



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** REF3894

**Referrer:** A member of the public

**Admission authority:** Colehill First School and other First and Middle Schools in the Wimborne Academy Trust, Dorset

**Date of decision:** 28 April 2022

## Determination

I have considered the admission arrangements for September 2022 for Colehill First School and other First and Middle Schools in the Wimborne Academy Trust, Dorset in accordance with section 88I(5) of the School Standards and Framework Act 1998 and find that in relation to the requirements concerning the admission of children outside their normal age group, the arrangements do not conform with the requirements.

I have also found that 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. The referral is in relation to the admission arrangements for September 2022, which remain relevant at least until the end of the autumn term 2022. I determine that the admission authority must revise its arrangements no later than 31 May 2022.

## The referral

1. Under section 88H(2) of the School Standards and Framework Act 1998 (the Act), an objection has been referred to the adjudicator by a member of the public (the referrer), about the admission arrangements (the arrangements) for Colehill First School (the school), a school for children aged 4 to 9 in the village of Colehill near Wimborne Minster in Dorset,

and also to the arrangements of other First Schools and Middle Schools which are part of the Wimborne Academy Trust and for which the arrangements are the same as those for Colehill First School, for September 2022. The date of the referral was 10 November 2021.

2. The referral relates to the requirement in paragraph 2.18 of the Code that admission authorities must set out in their arrangements the process for requesting a school place which is outside a child's normal age group.

3. The parties to the case are the Wimborne Academy Trust (the trust), Dorset Council (the local authority, the LA) and the referrer.

## **Jurisdiction**

4. The terms of the academy agreement between the trust and the Secretary of State for Education require that the admissions policy and arrangements for an academy school are in accordance with admissions law as it applies to maintained schools. These arrangements were determined under section 88C of the Act by the Wimborne Academy Trust, which is the admission authority for the school, on 3 November 2020 on that basis.

5. The referrer submitted an objection to these determined arrangements on 10 November 2021. The School Admissions Code (the Code) requires objections to admission arrangements for 2022 to be made to the adjudicator by 15 May 2021. As this deadline was missed, the case cannot be treated as an objection. However, the objector had attempted to make the objection at an earlier date but had encountered difficulties with email transmission, and in view of this I and because the arrangements have been brought to my attention, I have decided to use the power conferred under section 88I(5) of the Act to consider whether the arrangements conform with the requirements relating to admission arrangements in relation to the points raised in the objection form submitted to me and to consider the arrangements as a whole. I am accordingly treating the objection as a referral. I have agreed to the referrer's request that their identity be not revealed to the other parties in this case.

## **Procedure**

6. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code). At the time of the determination of the school's admission arrangements, the Admissions Code 2014 (the 2014 Code) was in force. A revised Code came into force on 1 September 2021, which means that the 2014 Code no longer has any effect.

7. The objector was aware of the revised Code when setting out the objection, which was framed using references to it, as were my own concerns about the additional matters in the arrangements which are set out above. It is of course the revised version of the Code which is now in force, and I shall therefore refer to its provisions in this determination.

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

- a) the referrer's form of objection dated 10 November 2021;
- b) copies of the minutes of the meeting of the trust board at which the arrangements were determined;
- c) a copy of the determined arrangements;
- d) comments from the trust on the matters raised and supporting documents and subsequent correspondence;
- e) comments from the LA on the matters raised, supporting documents and subsequent correspondence.

## The Referral

9. On the form submitted, the referrer explained a personal connection to a child who attends a first school (unnamed) which is part of the trust, and who had had a delayed start to their schooling, being summer born (that is, born between 1 April and 31 August in the relevant year). As is permitted, this child was admitted to Year R rather than Year 1 when starting school and is therefore in a year group which is not the normal one for his or her chronological age. The referrer states that the child's parents have intended to seek admission to a middle school in the trust and in a year group which is also not the child's normal age group. To put it another way, the child is in a year group behind the one he or she would be expected to be in based on chronological age alone. The parents would like this arrangement to continue so that the child remains out of his or her normal age group for the middle school (and in due course perhaps secondary school) years.

