



Office of
the Schools
Adjudicator

Determination

Case references:	ADA3633-9, ADA3642-6, ADA3649, ADA3651-3, ADA3681 & ADA3683
Objectors:	Parents, members of the public and the London Borough of Bromley
Admission authority:	Harris Federation Trust for Harris Academy Beckenham, Bromley
Date of decision:	2 June 2020

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objections to the admission arrangements determined by The Harris Federation Trust for Harris Academy Beckenham, Bromley.

I have also considered the arrangements in accordance with section 88I(5) and find there are other matters which do not conform with the requirements relating to admission arrangements in the ways set out in this determination.

By virtue of section 88K(2), the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of the date of the determination.

The referral

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 London Borough of Bromley (the objectors), about the admission arrangements (the arrangements) for Harris Academy Beckenham, an academy school for children aged 11 to 18, for September 2021. The objections are to the consultation process undertaken prior to the determination of the arrangements, to the inclusion of a named feeder primary school in those arrangements and to their consequent fairness. A further

objection says that the admission authority has failed to observe its Public Sector Equality Duty during the process of determining its admission arrangements.

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 and has itself submitted one of the objections. The other parties are the other objectors, the local Member of Parliament who has asked to be kept informed about the progress of this case, the Harris Federation Trust and the academy governing board.

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 January 2020 and 14 May 2020. 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 his/her name and address to me. I am satisfied the objections have been properly referred to me in accordance with section 88H of the Act and that they are within my jurisdiction. I have also used my power under section 88I of the Act to consider the arrangements as a whole.

Procedure

4. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).

5. 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 January 2020 and 14 May 2020;
- d. the school's response to the objections;
- e. the LA's online composite prospectus for admissions to primary and secondary schools;
- f. a map of the area identifying relevant schools;
- g. information provided by the LA concerning the projected need for secondary

school places, and

- h. confirmation of when consultation on the arrangements last took place and details of the nature of the consultation and responses to it.

The Objections

6. There have been a total of 18 objections; 11 from parents, 6 from members of the public and one from the LA. The matters objected to are as follows:

Matter objected to	Number of objectors
Consultation	10
Consultation and the naming of a feeder primary school	1
Consultation and fairness	2
Consultation, the naming of a feeder primary school and fairness	3
Consultation, the naming of a feeder primary school and failure to comply with Public Sector Equality Duty	1
Fairness	1

7. As can be seen from the table above, all of the objectors except the LA have complained that the consultation which the Trust carried out prior to the determination of the arrangements was inadequate. Some have referred to the requirements concerning consultation which are set out in the Code and in the Regulations. The view commonly expressed is that there was inadequate local knowledge of the proposal to name Harris Primary Academy Beckenham (the primary school) as a feeder school and that as a result the school was not aware of local opinion concerning this when the arrangements were determined. Some also provided copies of letters which had been sent to them by the school following an earlier consultation about this same proposal, which stated that the school would not implement this change at that time, and that there would be no further consultation on this matter before 2020 in respect of the school's admission arrangements for 2022.

8. Some objectors have gone on to explain that there is increasing pressure locally for secondary school places. The view expressed is that many of the children already attending Harris Primary Academy Beckenham do not live locally, and that in the future children living in the area but not attending the primary school will be unable to secure a place at Harris Academy Beckenham, or at any alternative local secondary school, if

priority is given to those attending Harris Primary Academy Beckenham. I have taken such statements to be complaints that the arrangements may be unfair, and have informed the objectors in question, and the other parties to the case, that this was my understanding.

9. Some have also stated that the naming of Harris Primary Academy Beckenham as a feeder school has not been made on reasonable grounds, and that this therefore fails to meet the requirements of the Code. I shall return to this point below.

Other Matters

10. Having considered the arrangements as a whole it appeared to me that the following matters concerning the arrangements also do not, or may not, conform with requirements:

- (i) the statement that the arrangements are “*for the year 2021-22 and for subsequent years*” may breach paragraph 1.46 of the Code, and
- (ii) the date by which the outcome of tests is provided to parents may not conform with paragraph 1.32c) of the Code.

