed by children living closer to the school in 2022 because they will have a higher priority than other children living locally who have not attended HPAB. The data shows that of the 51 children who will leave HPAB in 2022, 31 live more than 2 miles away while 20 live nearer than this to the school. In view of the recent maximum distances for admissions to Harris Academy Beckenham given above,

what I infer from this is that if all the parents of these HPAB children express a preference for a place at the school in 2022, approximately 30-35 could possibly be admitted ahead of other children living more locally. The LA has told me, based on its understanding of the pattern of admissions at HPAB since 2015, that “the number of applicants living more than 2 miles away from HPAB is small and reducing”.

33. So, in summary, it seems to me that:

- (i) there is no likely effect of the introduction of feeder status for HPAB which results from the fact that the school also uses banding as part of its admission arrangements;
- (ii) it is unlikely that Year 7 places will be available in 2022 for children living in the geographical area of Penge/Clockhouse at Eden Park High School (unless they enjoy a higher priority for example by having siblings at the school) ;
- (iii) that the number of children likely to benefit from the introduction of feeder status for HPAB who live further away from the school than some children living locally who go to other primary schools will reduce going forward, and so may well be at its maximum for the 2022 admission round;
- (iv) that while it is unlikely that all those attending HPAB will wish to have a place at the school in 2022, 30-35 children who live some distance from the school could potentially take up places in this way.

34. The fairness of the school’s arrangements depends on whether or not an actual unfairness of the sort referred to above will be caused by them. Many objectors have quoted the Annual Report of the Office of the Schools Adjudicator for 2016-2017 as saying:

“If the giving of priority by a secondary school to children from certain feeder primary schools means that other children will face a significantly longer or difficult journey to school then the arrangements are likely to be found unfair. (sic)”

35. Paragraph 18 of this document contains the following:

“If the giving of priority by a secondary school to children from certain feeder primaries means that other children will face a significantly longer or more difficult journey to different schools as a result, then the arrangements are likely to be found to be unfair. If such children will, on the other hand, have reasonable access to another school, then the arrangements are more likely to be found to be fair and comply with the Code.”

I believe this complete extract sets out more accurately the terms in which I need to address the fairness of the arrangements. That is, a consideration of the reasonableness of the likely access to alternative schools for those who are not successful in securing a place at the school which is the subject of the objection can work either way – either to show unfairness, or not to.

36. Although it is noted in the minutes of the meeting at which the arrangements were determined that the LA's response to the school's consultation was to oppose the introduction of HPAB as a named feeder school, the LA has not objected to the determined arrangements. In its comments on the objections, the LA said the following:

"The Council has reviewed the admissions data which indicates that any potential benefit to Harris Primary Beckenham pupils living over further away (sic), through linked admissions arrangements to Harris Beckenham, is not a significant cause of disadvantage to local applicants."

37. It went on to set out why it considered this to be the case, saying that:

"Since the school [HPAB] has opened in 2015 (sic) 62% of offers have been made to applicants under a mile, 84% to applicants living under 2 miles."

As one objector has pointed out, it is the case that averages across years are of very limited value in assessing the likely impact in a given year, and of course my concern is the objection to the admission arrangements for Harris Academy Beckenham in 2022, and not for subsequent years, since those arrangements do not yet exist. The figures I have given above of what the potential effect may be in 2022 are therefore those which are of relevance to my consideration of this objection.

38. In order to have further background, I asked the LA to provide me with the number of first preferences which had been expressed for a place at the school in both September 2020 and September 2021 from parents of children "living in the Beckenham/Penge area" and the number of those preferences which had been unsuccessful. I also asked to be provided with the distance from their home to the school at which a place was offered for all such children. The information which the LA has given to me is summarised below, based on applicants living in Penge (SE20) and Beckenham (BR3), which was the LA's interpretation of my question to it. This information has been seen by all the objectors and none has challenged its relevance to the issue under consideration.

Year	Number of first preferences	Number unsuccessful	Number offered second or lower preference school	Number where distance to offer less than 2 miles	Number where distance to offer less than 3 miles	Number where school offered was in Bromley	Number where school offered was out of Bromley
2020	57	12	4	9	12	1	11
2021	65	12	3	10	11	2	10

39. The picture which emerges from this is that, in the two most recent years, about one in five applicants living in the area referred to by many objectors has been unable to secure a place at the school, having made it their first preference. All those refused a place were

offered an alternative school less than three miles from their home (although one in 2021 was offered a low ranked preference elsewhere in Bromley at a greater distance). Four children in 2020, and three in 2021, were offered places at schools for which parents had expressed a second or lower preference.