10. The referrer complained that the admission arrangements for the school contain "only a vague statement that parents wishing to make such a request must talk to the Headteacher concerned" and that the arrangements make "no reference to what information the parent may need to provide, and no reference to how the decision is made, and how the best interests of the child must be met." The referrer said that the arrangements therefore fail to comply with the requirements set out in paragraph 2.18 of the Code that the arrangements state clearly the process for requesting admission out of a child's normal age group. As I shall explain below when detailing the arrangements as a whole, the section which the referrer complains about says that the relevant headteacher is either that of the child's "actual or proposed school" and so although the matter which has brought this to the fore is the impending transfer of a child to a middle school, it is understandable that the reference which has been made is to the arrangements of that child's existing first school, Colehill First School.

11. The referrer also said that since the same arrangements are used for other schools in the trust, the objection was to the arrangements of them all. The admission arrangements are set out in a common document under a heading which lists of a group of schools in the trust to which they apply as:

Allenbourn Middle School

Colehill First School

Hayeswood First School

Lockyer's Middle School

Pamphill CE First School and

St John's CE First School.

12. In the form of objection, the referrer also described a guidance document issued by the local authority called "Guidance on the Placement of a Pupil Outside his or her Normal Age Group". The arrangements make mention of this document, saying that requests concerning out of age-group admissions will be considered "with reference to" it. The referrer said that this document was also unclear and potentially misleading to parents, and that in any case it was not part of the admission arrangements themselves and so did not contribute to anything which the Code might require. I take this latter point to be a reference to the fact that paragraph 2.18 of the Code makes requirements as to what must be included in a school's admission arrangements (that is, in the arrangements themselves rather than elsewhere).

13. The referrer provided me with a copy of this guidance document, and when the trust responded to the objection made by the referrer, it also alluded to it saying that while it relates to the schools for which the LA is itself the admission authority, that it "is also promoted [presumably by the LA] for adoption with (sic) Dorset schools which are their own admission authorities." The school also provided me with a copy of local authority's arrangements for admissions in September 2022. I shall refer to these arrangements again below.

## Other Matters

14. When the arrangements were brought to my attention, I considered that the following additional matters did not, or might not, conform with the requirements for admission arrangements:

- (i) that a reference to the policy applying to "statutory aged children" is incorrect and that it therefore renders the arrangements confusing, making them unclear, in contravention of paragraph 14 of the Code;
- (ii) that a statement that "places will be allocated according to the published oversubscription criteria" is incorrect unless qualified by a statement which makes clear that this is only relevant in the case of the school being oversubscribed. This makes the arrangements unclear and in contravention of paragraph 14 of the Code;

- (iii) that a paragraph under the heading “in year admissions only” appears to be out of place, having no relation with the preceding or following content, making this part of the arrangements confusing and therefore unclear in contravention of paragraph 14 of the Code;
- (iv) that a statement “Parents can request part-time attendance until compulsory school age is reached. This needs to be agreed with the headteacher of the school where the place is offered” does not comply with the requirements set out in paragraph 2.17c) of the Code which confers a right to part-time attendance if a parent requests it;
- (v) that a phrase “a preference school” does not conform to standard English usage and is therefore unclear, in contravention of paragraph 14 of the Code;
- (vi) that a statement which refers to the admission process for children in possession of an Education, Health and Care Plan makes no reference to the requirement that if the Plan names the school, the child must be admitted. Paragraph 1.6 of the Code makes this a mandatory requirement and requires admission authorities to set out in their arrangements how places at the school are allocated;
- (vii) that oversubscription criteria in the arrangements refer to priority being given to children attending the school’s “recognised maintained feeder school”. Paragraph 1.15 of the Code requires feeder schools to be named in admission arrangements, and none are so named. If none of the schools to which the arrangements apply have a feeder school, this criterion is superfluous, and therefore confusing to readers. This makes the arrangements unclear, in contravention of paragraph 14 of the Code; and
- (viii) that an oversubscription criterion in the arrangements which refers to parents wishing their children “to attend a CE school on denominational grounds” and its associated footnote have no relevance to admissions to schools which are not designated as having a religious character and is therefore confusing to readers in relation to admissions to Colehill First School and to those of other schools which are part of the Academy Trust but which may not be so designated. This makes the arrangements unclear and in contravention of paragraph 14 of the Code.