I have decided accordingly to exercise my powers under section 88I of the Act to consider the arrangements as a whole and whether they conform with the requirements relating to admissions and I have informed the admission authority of his decision, seeking their comments on the above matters of concern.

Background

11. The school is part of the Harris Federation multi-academy trust. The Harris Federation website list the following schools which are members of its trust located in the London Borough of Bromley:

Harris Academy Beckenham (the school)

Harris Girls’ Academy Bromley

Harris Academy Orpington

Harris Primary Academy Beckenham (the primary school)

Harris Primary Academy Beckenham Green

Harris Primary Academy Crystal Palace

Harris Primary Academy Kent House

Harris Primary Academy Orpington

Harris Primary Academy Shortlands

12. The admission arrangements of one of the other two secondary schools and three of the six primary schools listed above have been mentioned by at least one of the objectors in connection with those of the school. Where I was unsure whether the objector wished to object also to the admission arrangements of these other schools too, I have sought confirmation as to whether or not this was the case from the objector concerned, but have received no response on this point. I have in consequence not considered the arrangements of any other schools.

13. Harris Primary Academy Beckenham is located on the same site as the school. It opened as a new school in September 2015 and has a PAN of 60. Another school in the trust, Harris Primary Academy Beckenham Green is located (by my estimation) 0.5 mile from the school. It opened as an academy converter in September 2017, and has a PAN of 30. In 2018, the school consulted on a proposal that Harris Primary Academy Beckenham Green become a feeder school for admissions in September 2019. It did not proceed with that proposal and notified consultees at the time that representations had been received from parents of children at Harris Primary Academy Beckenham that it be considered as a feeder school. In that letter, the school stated that this would not be considered before the present year in relation to admissions in September 2022. This fact has been referred to by a number of the objectors, who are unhappy that the school has carried out what they consider to be a defective consultation prior to determining admission arrangements for September 2021 which include the naming of Harris Primary Academy Beckenham as a feeder school. The school has acknowledged that this has been the sequence of events, but has said that:

“We do not accept that, by suggesting in 2018 that we would not revisit these proposed changes again until 2020, we were prohibited from proposing them again earlier than that, given that we had to publicly consult again.”

14. The LA in its own objection to the arrangements has referred to its concerns that the naming of Harris Primary Academy Beckenham as a feeder school will result in there being a reduction in available secondary school places for children living locally from September 2022 because children not living locally but attending the feeder primary school will have priority over such more local children for places at that time. It also refers to a broader background concerning the existing admission arrangements of another of the primary schools and another of the secondary schools listed above that do not give priority to children straightforwardly on the basis of the distance of their homes from the school in question. The local Member of Parliament has referred, in a letter addressed to the adjudicator expressing concern about the arrangements of the school, to the admission arrangements of another Academy Trust. She expressed concern about the possibility of a developing situation where the naming of feeder primary schools by secondary schools in Bromley could result in some children who do not attend any of the feeder schools not being able to access a secondary school reasonably close to their home in the future.

15. The admission arrangements of the school which have been the subject of the objections referred to above, in summary, provide the following:

- (i) The arrangements are for 2021-22 and for subsequent years;
- (ii) That the published admission number for Year 7 is 180;
- (iii) The arrangements for children to take the school's banding tests, and the issuing of invitations to testing sessions, take place in October of the relevant year (implying that the tests may take place after the end of October);
- (iv) Children are allocated to one of nine ability bands;
- (v) 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 distance from the school to their home.
- (vi) Unallocated places are offered to children from adjacent bands in the event that some bands are oversubscribed and some are not, and random allocation is used if there are ties for the last place in a band.

Consideration of Case

16. There are four elements to the objections:
- (i) whether the consultation prior to the determination of the arrangements met the relevant requirements;
 - (ii) whether the effect of the determined admission arrangements renders them unfair;
 - (iii) whether Harris Primary Academy Beckenham has been named as a feeder school for admissions in September 2021 on reasonable grounds, and
 - (iv) whether the school has failed to observe its Public Sector Equality Duty.