40. One objector has pointed out that one of the schools (in a neighbouring local authority area) at which two children have been offered places in 2021 requires two bus journeys and a 20 minute walk, which I accept is far from ideal. However, their homes are less than 1.5 miles away from it and this is well within the distance of 3 miles that would require free transport to be provided to children of this age. Section 444(5) of the Education Act 1996 gives this as the distance, measured by the nearest available route, which a child over the age of eight can be expected to walk to school (known as the “statutory walking distance”). So all the children living in the Penge/Beckenham area who expressed a first preference for a place at the school in the last two years have been offered a place there or a suitable alternative school place within a reasonable distance of their home. It therefore does not seem to me that any of these children have suffered an unfairness as a result of not being admitted to the school.

41. Harris Academy Beckenham is situated about 1.7 miles from Penge, and the distances from which children were admitted in the different bands in the period 2018-2020 was between 1.5 and 2 miles generally, as I have said. I have also already said that I agree with the objectors who have argued that the effect of introducing feeder status to HPAB, and therefore of giving a higher priority for admission to children who have attended it will result in some children from beyond these current distances taking up places at the school.

42. It follows that the distances from which places will be available to other children (those who have not attended HPAB) will probably be reduced, and the extent to which this happens will depend on the proportion of the approximately 30-35 children identified above whose parents decide to take advantage of the higher priority afforded by feeder school status for HPAB. It is not possible to know what this number, and therefore the extent of the effect, will be. However, children from the Penge/Clockhouse postal codes appear to constitute about one third of the annual intake of Harris Academy Beckenham, and assuming the maximum effect were to occur and to be evenly spread geographically, then perhaps 10 further children might be affected in 2022. If that were to happen, then it would obviously make for a more difficult situation in securing alternative schools for all those failing to be admitted, whether these are schools for which parents express a preference or not. However, I have been given no evidence that this would not be possible for an increased number of children (compared with the number in the last two years) without requiring excessive travel times or difficult journeys for some of those affected.

43. One objector provided me with a forecast made in 2018 and published on a Department for Education website of the demand for secondary school places in the borough as a whole. This shows demand peaking in 2022/3 and 2023/4. In order to be able to consider the most recent relevant information I therefore also asked the local authority for its projections of demand for school places for Year 7 in the area in question (Beckenham/Penge) and it has confirmed that the number of places expected to be

available exceeds its projections by more than its planning margin of an additional 5 percent for the foreseeable future. This takes account of the places to be created by the opening of a new school in Penge for which there is already approval, with a putative opening date of 2024.

44. Taking all this information together, my view is that the introduction of feeder status for HPAB will have an effect on the availability of places at the school for children who have not attended HPAB. I consider that this effect may well be at its greatest in 2022 because of the changing pattern of admissions to HPAB in the years since 2015, and because of the timing of the availability of planned additional secondary school provision for the area. However, I do not conclude that this likely effect in 2022 means that the arrangements are themselves unfair, since I have seen no evidence that convinces me that children who are not attending HPAB who are unable to secure a place at the school in 2022 will suffer an unfairness as a result of the alternative school they would be likely to be offered.

45. I do not uphold the objections which have been made to the fairness of the arrangements.

The naming of the feeder school

46. Paragraph 1.15 of the Code states the following:

“Admission authorities may wish to name a primary or middle school as a feeder school. The selection of a feeder school or schools as an oversubscription criterion **must** be transparent and made on reasonable grounds.”

47. In considering the issue of reasonableness, I will adopt the everyday sense of this term, which is that something is reasonable if it is not irrational. My understanding of this last term is that something is not irrational if it has a basis in logic, that is, that there is a sound reason for it. Public bodies, which include school admission authorities, must act reasonably in their decision-making, and a principle for which there is legal precedence is that of “Wednesbury unreasonableness” which asks whether something is “so unreasonable that no reasonable authority could ever have come to it.”