## Background

15. When completing the form of objection, the referrer said that the arrangements were common to all the schools in the trust. This is not, however, accurate, since although there are common arrangements for the schools which I have listed above, these are not the only schools in the trust. In all, there are 13 schools which form the trust, and these include a secondary school (Queen Elizabeth’s School, Wimborne) and six further first or middle schools. These latter schools do not share the arrangements of Colehill First School, but my

researches reveal that they have individual arrangements, some of which appear to be based on a common template (which is different to that on which the arrangements for the school are based). A document provided to me by the trust (but not otherwise referred to by it) explains that it has determined different arrangements for its primary phase schools depending on their character and the date on which they became members of the trust. For those schools which joined the trust prior to 2019, the document says:

“To date for the ex-maintained/VC schools the Trust has mirrored the admissions arrangements including oversubscription criteria of the local authority policies.” (sic)

16. Colehill First School joined the trust in 2015 and so this statement means that it and the other schools which share the same arrangements have in successive years had arrangements determined for them which are based on those which the local authority is using for the schools for which it is the admission authority at any given time. The trust has said that it is “keen to ensure that the admission arrangements for all its schools comply with the requirements of paragraph 2.18 [of the Code]” but has declined to make any further comment on the referral.

17. The document setting out the arrangements for Colehill First School (and the other five primary phase schools which I have named) in summary says that:

- the document “is Wimborne Academy Trust’s (WAT) admissions policy which applies to statutory aged children in [list of schools]”
- the policy is “consistent with” that of the LA for Community and Voluntary Controlled Schools and that it should be read “in conjunction with Dorset County Council’s parents’ guide”
- a catchment area exists for each school which is “defined by Dorset County Council.....and is available for parents to view on the Dorset school admissions website, and appended to this document”
- “All admission authorities must set an admission number for each ‘relevant age group’ and places will be allocated according to published oversubscription criteria”
- following a paragraph concerning in-year admissions, lists the PANs for the six schools which are named in the arrangements
- under a heading of “Admission of Pupils to School for the First Time at Age 4+/5”, lists the four first schools, defines statutory aged pupils, and under a sub-heading of “Admission at 4+” makes the statement set out above at paragraph 14 (iv)
- under a heading of “In Year Admissions”, following a statement that such applications are dealt with by the LA refers to a right of appeal should “a place not be allocated at a preference school”

- under a heading of “Admission of children outside their normal age group” states that the section should be read “in conjunction with the guidance on the placement of a pupil outside his or her normal age group” and that “the guidance is available on Dorset’s school admissions website”, states that “applications for a child to be placed outside their normal chronological year group will only be considered under the most exceptional circumstances”, that parents wishing to make such a request “must do so through the Headteacher at the child’s actual or proposed school” and that “The decision to place a child outside of (sic) their normal age group rests with Wimborne Academy Trust as the admissions authority.”
- under a heading of “Oversubscription criteria” states that

“The admission of children with Education Health and Care Plans and Statements of Special Educational Needs is covered by Sections 324 to 328 of, and Schedule 27 to, the Education Act 1996. Guidance on the Admission of EHCP and Statemented pupils is given in the Special Education Needs Code of Practice.”

- although no feeder schools are listed, give as oversubscription criteria:

“Children living within the school’s catchment area who are attending the preferred school’s recognised maintained feeder school”, and

“Children living outside the school’s catchment area and who are attending one of the preferred school’s recognised maintained feeder schools during the previous year at the time of application” (sic)

- give as an oversubscription criterion:

“Children living outside the school’s catchment area and whose parents wish them to attend a CE school on denominational grounds”

- give a number of footnotes, some of which are referred to elsewhere in the arrangements, and some of which are not.

18. As I have said, I was provided with a copy of the LA’s guidance document concerning the placement of children outside their normal age group by the referrer, and with a copy of the LA’s determined admission arrangements for admissions to Community and Voluntary Controlled schools for September 2022 by the trust. When I looked at the LA’s arrangements, it was obvious to me that they bore a very striking resemblance to the arrangements which I have just described – those which the trust has determined for the six first and middle schools which include Colehill First school.