The Consultation

17. The requirements concerning the consultation which admission authorities must carry out prior to the determination of the admission arrangements for a school are set out in paragraphs 1.42 to 1.45 of the Code, in the Regulations referred to there and in the footnotes to these paragraphs. The list of those who must be consulted is given in paragraph 1.44, and this includes:

“parents of children between the ages of two and eighteen”, and

“all other admission authorities within the relevant area”.

18. Many of the objectors complain of being unaware of the school’s consultation, or of only being aware of it some way through the period of consultation as a result of their children’s primary school notifying them that it was taking place. One objector complained that there had been no use of leaflets, posters or social media to alert parents to the consultation. The school informed those responding to the consultation that there had been a total of 204 responses, of which 32 had been from parents in the area objecting to the proposed addition of a feeder primary school, and some of the objectors refer to what they believe to be a very low level of response as evidence of the ineffective nature of the consultation. Other points which have been made are that the consultation itself did not adequately explain how the proposal to give priority to children attending Harris Primary Academy Beckenham would “skew” the banding effect for other children (the assumption being that there would be such a consequence), or its effect on admission to the school generally. One objector referred to the apparent absence of an adequate assessment and explanation of the likely impact of the proposal to name a feeder primary school in terms of the school’s Public Sector Equality Duty, and I shall return to this below. This same objector complained that their own consultation response had not been included in the summary of consultation responses, and that the school had failed to read consultation responses properly because it may have unintentionally overlooked or misplaced some responses.

19. The school has provided me with evidence that its consultation ran for the required period of six weeks between 1 October 2019 and 12 November 2019 and with the details of how it attempted to reach the statutory consultees. As far as consultation with parents is concerned, I have seen a copy of a letter sent to the headteachers of all local schools dated 1 October 2019, and which the school has told me was sent partly *“so that they could bring our consultation to the attention of the parents of their students”*, but which did not in fact make this request. The school has also supplied me with copies of two of the notices which it has told me it published in local newspapers, one of which has a date of 16 October 2019. It was a significant element of the objections that parents were either not aware of the consultation, or only aware of it for part of the period of consultation.

20. The school has helpfully acknowledged that *“.....there may have been other steps which we could have taken to bring the consultation to the attention of parents (for example, putting up posters, posting on social media, expressly asking other schools to notify their parents, etc), and this is clearly something we will learn from in the future.”* It nevertheless believes that what it did met or exceeded the requirements concerning consultation which are set out in the Code. It has also challenged the view expressed by some objectors that the level of response to the consultation which it reported was necessarily evidence that this consultation was inadequate. The school has not responded to the other aspects of the complaints about its consultation which are set out above, although it has had the opportunity of doing so.

21. On the basis of the evidence which has been presented to me, my view is that the consultation met barely the relevant requirements concerning the engagement of parents, since there was an attempt to reach parents in the community (and indeed other members of the general public although there is no requirement to consult persons whom are unlikely to have an interest) in the form of newspaper notices. However, the letter informing other admission authorities such as local schools could not be said to render the school's actions an effective means of consulting parents since this did not ask schools to inform them about the consultation. The consultation certainly did not exceed the requirements, as the school suggests.

22. It is always helpful for any consultation to provide consultees with an analysis of the impact which the proposer considers is likely as a result of the changes which are being proposed. However, it is in general a matter for consultees themselves to comment on proposals and the requirements are that they be given sufficient opportunity to do so because the changes themselves have been adequately explained. It seems to me that the school did explain the changes it was proposing in a clear and adequate fashion and so did not fail in what was required of it, as some objectors have said.

23. One objector has provided me with evidence that he and others had objected during the consultation to the inclusion of a priority for children of members of staff in the arrangements, this being the other proposal made in addition to the naming of the primary school as a feeder school. There does seem to be a discrepancy between this evidence and the minutes which I have seen of the meeting of the school Governing Board on 6 December 2019 at which the consultation outcomes were reported, which say that there had been no such objections. The school will need to be careful that it has been scrupulous in the reporting to governors of the responses to any consultation which it undertakes in the future.

24. I have informed those objectors who complained that the consultation was inadequate 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. However, 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."