48. Of the objectors, 21 have complained that HPAB has not been named as a feeder school on reasonable grounds. A range of reasons has been given by objectors for believing this to be the case:

- (i) because the consultation which led to it gave the school governors an over-inflated picture of the weight of opinion in favour of feeder status, or because it under-represented the weight of opinion against the change;
- (ii) because the school could have delayed making the change in the oversubscription criteria for admission to HPAB until such time as it would result in the children who transfer from it to the school living more locally;

- (iii) because linking the admissions of a primary school and a secondary school that are part of the same multi-academy trust is setting up a “monopoly” or a “brand consolidation”;
- (iv) because the change simply favours one group of parents who want their children to go to the same secondary school as their classmates over all others for whom this is not an option;
- (v) because most children manage the transition between phases without this kind of a link;
- (vi) because the benefits of feeder status for some children do not justify the disbenefits to other children, and
- (vii) because the reasons given by the school are “weak” or are to do with matters that will give the group of children who benefit from feeder status an unfair advantage over other children once they are at the school.

49. My understanding of the meaning of paragraph 1.15 of the Code is that it requires that the reasons which are given for the naming of a feeder school by an admission authority are themselves reasonable. Most of the complaints of the objectors seek to show that the naming in this case is unreasonable for reasons which they introduce themselves, which is not quite the same thing. However, I shall in any case address the arguments which have been put forward, in the order set out above, since it is possible that the reasons given could nevertheless undermine the reasonableness of the arrangements. In saying this, however, I am mindful that the Code makes it clear that it is for admission authorities to determine their admission arrangements. It is then for the adjudicator to determine if those arrangements comply with the requirements of the legislation and the Code if there is an objection. It is not for me (or anyone other than the admission authority) to decide what set of Code compliant arrangements should be adopted. To put it another way, I cannot say that another set of possible arrangements might be “better” than any particular set of Code compliant arrangements that have been determined.

50. (i) I have already considered the consultation carried out by the school before the arrangements were determined, and have concluded that it did not fail to meet the relevant requirements. That being the case, there is no basis for arguing that the decision to go ahead with the proposal which was the subject of the consultation was unreasonable, much less that the proposal itself was rendered unreasonable due to a consultation which in my view was conducted lawfully.
- (ii) It is the case, as I have set out above, that the number of children attending HPAB who live some distance away from it will decrease in the future. I have already discussed the relationship between these distances, the naming of HPAB as a feeder school and the admission to the school of children who have not attended it. My understanding of this objection is that the objector would have preferred it if HPAB had not been named a feeder school, either at all or not until this change had come about, so that there were not some children living at a

distance who had a higher priority than children living more local for admission to Harris Academy Beckenham. The school could indeed have waited but it did not, and I have already discussed and come to a view about the effect of its decision in 2022. There may be a consequential detriment to some local children, but not one which I have found to be likely to amount to an unfairness. Even so, this does not mean that the grounds on which the naming of the school has been based (which I shall discuss below) are unreasonable.

- (iii) Some objectors have complained that feeder status for HPAB introduces an exclusivity into the system of publicly-funded schools because it is part of the same “brand” as the secondary school. I can understand the concern which is being expressed, especially where there are effectively few, if any, alternative secondary schools which parents feel are available to them in their locality. It would also be of concern if feeder schools accounted for so many of the places at a secondary school that children who had not attended them stood little or no chance of being admitted, especially if their other options were very limited. Neither is the case here, since there is a range of alternative schools and since children from the feeder school will have priority for no more than one in three of the available places. I do not think that the matter complained of would cause the arrangements to be unreasonable (had the objection been made in these terms), and again this does not in any case touch upon the reasonableness of the grounds which the school has stated its decision is based on.
- (iv) Any oversubscription criterion will benefit one group and at the same time exclude those that do not fall within its definition. It is inevitably the case that the introduction of feeder school status for HPAB will provide a benefit to some parents, and that this will be at the expense of others, as discussed at length above. It may well seem to those who fear that as a result some local children will not be able to access a local secondary school that the wish of parents at HPAB who do not live locally to ensure that their children can transfer to the same secondary school as their classmates is unreasonable when set against what they believe will be its negative effect. That is, however, an understandable but subjective reaction to an assumed set of circumstances, and not evidence of any unreasonableness concerning the grounds on which the school has made its decision.
- (v) It is true that children are able to make the transition from primary school to secondary school successfully without there having been links between the two schools. But arrangements that allow for something to happen are not unreasonable just because it is not a necessity. It almost certainly aids the transition of children between the phases of education for there to be links between them, and it seems to me to be entirely reasonable to enable this where possible.
- (vi) Some objectors have taken the view that while there are benefits for some children in making the feeder school link, these are outweighed by the

consequential detriment to other children. They say this makes the introduction of the link unreasonable. Whether this is arguably the case here depends on the extent of the detriment which is likely to occur, which it seems to me these objectors have assumed will conform to their greatest fears. Again, I have considered at length above the likely effect on other children of the introduction of feeder school status and expressed my view about it. In any case, this again does not speak to the question of the reasonableness of the grounds on which the school has introduced feeder status into its arrangements.