19. In view of the reliance which the trust has evidently placed on the admission arrangements determined by the LA in fulfilling its own responsibilities as an admission authority (at least, for the schools listed above) I am taking the unusual step of setting out

here, in order to assist the trust in its own response to this determination, a summary of my recent correspondence with the LA concerning this matter.

20. I observe first that it can be in the interests of good administration and make life easier for parents when navigating the admissions system if there is coherence between the arrangements used by different admission authorities in an area. And so it can be very sensible for an admission authority such as the trust here to seek to remain in step with arrangements determined by the relevant LA. That does not however absolve any admission authority from the requirement imposed on it to ensure its own arrangements are lawful, whatever any other admission authority, including the local authority for its area, may have determined.

21. The LA is one of the parties to the objection and so when I wrote to all of them setting out my concerns about the arrangements drawn to my attention by the referrer, I asked the LA for its comments on the fact that the matter which was the source of the referral and the matters of concern listed above (save one) seemed also to apply to the admission arrangements which it has determined for the primary schools for which it is the admission authority. The LA did not respond to this me by the date requested, but after being reminded did reply saying that it had “made suitable changes to address the observations made and will review further on receipt of the final report. We have no further comments to make at the present time.”

22. In view of the fact that the LA’s arrangements had now come to my attention and that it was of concern to me that they should be compliant with the requirements set out in the Code, I asked the LA whether the arrangements which had now appeared on its website in a revised form had been formally redetermined by it, and for evidence of any such redetermination. Its response was that the arrangements on its website were those which it proposed to determine, but that it had not yet done so. I have informed the LA of my view that it now needs to await my determination of the objection to which it is a party, and that I am minded to write to it concerning its admission arrangements when forwarding a copy of this determination.

## Consideration of Case

### The referral

23. Paragraph 2.18 of the Code says:

“Parents may seek a place for their child outside of their normal age group, for example, if the child is gifted and talented or has experienced problems such as ill health. In addition, the parents of a summer born child may choose not to send that child to school until the September following their fifth birthday and may request that they are admitted out of their normal age group – to reception rather than year 1. Admission authorities **must** make clear in their admission arrangements the process for requesting admission out of the normal age group.”



24. The arrangements determined by the trust for the school say that parents seeking admission outside a child's normal age group must do so "through the Headteacher of the child's actual or proposed school" and refer to the LA's guidance on this matter in the way I have stated above. The reference made to parents making their request "through" a headteacher does not constitute a clear procedure, since there is nothing to tell a parent how to do this (for example in what form to do so, or by what date). Paragraph 2.18 is explicit in requiring a procedure to be set out clearly in a school's admission arrangements and that means (as the referrer has pointed out) on the face of the arrangements themselves. So even if the LA's guidance document did provide a relevant procedure, the reference to it in the arrangements would not have the effect of rendering the arrangements compliant. The arrangements therefore fail to conform with what paragraph 2.18 of the Code requires, and the Code requires that they be amended so that they do comply.

25. The referrer had cited the LA's guidance document in making the referral and although anything it might contain would not have the effect of making the arrangements compliant with paragraph 2.18 for the reason I have given, in order to assist the parties, I will set out my view as to its contents.

26. The LA's guidance document is written in terms of admissions to schools for which the LA is the admission authority, and so what it says does not bear directly on admissions to schools such as Colehill First School and the other schools in the trust for which the trust is the admission authority. For example, the guidance document provides a pro-forma which allows a parent to set out an agreement reached with a headteacher concerning the admission of a child to an age group which is not its normal age group, and a different form (obtainable elsewhere) is available in the case of there being no such agreement, either of which are then be submitted to the LA for consideration by its In Year Fair Access Panel (its FAP).

27. Paragraph 3.14 of the Code describes the purpose of each LA's Fair Access Protocol as being "to ensure that unplaced and vulnerable children, and those having difficulty in securing a school place in-year, are allocated a place as quickly as possible", and Fair Access panels carry out this role. To the extent that the LA chooses to use a body which is constituted for entirely different purposes (that is, the operation of its Fair Access Protocol) for making decisions about admissions which are neither in-year admissions nor in relation to any of the children covered by Fair Access Protocols for the schools for which it is the admission authority, this may or may not be a sensible approach. However, it is not the subject of the referral, and I say no more about it here.