25. I have set out above my views concerning the school's consultation. Overall, I do not consider that the consultation failed to meet the minimum requirements concerning consultation referred to above. However, for reasons which I will explain below, its adequacies and inadequacies are overshadowed by the objections which have also been made concerning the arrangements themselves.

Whether the arrangements are fair

26. The objection made by the LA summarises the concerns expressed by a number of objectors. It says that:

“The concern is that adding feeder school (sic) to the school’s admission policy will negatively impact on the availability of places in the Beckenham and north west Bromley area as the ‘feeder’ places will go to many outside of the area over and above local children.”

It goes on to say that it has “ ‘significant issues’ with allocating children” in that area as a result of the admission arrangements of two other named Harris Federation secondary schools. It concludes:

“Taking these factors together, the proposed changes are likely to contribute to a greater number of parents not gaining a school place of choice.”

27. The school has responded to these concerns by pointing out that the PAN of the school is 180, while that of the newly named feeder school is only 60. Its view is that since there are oversubscription criteria which afford a higher priority than that given to those attending the primary school, some of the potential 60 children will have been admitted under them and that in practice it would be a minimum of two-thirds of the available places that would still be available to other children who have not attended the primary school. It argues that the LA has provided no evidence to support the assertion made in its objection concerning reduced parental choice, pointing out that parents of children transferring from the primary school would themselves be exercising parental choice and having it met.

28. This last point is of course true, since the application of oversubscription criteria to regulate admissions when there are insufficient places at a school to satisfy all those seeking a place there will always mean that one parent’s “choice” is denied in favour of that made by somebody else. The requirement of the Code is that admission arrangements are fair, and for them not to be they would have to result in a consequent unfairness, such as that which would be suffered by a child who was unable to secure a school place or who would be faced with an unreasonable daily journey to a school where they could be admitted. Some of the objectors have alluded to this possibility by stating that the introduction of feeder school status for one of the primary schools in the area is likely to create what some have called “admissions blackholes”, or areas from which children cannot access a secondary school within a reasonable distance of their home.

29. However, none of the objectors provided me with evidence that this effect would materialise, and so I asked the LA to give me the number of first preferences which had been expressed for the school from those living in the Beckenham/ Penge area in recent years, for the number of such preferences which were successful, and for the distance from their home of the school offered to those who were unsuccessful. Such information would potentially have revealed any unfairness of the sort which I have

referred to above, and when added to by projections of future need might have revealed whether the picture described by many of the objectors is accurate. However, the LA did not provide me with this information and did not explain the reason for this, but it did give me the furthest distances from which children were admitted to the school across each of the nine bands in each of the last three years. This showed a slight increase in such distances generally between 2017 and 2019, which would seem to me not to support any view of increasing pressure for places there in those years, although the LA has told me that in the area near the school there had been 182 more children in Year 6 in 2019 compared to 2009.

30. I had also asked the LA for its projected need for Year 7 places locally, and it informed me about projections for the borough as a whole as this is the available information. It projects a deficit in available Year 7 places in 2021 and increasing demand thereafter. The LA also told me that the borough is a net importer of children. It said that this general pressure for secondary school places meant that the introduction of a feeder primary school to the admission arrangements of the school *“will have a significant impact on applications for school places”*. Since a pupil attending the named primary school but living further away from it than a pupil at another primary school would have the higher priority for a place at the school, this *“could lead to areas where applicants will not be able to achieve one of their preferences”* in its view, which echoes the assertions made by other objectors about *“admissions blackholes”*.

31. While there are obvious and growing concerns about the pressure for secondary school places in the locality, this fact does not of itself mean that the arrangements will result in the effect that the objectors fear. None of the objectors, including the LA, has provided me with any clear evidence that the arrangements are likely to cause an unfairness, even though I have asked the latter to do so. I do not uphold this aspect of the objections.