51. I do not uphold the objections which have cited the above reasons for believing that the feeder school has not been named on reasonable grounds. I turn now to those objections which have sought to persuade me that the reasons which the school itself has given are unreasonable. I shall again consider objections which look to the effect of the arrangements as well as those that deal purely with the reasonableness of the stated grounds in themselves.

52. The consultation notice which the school circulated, and the subsequent report to the school governors, contained the following:

“The rationale for the proposal is due to the fact that Harris Academy Beckenham and Harris Primary Academy Beckenham have been working in a formal partnership for a number of years with staff being shared across both Academies. Considerable work takes place surrounding curriculum development, numeracy, literacy support in addition to sharing the same staff, site and associated resources. Students at the primary academy have already developed relationships with secondary staff and to have Harris Primary Academy Beckenham named as a designated feeder school would support the educational needs and wellbeing of the students and their families as they already have shared resources.”

53. Several objectors have referred to the minutes of the meeting of the school governing board at which the arrangements were determined, which record the discussion which took place there. Reference was made to specific areas of the curriculum such as modern foreign languages, science, design and PE in which resources are shared between the two schools. One objector said that these reasons are “weak at best” and that curriculum links between the two schools are not a sufficient reason to deprive other children of a place at what objectors clearly think of as “their local” secondary school.

54. When the school responded to the objections, it expanded on what had been published and discussed by the governors, providing me with a detailed list of collaborative projects which take place between the two schools, and adding the factor that the two schools share the same site. It concluded that:

“...we are struggling to think of a more compelling case for a feeder school than this situation, given the two school’s (sic) geographic proximity and Harris Federation’s well known, unique and respected approach to education.”

55. My view is that the objections have again been made in the context of the anticipated detriment which feeder status will result in for some children, and that the views expressed are essentially that the reasons for giving feeder status are insufficient in the light of this. The Code, however, does not require that the grounds on which a school is named as a feeder school are strong, or strong enough to justify their effects, only that they are reasonable.

56. It seems self-evident to me that there is rationality in the reasons which the school has given, and there is no doubt in my mind that they could not be considered “Wednesbury unreasonable”. I am not sure that I would agree with the school that its reasons are “compelling” as it has put it, since in that case the change would be an inevitable one for the school, which it is not. However, the grounds on which the school has named HPAB as a feeder school are not unreasonable, either in their effect (and as I have concluded above, not unfair in their effect either) or in themselves as reasons. I do not uphold the objections which have been made concerning these grounds.

The school's Public Sector Equality Duty

57. The Code says the following concerning the duties of school admission authorities:

“Admission authorities are subject to the Public Sector Equality Duty and therefore must have due regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity, and foster good relations in relation to persons who share a relevant protected characteristic and persons who do not share it.

The protected characteristics for these purposes are: disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.”

58. Of the objectors, 12 have referred to equality issues in support of their objection to the introduction of feeder status for HPAB, either asking whether the school has carried out an impact assessment of the change, or asserting that the change will have an effect which either indirectly contravenes the school's Public Sector Equality Duty (PSED), or creates a risk of this happening. Of those objectors who have referred to a specific protected characteristic, one has referred to gender and the remainder to race.

59. A number of objectors have quoted the Office of National Statistics publication of the 2016 census as saying that the percentage of BAME residents of Penge (35%) is significantly higher than either that of Beckenham (17%) or of other parts of Bromley, particularly those areas where children who could transfer from HPAB to the school in 2022 live. Objectors are concerned that the effect of reduced admissions from Penge in favour of children living further away from the school will impact on the ethnic mix in the school. One objector said:

“As Penge has a significantly higher proportion of residents from Black and other minority ethnic groups as the rest of Bromley(sic), this will have the effect of

gradually “whitening” the ethnic make-up of HAB, undermining the school’s equality duty. Over time it will lead to the social exclusion of Black and other minority ethnic pupils from its school, requiring such children to face disproportionate problems in accessing secondary school, thereby exacerbating rather than minimising disadvantage.”