28. What is relevant to the referral is that the document and the reference there to the LA's FAP is of no assistance to a parent seeking a place out of the normal age group at the school, or at any of the other schools in the trust. The arrangements for these schools say that the decisions on such requests rest with the trust (correctly, since it is the admission authority), and so these could not be taken by the LA's FAP. The contents of the guidance therefore provide nothing in the way of a procedure of the sort required by paragraph 2.18 in relation to schools in the trust, which will need to settle on its own approach.

## Other matters

29. Paragraph 14 of the Code says:

“Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated.”

(i) The reference to “statutory aged children”

30. A paragraph in the arrangements explains for the reader that:

“Children reach compulsory school age [at the beginning of] the school term following their fifth birthday” [my addition]

and that the relevant dates are 1 September, January and April. The next paragraph then says how admissions to the school are made for children at the age of 4+, saying that:

“Children are able to attend full-time in September of the year they are due to start school.”

It is therefore manifestly not the case that the arrangements concern only “statutory aged children” (which I understand to mean “children of statutory school age”) yet they are introduced as the policy “which applies to statutory school aged children”. Most parents looking at the arrangements would in my view understand this to mean that they would need to look elsewhere to find out about pre-statutory age admissions, which would also be what most parents would be interested to know about. This means that the arrangements are confusing, and fail to comply with what paragraph 14 of the Code requires.

(ii) The reference to oversubscription criteria

31. The arrangements contain a paragraph under the heading “Published Admission numbers (PANs)”, the first sentence of which says:

“All admission authorities must set an admission number for each ‘relevant age group’ and places will be allocated according to the published oversubscription criteria.”

Leaving aside the absence in the arrangements of any explanation of the terms “relevant age group” and “published admission number” which are being employed (and without which most parents would in my view struggle to follow the relevance of the statement as it appears) it is simply not the case that when admissions are made to a school that places are “allocated according to the published oversubscription criteria.”

32. Paragraph 15 d) of the Code says:

If a school is undersubscribed, any parent that applies **must** be offered a place.”

Paragraph 1.6 of the Code says:

“The admission authority for the school **must** set out in their arrangements the criteria against which places will be allocated at the school when there are more applications than places and the order in which the criteria will be applied.”

For a parent considering whether to use one of their preferences in making an application for a place at a school, it is important for them to know that if the school is not oversubscribed, they will be offered a place and will not have to satisfy any of the stated oversubscription criteria. The statement I have quoted above appears very early in the arrangements and there is no qualification of it concerning the presence or absence of oversubscription until the oversubscription criteria themselves (concerning which I have more to say below) are given. Statements in this later part of the arrangements do explain the circumstances under which oversubscription criteria become relevant, but I consider that the earlier statement which does not do this is likely to be misleading or confusing to parents reading the arrangements, and therefore that the arrangements fail to comply with what paragraph 14 of the Code requires.

(iii) The reference to in-year admissions

33. A paragraph in the arrangements which refers to in-year admissions appears in the section concerning PANs, following a list of reasons for a school to be “asked to exceed the admission number” and before the list of PANs for the six schools to which the arrangements apply. The paragraph therefore appears to conclude the list of reasons for a PAN to be exceeded, in this case for in-year admissions (which are not defined). The section on PANs which appears in the arrangements is in every respect identical to the wording which appears in the arrangements determined by the local authority, and the paragraph on in-year admissions in both begins “Where no other school would provide suitable education within a reasonable distance of the home” and then sets out what “distance” means in this context.

34. In the case of the local authority, which has a duty to secure the availability of sufficient school places for the children in its area, this paragraph would be meaningful in an appropriate context, although almost certainly unhelpful in this part of the arrangements to any parent seeking to understand admissions at the normal point of admission to the school. However, the trust has no responsibility to ensure educational provision, and it is difficult to understand why it would consider such a statement to be relevant to the admission arrangements for the schools in the trust. Its presence is therefore unhelpful, and only likely to cause confusion to the reader. The arrangements are therefore in breach of the requirements of paragraph 14 of the Code for this further reason.