The naming of a feeder primary school

32. The Code says in paragraph 1.15 that:

*“The selection of a feeder school or schools as an oversubscription criterion **must** be transparent and made on reasonable grounds.”*

33. Of the five objections that referred specifically to these requirements, four argued that the naming of Harris Primary Academy Beckenham as a feeder school for admissions to the school in September 2021 was not made on reasonable grounds because of the weakness of the rationale which the school had put forward for doing so in the consultation letter which it had sent to local schools, when compared to the wider detrimental effect that they considered this would have. The school’s rationale had referred to the fact that both schools are part of the same academy Trust and to shared curriculum developments, as well as to the wishes of parents of children already at the primary school, to which I have already referred. The school responded to me concerning these objections by referring again to the geographical proximity and closeness of collaboration between the two schools.

34. The school also commented on the argument of the fifth objector that since the primary school opened in 2015, and will have no cohort of children to transfer to secondary school until September 2022, the naming of it as a feeder school should have taken place as part of the process of its establishment, for it to have been transparent. I understand this argument, but cannot agree with it since it is obviously possible for a secondary school to propose that a given primary school become a feeder school at any point in time and for this to be done transparently.

35. The school agreed that no children would transfer from Harris Primary Academy Beckenham in September 2021, and went on to express the following view:

“In our view, it should not be unlawful to include oversubscription criteria now which will have no practical effect in the short term, but will come into effect at a known point thereafter, as long as this is clear to parents.”

36. The school has also responded to my concern that its arrangements state that they are said to be those “for the year 2021-22 and for subsequent years” by saying that “we are aware that admission authorities must determine a set of admission arrangements for each year’s intake”, and I shall return to consider this specific matter in terms of the lawfulness of the school’s arrangements below.

37. Paragraph 1.46 of the Code says:

*“All admission authorities **must** determine (ie formally agree) admission arrangements every year, even if they have not changed from previous years and a consultation has not been required.”*

Section 88C(1) of the Act requires admission authorities to determine “before the beginning of each school yearthe admission arrangements which are to apply for that year.”

38. So, whatever the school may consider should or should not be lawful, the meaning of the requirements set out above is plain. Admission arrangements apply to a school for only the year in question. Those that are to apply for a subsequent year are to be determined only at the appropriate time, and do not exist before such determination.

39. Objectors complain that Harris Primary Academy Beckenham was not named as a feeder school in the arrangements for Harris Academy Beckenham for September 2021 on reasonable grounds. There will be no children who can transfer from it in September 2021, as the objector mentioned above has pointed out, and as the school has acknowledged. I agree with the school that it is helpful to parents to know in advance what changes might potentially be made in the future to admission arrangements, and there is no inhibition placed on admission authorities for giving parents such information. But that is a different matter from the determination of the school’s admission arrangements. The requirement placed on admission authorities is to consult before a change is made, and for obvious and good reasons to do so at that

time, and not in a previous year. The admission arrangements complained of here are those for September 2021, and it cannot in my view be reasonable to name Harris Primary Academy Beckenham as a feeder school in those arrangements when, to use the school's phrase doing so "*will have no practical effect*" concerning admissions to the school at that time. For that reason, I uphold the objections that the naming of Harris Primary Academy Beckenham as a feeder school has not been made on reasonable grounds.

40. The school will need to revise its admission arrangements for September 2021, and if it wishes to propose the naming of Harris Primary Academy Beckenham as a feeder school for admissions in September 2022, it will need to carry out a public consultation on any such proposal. I emphasise 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 to be in compliance with the requirements relating to admissions, should such arise.

The school's Public Sector Equality Duty

41. One of the objectors has asserted that the school has failed in this duty because it did not carry out an equality impact assessment on the changes it proposed to make in its admission arrangements. The objector has correctly quoted the Code on this matter, which refers to the need for admission authorities to "*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 are also set out in the Code, and these are: disability, gender reassignment, pregnancy and maternity, race religion or belief, sex and sexual orientation.

42. The objector has provided no rationale as to why any of those groups listed above might be affected adversely by the admission arrangements, other than an assertion made in his own response to the school's consultation that they would have "*equality implications*". Failure to carry out an equality assessment does not of itself constitute a breach of an admission authority's Public Sector Equality Duty, in my view. I do not uphold this objection.

Other Matters

43. I have set out above the relevant provisions within the Code and legislation concerning the annual determination of admission arrangements by admission authorities.