60. Another objector made the same point but said that this will be caused in the long term by the revised admission arrangements for HPAB which prioritise those living nearest to the school, because of the nature of the school’s immediate environs. Harris Academy Beckenham itself has given priority to children on the basis of the distance of their homes from the school for a number of years, and the two schools share a site. So children who might be admitted to the secondary school in the future from very near to the school under the primary feeder school priority will be admitted from the same area as children now at the school who have been given priority for admission in the past based on distance from the school. Therefore I cannot see that this will have the effect described by the objector.

61. The school has stated that it has not carried out an impact assessment of the potential effect of change, citing the difficulty of doing so which results from the unknown preferences of parents of children due to leave HPAB at the end of the 21/22 school year, combined with the effect of the school’s use of banding. I have understood this to mean that the school believes that the unknown band assignments of those who do wish to transfer under the feeder school priority results in a further layer of uncertainty for any such assessment. The school has also pointed out that the priority afforded to children who have attended HPAB is applied in the arrangements band by band, stating that:

“... the naming of the feeder school will not displace children of average ability but children with a higher ability will have lesser chance (sic) of getting a place at the Academy as there are more places available in the middle band than the outer bands.” I can only assume that this statement implies that the school believes that children transferring from HPAB are unlikely to be representative of the national range of abilities, which may of course be the case, but I have not pursued this.

62. The broad purpose of the PSED is to integrate consideration of equality and good relations into the day-to-day business of public authorities. The PSED does not specifically require the carrying out of a formal Equality Impact Assessment, but what it does require is for an admission authority to consider the impact of a potential change in its admission arrangements in order to determine whether there will be any adverse impact upon applicants who share any of the protected characteristics. It is clear from the school’s response that no such consideration occurred. It is also clear from the notes of the meeting of the governing board at which the admission arrangements for September 2022 were determined that there was no consideration of any equality impact during the decision-making process. My view therefore is that the school may not have complied with its obligation to have due regard to the need to eliminate discrimination when determining its arrangements. However, it is not within my jurisdiction to impose a requirement upon the school that it must undertake any such consideration. Enforcement of this obligation falls to the Equality and Human Rights Commission.

63. Although none of the objectors has used these words, I am of no doubt that the views which I have described above about the likely effect on the ethnic make up of the school of the introduction of feeder status for HPAB amount to claims that the policy is likely to result in unlawful discrimination on the grounds of race. The school has clearly taken the same view, because it has told me:

“We can confirm that [Harris Academy Beckenham] always promotes opportunities to eliminate unlawful discrimination, advance equality of opportunity between people who share a protected characteristic and those who don’t and encourage good relations between those who share a protected characteristic and those who don’t.”

64. It is within my jurisdiction to determine whether the arrangements are unlawfully discriminatory, but I am in the position of having to attempt to reach a conclusion on this point in the absence of any proper analysis of their potential effect and without being able to require the school to conduct such an analysis.

65. Under the provisions of the Equality Act 2010, discrimination on the grounds of race could be direct or indirect discrimination. Guidance to schools issued by the Department for Education in 2014 defines these terms as follows:

“Direct discrimination occurs when one person treats another less favourably, because of a protected characteristic, than they treat – or would treat – other people. This describes the most clear-cut and obvious examples of discrimination – for example if a school were to refuse to let a pupil be a prefect because she is a lesbian. Indirect discrimination occurs when a “provision, criterion or practice” is applied generally but has the effect of putting people with a particular characteristic at a disadvantage when compared to people without that characteristic. It is a defence against a claim of indirect discrimination if it can be shown to be “a proportionate means of achieving a legitimate aim”. This means both that the reason for the rule or practice is legitimate, and that it could not reasonably be achieved in a different way which did not discriminate.”

66. The decision to give feeder school status to HPAB does not constitute direct discrimination on the grounds of race (which would be unlawful), but I have considered whether it could amount to indirect discrimination. The question I need to consider is whether there is any evidence which could lead me to conclude that fewer BAME applicants will be admitted to the school as a result of the change to the school’s admission arrangements and, if this is the case, whether this is justifiable.