35. For the sake of completeness, and in order to assist the parties, I note that in-year applications are defined in regulations as including those for the admission of a child to a relevant age group (an age group to which children are normally admitted) when that application is submitted on or after the first day of the first term of the admission year, or for admission to a year group which is not a relevant age group. The basis of school admissions is the meeting of parental preference unless it results in prejudice to the provision of efficient education or the efficient use of resources. The law stipulates that such

prejudice cannot arise if there are fewer pupils than that stated as the PAN (unless in exceptional circumstances, none of which applies in relation to these schools). Since a PAN relates only to a relevant age group, and not to any other age-group in a school, it is not relevant in any case to most in-year admissions (those for other age groups), where “prejudice” is the relevant factor. Any paragraph concerning in-year admissions and their relationship with PANs is therefore unlikely to be helpful to a parent reading a set of school admission arrangements.

(iv) Part-time attendance

36. Paragraph 2.17c) of the Code says:

“Admission authorities **must** provide for the admission of all children in the September following their fourth birthday. The authority **must** make it clear in their arrangements that where they have offered a child a place at a school:

.....c) where the parents wish, children may attend part-time until later in the school year but not beyond the point at which they reach compulsory school age.”

The arrangements however say:

“Parents can request part-time attendance until compulsory school age is reached. This needs to be agreed with the headteacher of the school where a place is offered.”

37. The ability to request something is not the same as having the right to secure it. The Code clearly confers on parents the right to part-time attendance until the child reaches compulsory school age, and it is not for the headteacher of the school which has offered a place to the child to agree or disagree to such a request. The arrangements fail to comply with paragraph 2.17 c) of the Code.

(v) “A preference school”

38. In order for a school’s admission arrangements to comply with the requirements set out in paragraph 14 of the Code regarding clarity and the ability of parents easily to understand how places there are allocated, it is my view that they must employ accepted English usage, for obvious reasons. The use of the phrase “a preference school” in the school’s arrangements does not meet this standard since, according to the Oxford English Dictionary, the word “preference” is a noun, and not an adjective as it is employed here. If it is the intention that the arrangements should make reference to a school for which a parent has expressed a preference, then that is what they should say. The arrangements fail to comply with what paragraph 14 of the Code requires.

(vi) The admission of children with an EHCP

39. Paragraph 1.6 of the Code says:

“The admission authority for the school **must** set out in their arrangements the criteria against which places will be allocated at the school when there are more applications than

places and the order in which the criteria will be applied. All children whose Education, Health and Care Plan names the school **must** be admitted.”

The fact that these two sentences appear next to each other makes it entirely plain in my view that the Code requires that the admission arrangements of every school should state that children whose Education, Health and Care Plan (EHCP) names the school will be admitted to it. The school’s arrangements do not do this, but instead refer to the legal provisions under which this occurs, without explaining what the effect of these provisions is. The Code requires this to be made explicit - for the benefit of the parent(s) of a child with an EHCP who will then know that the child will be the first entitled to a place at the relevant school, and for the benefit of other parents who will then know that one or more of the available places at a school will be taken up if there are any such admissions. The arrangements fail to comply with paragraph 1.6 of the Code.

(vii) Feeder schools

40. Two oversubscription criteria in the arrangements include a reference to “the preferred school’s recognised maintained feeder school”, as described above. The second of these refers the reader to a footnote which says “this does not include independent schools, pre-schools or nurseries”, presumably as a clarification of the term “maintained” in the oversubscription criterion (or both of them). The first oversubscription criterion referring to feeder schools has no footnote, but there is a footnote (which is not referred to at all in the oversubscription criteria) which says “N/A” [not applicable] which would have been relevant to both of the oversubscription criteria since, as a first school, Colehill First School can have no feeder schools. I have noted that the admission arrangements determined by the local authority contain an oversubscription criterion which refers to “the preferred school’s recognised maintained feeder school”, and that a footnote names the two linked infant and junior schools to which this is relevant.

41. It seems to me on the basis of what I have seen that the trust has consciously “mirrored” what are the generic admission arrangements which the local authority has determined for the much larger number of schools for which it is the admission authority as if doing so will necessarily provide it with a single set of arrangements for (some of) its own schools. However, if it is to do this, it must do so accurately. The only school in the trust which appears to have feeder schools is Queen Elizabeth’s School, which a document sent to me by the trust refers to as having “two tiers” of feeder middle schools, and which is not in the list of schools named at the beginning of the arrangements which apply to Colehill First School.

