



Office of
the Schools
Adjudicator

Determination

Case reference: ADA3958-3959, ADA3983-4066 and REF4078-4083

Objectors: A group of parents from Langley Park Primary School

Admission authority: Langley Park Learning Trust for Langley Park School for Boys and Langley Park School for Girls, Bromley.

Date of decision: 15 August 2022

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements for September 2023 determined by Langley Park Learning Trust for Langley Park School for Boys and Langley Park School for Girls.

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 unless an alternative timescale is specified by the adjudicator. In this case I determine that the arrangements must be revised by 30 September 2022.

The referral

1. Under section 88H(2) of the School Standards and Framework Act 1998, (the Act), a large number of objections have been referred to the adjudicator by a group of parents, (the objectors), about the admission arrangements (the arrangements) for Langley Park School for Boys and Langley Park School for Girls (the schools), which are single sex secondary academy schools, in Bromley, for September 2023.
2. The objection is to the fairness of the arrangements to a group of families whose children attend Langley Park Primary School (the primary school) and who will be in either year 5 (Y5) or year 6 (Y6) from September 2022 and thus transferring to secondary school in September 2023 or September 2024.

3. The local authority for the area in which all three schools are located is the London Borough of Bromley. The local authority is a party to this objection. Other parties to the objection are Langley Park Learning Trust (the trust) which is the admission authority for Langley Park School for Boys, Langley Park School for Girls and Langley Park Primary School and the objectors and referrers (represented by the Langley Park Primary School Action Group) (the parents' group).

Jurisdiction

4. The terms of the Academy agreement between the multi-academy trust and the Secretary of State for Education require that the admissions policy and arrangements for the academy schools are in accordance with admissions law as it applies to maintained schools. These arrangements were determined by the trust, which is the admission authority for the schools, on that basis. The objectors and referrers submitted their objections to these determined arrangements between and 12 May 2022 and 10 June 2022. Those objection forms which were received after the closing date for objections (15 May) have been incorporated in this determination as referrals. The objectors and referrers all provided their consent that one of their number would act on their behalf throughout my consideration of this case. I am satisfied the objections in relation to 2023 have been properly referred to me in accordance with section 88H of the Act and they are within my jurisdiction. I am further satisfied that the referrals in relation to 2023 are within my separate jurisdiction under section 88I of the Act. While the objectors are concerned with the arrangements for 2023 and 2024, my jurisdiction is limited to the arrangements for 2023.

Procedure

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

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

- a. a copy of the minutes of the meeting of the trust at which the arrangements were determined;
- b. a copy of the determined arrangements;
- c. the objectors' forms of objection and the forms of referral dated between 12 May 2022 and 10 June 2022, supporting documents and subsequent correspondence;
- d. The trust's response to the objections and referrals, supporting documents and subsequent correspondence;
- e. The local authority's response to the objections and referrals and other supporting documents including the responses to the consultations;
- f. a map of the area identifying relevant schools; and
- g. details of consultations on the admission arrangements for 2021 and 2023; their responses and outcomes.

The objections and referrals

7. The objections and referrals are concerned solely with the absence in the admission arrangements of any priority given to a particular group of pupils who are among those who will be in Y5 and Y6 at the primary school from September 2022. This group of children live further away from the secondary schools than the forecasted distance from the school which will allow a child to gain admission in September 2023 on the basis of distance. These families applied for places at the primary school in its first two years of operation having taken into account reassurances that pupils would be able to gain places at the secondary schools because they would be given priority on the basis of attending the primary school.

Background

8. The primary school opened as a new free school in September 2016 as part of the Langley Park Academies Trust. It started with an intake into Reception (YR) and has taken in pupils each year since that time. The oldest children will form the first Y6 in September 2022 and will therefore be applying for secondary schools in the autumn term 2022 for a start date in September 2023. Parents from across the area were encouraged to apply for places at this new primary school. When it opened in September 2016 it was not oversubscribed and many successful applicants to the school when it was new lived a considerable distance from the school. The primary school and the two secondary schools are located very close together and on the same site.