67. The information I have is that an Office of National Statistics publication of the 2016 census (referred to by a number of objectors) says that the percentage of BAME residents of Penge (35%) is significantly higher than either that of Beckenham (17%) or of other parts of Bromley, particularly those areas where children who could transfer from HPAB to the school in 2022 live. I have said that I consider that it is likely that fewer children from the Penge area will secure a place at the school in 2022 as a result, and neither the school nor the local authority has challenged the ethnicity data relied upon by objectors, so I have no reason to doubt its accuracy.

68. The school went on to provide me with data concerning the ethnicity of the children attending both schools and the proportions living in Penge. In summary, this shows that children described as “white British” make up 41 percent of Harris Academy Beckenham, and 54 percent of HPAB. The proportion of children who have been admitted in recent years from Penge is about 25 percent for Harris Academy Beckenham and about 6 percent for HPAB. The school concluded by saying:

“.....even though we were unable to carry out an Equality Assessment to identify if children living in Penge or any other area will be displaced as a result of the changes to our admission arrangements, we have demonstrated that this is not true and that children from a disadvantaged background or average ability band (sic) have a high chance of getting a place at the academy.”

69. I do not concur with the assessment made by the school that “it is not true” that the arrangements will result in some children living in Penge (or other areas) having a reduced chance of securing a place at the school in 2022, or that it has demonstrated this to me. I have set out my understanding of the position in the earlier part of this determination.

70. Any reduction in admissions from the Penge area will have the same effect whatever the ethnic background of the child concerned – if children are affected, it will be because of where they live, not because of their ethnicity. All I am able to say based upon the information I have is that it is possible that the makeup of Penge may mean that children from some races could be more affected than those from others. However, I have no information (such as might have been available from an impact assessment carried out by the school) about the detailed relationship which exists currently between the ethnic make-up of Harris Academy Beckenham and the location of pupils’ homes. So I cannot be certain that the effect of a reduced number of admissions from Penge, which will of course take place as part of reduced admissions from other areas at a similar distance from the school, will impact disproportionately on BAME children whose parents seek a place at the school. Because I cannot be certain of the effect the new arrangements will have, I am not able to make any conclusive finding that they will operate in a way that discriminates indirectly against BAME applicants.

71. I have already said that I do not consider that arrangements result in unfairness, and that the feeder school was not named on unreasonable grounds. In the face of an admissions policy which appears to be otherwise fair and lawful and where the practice of adopting feeder school status is permitted expressly by the Code, I would need conclusive evidence of discriminatory effect in order to require the school to revise its arrangements. This I do not have, but I sincerely hope that the school will consider these points carefully when determining its arrangements for admission in September 2023. I am sure that, as a responsible admission authority, the last thing the school would want would be to continue to operate arrangements which could be discriminatory, unless of course it considers such potential discrimination to be justifiable.

72. I have set out above my views concerning the school’s compliance with its Public Sector Equality Duty during the process of determining its arrangements. I have also

considered the potential effect of the arrangements in terms of unlawful discrimination on the grounds of race although no objection was raised on these grounds.

73. Finally, one objector has said that the granting of feeder status amounts to unfair discrimination on the grounds of gender, because while there is an alternative local secondary which admits girls, this is not the case for boys. The reference here is to the existence of Harris Girls' Academy Bromley to the north of Penge, which does not have an equivalent in terms of a school which admits only boys. In addition to the further mixed provision at Eden Park High School, there is Langley Park (boys) and Langley Park (girls) at a further distance to the south, none of which are mentioned by the objector. The point being made, as I understand it, is that boys living in the area which is most likely to be affected by the school's arrangements are more likely to be adversely affected than girls living there if unable to secure a place at the school. It is the responsibility of the local authority, not that of the school, to ensure that there is adequacy of provision for both boys and girls in its area. The local authority expressed its view to me that it was "not aware" of any breach of the Equality Act. I have seen no evidence that the local authority is not complying with its duty to provide sufficient secondary school places for boys in its area, but neither have I been given any evidence that the authority has conducted any analysis as to whether there may be an adverse impact in terms of there being a shortfall. However, the school cannot become a single sex school without undertaking the relevant statutory processes and cannot lawfully offer priority based upon the gender of its applicants. It cannot therefore be laid at the door of the school's admission arrangements should there be any effect of the sort envisaged by the objector, and I do not uphold this objection.

The clarity of the arrangements

74. One objector quoted paragraph 1.8 of the Code which says that:

"Oversubscription criteria must be reasonable, clear objective, procedurally fair and comply with the relevant legislation including equalities legislation."