42. Since Colehill First School (and presumably the other schools named in the arrangements) has no feeder school, any reference to feeder schools is superfluous and confusing to the reader. It renders the arrangements, for this further reason, in breach of paragraph 14 of the Code. I note in passing that the Code does not use the phrase “recognised feeder school”, but to feeder schools which are specifically “named” in admission arrangements and that this is intended to avoid any confusion for a parent reading admission arrangements where, for example, long-standing traditional transfer

arrangements between local schools might exist. The Code at paragraph 1.15 requires any feeder schools to be selected transparently and on reasonable grounds and in order to be clear, admission arrangements must name them.

(viii) Priority on the grounds of faith

43. Finally, the arrangements contain an oversubscription criterion which I have set out above which refers to parents seeking admission to “a CE school”. The associated footnote sets out a frequency and duration of one parent “attending their local church” in order to qualify for priority under this criterion. The arrangements do not say which of the schools is “a CE school”, although it can be seen from the list of schools named in the arrangements that two of them carry this designation. However, it is possible for a school to have a religious character without reflecting this fact in its name, and so it is not possible for a parent to read the arrangements and to know with certainty to which school, or schools, the oversubscription criterion applies. The arrangements therefore fail to satisfy the requirements of paragraph 14 of the Code for this further reason.

44. The document provided to me by the trust states that the “ex-maintained/VC schools” which are part of the trust have had arrangements determined for them subsequently by it which continue to mirror those of the local authority. I note that this reference should be to former community or voluntary controlled schools since both were categories of maintained school prior to them joining the trust. The LA was the admission authority for the voluntary controlled schools which have joined the trust and remains such for others in its area which have retained their maintained status. I have pointed out in correspondence with the LA that the arrangements which it has determined for the schools for which it is the admission authority contain a footnote setting out religious observance requirements, but that there is no corresponding oversubscription criterion referring to any schools which have a religious character.

45. I finish by making a further passing comment as I am conscious that I am completing this determination after the deadline for the determination of arrangements for admissions in 2023 which was 28 February 2022. This determination has no effect in relation to those arrangements as it relates only to the arrangements for 2022. The trust could not of course have taken into account this determination when it determined its 2023 arrangements. To the extent that the 2023 arrangements make provisions the same or substantially the same as those which I have found here to be non-compliant with the requirements relating to admissions, the 2023 arrangements will be similarly non-compliant. The admission authority is able to vary its 2023 arrangements to the extent this is necessary in order to ensure compliance with the Code, as set out in paragraph 3.6 of the Code.

## Summary of Findings

46. I have given above my reasons for concluding that the arrangements fail to satisfy the requirements concerning admission arrangements because they do not:

- set out a process for requesting admission out of a child’s normal age group

- make clear that there is a right to part-time attendance for a child who has been offered a place at the school until the age of compulsory schooling is reached
- state that children whose EHCP names the school will be admitted
- allow parents easily to understand how places at the school will be allocated, because they:
  - (i) are described inappropriately as being arrangements for “statutory age children”
  - (ii) say without the necessary qualification that places are allocated according to the published oversubscription criteria
  - (iii) contain an unhelpful paragraph concerning in-year admissions, and
  - (iv) use non-standard English

## Determination

47. I have considered the admission arrangements for September 2022 for Colehill First School and other First and Middle Schools in the Wimborne Academy Trust, Dorset in accordance with section 88I(5) of the School Standards and Framework Act 1998 and find that in relation to the requirements concerning the admission of children outside their normal age group, the arrangements do not conform with the requirements.

48. I have also found that there are other matters which do not conform with the requirements relating to admission arrangements in the ways set out in this determination.

49. 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. The referral is in relation to the admission arrangements for September 2022, which remain relevant at least until the end of the autumn term 2022. I determine that the admission authority must revise its arrangements no later than 31 May 2022.

Dated: 28 April 2022

Signed:

Schools Adjudicator: Dr Bryan Slater