44. The school responded to my concern concerning the wording contained in its determined admission arrangements for September 2021 that these applied also "*for subsequent years*" by saying that it understood these requirements and that it was content to remove the reference to subsequent years. However, as determined, the

arrangements do not comply with what paragraph 1.46 of the Code requires and must be revised so that they do so conform.

45. I was also concerned that the arrangements did not meet the requirement of paragraph 1.32c) of the Code that:

*“Admission authorities **must**:.....*

*c) take all reasonable steps to inform parents of the outcome of selection tests before the closing date of **31 October** so as to allow parents time to make an informed choice of school.....”*

45. Since banding is defined as a form of selection by section 101 of the Act, it is incumbent on the admission authority of a school that employs banding, as the school does, to conform with what paragraph 1.32c) requires. The school accepted that this is the case, but pointed out that the wording above was that “all reasonable steps” should be taken, which in its view meant that what is set out in paragraph 1.32c) “*is not therefore an absolute duty*”.

46. I agree that what paragraph 1.32c) says is that it is not an absolute duty to inform parents of the outcome of tests before 31 October. However, the Code states very clearly as I set out above that all reasonable steps **must** be taken to inform parents of test results before 31 October. Paragraph 12 of the Code explains that

*“The Code has the force of law, and where the words ‘**must**’ and ‘**must not**’ are used, these represent a mandatory requirement.*

To adopt the phrasing used by the school, there is in my view “an absolute duty” to take all reasonable steps to inform parents of test results before 31 October.

47. The school has told me that since “*the outcome of a banding test simply determines which band the applicant will be placed in before the oversubscription criteria (sic) is applied.....Indeed, parents need not even be informed of the outcome of the banding test, as the application will be processed in any event.....For these reasons, arrangements are made for applicants (to) take the banding test in December after preference has been expressed for the school....”*

48. Knowledge about which band their child is placed in for the application of the oversubscription criteria may well have a bearing on whether parents decide to express a preference for the school. I referred above to published information about the furthest distance from the school from which a child was admitted. What this information shows is that while the distances are not the same from one year to the next, neither are they the same between bands, although there is no obvious pattern. The school helpfully answered my request for information about the number of children admitted under the different oversubscription criteria in each of the nine bands in the last three years. This shows, amongst other things, how the number of available places in each band is profiled to “*represent the national distribution of abilities by applying percentages in*

each group to the number of places available” in the words of the arrangements. There are of course far more places in the middle band (40) than in bands 1 or 9 for example (8), and parents will be aware of this.

49. However, the school has told me that since the process of applying its oversubscription criteria works perfectly well if parents apply for a place at the school without knowing which band their child will subsequently be placed in, it does not even arrange for banding tests to be taken until after 31 October. This can hardly be said to be taking “*all reasonable steps*”, since as far as I can see the school takes no steps at all to enable parents to know the outcome of banding tests before the deadline for expressing their preferences. The school has given me no reason, other than that it appears to consider it unnecessary, for it to be unable to arrange for testing at an earlier date. If this were to happen it would provide the possibility of the outcomes being communicated to parents prior to 31 October, something which the school does have a legal duty to try to achieve.

50. The arrangements fail to comply with what paragraph 1.32c) requires and the Code requires that they be amended.

Summary of Findings

51. 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 its determination of the arrangements failed to conform with the relevant requirements;
 - (ii) do not uphold the objections that the arrangements are unfair;
 - (iii) uphold the objections that Harris Primary Academy Beckenham was not named as a feeder school for admissions in September 2021 on reasonable grounds, and
 - (iv) do not uphold the objection that the school has failed in its Public Sector Equality Duty.
- (i) I have also explained why I have come to the view that the arrangements fail to comply with paragraphs 1.46 and 1.32c) of the Code.

Determination

52. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objections to the admission arrangements determined by The Harris Federation Trust for Harris Academy Beckenham, Bromley.

53. I have also considered the arrangements in accordance with section 88I(5) and find there are other matters which do not conform with the requirements relating to admission arrangements in the ways set out in this determination.
54. By virtue of section 88K(2), the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of the date of the determination.

Dated: 2 June 2020

Signed:

Schools Adjudicator: Dr Bryan Slater