75. The objector went on to complain that the school had not included an impact analysis of the proposed introduction of feeder school status during the consultation, and that therefore the policy of doing so was unclear. While it is the case that there was no impact analysis, this fact has no implications for the clarity of the arrangements themselves or the specific oversubscription criterion about feeder school status. Paragraph 1.8 of the Code refers straightforwardly to the wording of the arrangements themselves, and requires that their meaning is clear. The oversubscription criterion is set out in the arrangements as:

"Children attending Harris Primary Academy Beckenham

Under this category, the child must be attending Harris Primary Academy Beckenham at the time of the application/the application deadline."

76. While I take this last phrase to mean "at the time when the parent applies, up to and including the deadline for applications" and so think that the wording could helpfully have said this, I think parents reading the wording which is present would derive the same sense

as myself, and that it is not unclear. In any case, the provision is not unclear for the reason stated by the objector, and I do not uphold this objection to the arrangements.

Reduced choice and reduced chances of success

77. I have already considered at length the likely effect of the introduction of feeder status for HPAB. While this may result in a reduced level of choice in practice for some parents if the Harris Academy Beckenham becomes an unrealistic option for them, neither this nor any reduced chances of their application being successful in securing a place there means that the arrangements fail to comply with the requirements concerning them. There is no minimum level of “choice” for parents which is specified in admissions legislation. Parents’ (and children’s) interests are protected by the fact that all parents have the right to apply for a place for their child at any state-funded school (something which is stated plainly in paragraph 15d) of the Code), and by the fact that local authorities have a duty to secure sufficient appropriate provision for all children residing in their area. The question which might arise as a result of changes made to the admission arrangements of a school is that of their fairness, which I have discussed above, including objections which cited reasons of reduced parental choice for the arrangements being unfair. I do not uphold these objections.

Failure to recognise existing family ties

78. One objector living in Penge refers to the fact that the older siblings of her child who is currently at a primary school in the area (which I understand not to be HPAB) have attended Harris Academy Beckenham, and she is clearly fearful that this youngest child may not be able to follow them. Although the objector has not stated this, I understand the objection to be that the oversubscription criteria are unreasonable (a requirement of paragraph 1.8 of the Code), the objector also having objected on the grounds that the arrangements are unfair, because “family ties” are not recognised in a specific oversubscription criterion.

79. The arrangements do give priority, before the priority given to children attending HPAB, to siblings of children in Years 7 to 11 of the school, which is obviously such a recognition. The objector does not say whether any older sibling is still at the school (or will perhaps be in its sixth form when the younger child seeks admission), but I imagine this not to be the case because of the terms in which the objection has been made. There is obvious justification for a sibling rule which gives priority to allow more than one child from the same family to go to the same school at the same time on the grounds of practicality, at least when children are young. Sibling priority is in consequence extremely common in primary schools. The need for siblings to attend the same school grows weaker as children grow older. In the first place, when the eldest child in a family moves on, children will be at different schools and in the second, the existence of single sex secondary schools means that children of different genders from the same family may not attend the same school. While the Code does allow, at paragraph 1.11 for admission authorities to give priority to siblings of former pupils, there is no requirement for them to do so and such provisions are relatively rare. The failure to include an oversubscription criterion to recognise other “family

ties” beyond that of the already recognised sibling link does not mean that the arrangements fail to comply with the requirements concerning them, and I do not uphold this objection.

Summary of Findings

80. I have set out in the preceding paragraphs the reasons why I:
- (i) do not uphold the objections that the school’s consultation prior to the determination of the arrangements failed to comply with the relevant requirements;
 - (ii) do not uphold the objections that the arrangements are unfair;
 - (iii) do not uphold the objections that Harris Primary Academy Beckenham has not been named on reasonable grounds;
 - (iv) have formed the view I have set out concerning the school’s compliance with its Public Sector Equality Duty;
 - (v) do not uphold the objection that the arrangements are unclear;
 - (vi) do not uphold the objections that the arrangements result in a reduced likelihood of some children obtaining a place at the school, or in reduced parental choice;
 - (vii) do not uphold the objection that the arrangements fail to recognise family ties.

Determination

81. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objections to the admission arrangements for September 2022 determined by the Harris Federation Trust for Harris Academy, Bromley.

Dated: 2 September 2021

Signed:

Schools Adjudicator: Dr Bryan Slater