9. Advertising relating to the creation of the primary school as a new free school started in 2013 and was supported by both the boys' and the girls' secondary schools. The publicity featured a photograph of the, then, CEO of the trust. Open meetings to promote the primary school were attended by the CEO and the headteachers of both the boys' and girls' secondary schools even though the boys' school was not part of the academy trust at the time. Initial advertising included the phrase 'this will be an exciting opportunity to bring the quality that is associated with the Langley Schools to even younger children and will enable us to raise expectations and standards by developing our own transition curriculum.'

10. The application to the Department for Education (DfE) to approve a new free school describes the new school as a 'through school' and states 'children attending LPPS [Langley Park Primary School] will have the option of joining the Langley Park Secondary Schools'.

11. The New Schools Network is a registered charity which aims to support groups setting up free schools within the state education sector. In its publicity prior to the free school approval, it described the then proposed primary school as 'a new mixed mainstream primary school opening in Bromley to fill a local need for school places. The school has a maths focus and will act as a feeder primary school to the already established Langley Park Boys' School and Langley Park Girls' School'.

12. The new school opened on a temporary site in September 2016. Open evenings were held for new intake parents and prospective parents and in July 2017 in the trust's newsletter and in answer to the question; 'Will our children be entitled to places at the Langley Secondary Schools' the then headteacher of the primary school wrote 'it is the intention of Langley Park Academies, the multi-academy trust to which LPPS and Langley Park School for Girls belongs and which is the admissions authority for the schools within the trust, to go out to consultation in the autumn term this year to ring-fence a number of places for those attending a primary school within the trust – including LPPS. Langley Park School for Girls currently admits 240 girls into Year 7 each year, largely on proximity basis. Many of you live near enough to be in the catchment area but for those who do not we are proposing a change to our admission criteria. We will be consulting on this in October. We intend to ring fence a proportion of places for children in the Trust's member primary schools to ensure that they have a better chance of coming to Langley Park School for Girls. Langley Park School for Boys is not yet part of our Trust and at the moment they decide on their own admissions policy. So, parents will need to refer their queries to the school and its governing body'

13. In late 2017 the planning application for the construction of the new primary school was approved. The report to the Greater London Authority contained references to the responses to the consultation on the new building project including; 'benefits to young children in their seamless progress through the stages of their education, development and progress into the Langley Secondary Schools' and ' Benefits of co-location -staff and students alike will benefit from the co-location, cross key stage, cross curricular benefits of working closely together.'

14. At that time Langley Park School for Girls was part of an academy trust called Langley Park Academies Trust. When Langley Park School for Boys joined the group, a new trust was formed; the Langley Park Learning Trust (LPLT). This was in the autumn term 2018. A quote from the headteacher of the boys' school in the Trust's new brochure at the time reads 'I believe the creation of the new Multi-Academy Trust gives us a fantastic opportunity to create a seamless and exciting curriculum for students from the age of 4 -18 in the local community'.

15. Following the creation of the new academy trust the CEO wrote to all parents and carers in December 2018. The letter says 'I am writing to clarify the issue of admissions to Langley Park School for Girls for children from LPPS. In a letter sent to LPPS parents dated 7 July 2017 it was stated that Langley Park Academies (the Trust which that LPPS was then part of at the time) was proposing to consult in Autumn 2017 on a change to the trust's admissions policy. This consultation would propose ring fencing a number of places for children attending a primary school in the trust i.e., LPPS at Langley Park School for Girls in Y7. As you know, Langley Park Academies no longer exists and LPPS is now part of the Langley Park Learning Trust. This new trust was formed in September 2018. Just after the letter dated 7 July 2017 was sent out, negotiations began between Langley Park Academies (LPA) and Langley Park School for Boys to create the new trust. Part of these negotiations included the understanding that there would not be any change to the trust's Admission Policy. As a result of this, the consultation to change the admissions policy did

not take place so there are no ring-fenced places for LPPS children at Langley Park School for Girls. Please note this also applies to places at Langley Park School for Boys. I hope this clarifies this situation for you. Thank you for your ongoing support of LPPS.'

16. In addition to the written evidence I have seen which validates the account of the background to this case so far, I have also been provided with significant anecdotal evidence from the objectors relating to 'promises' that admission to the primary school would lead to progression to the secondary schools. One parent says 'I was amongst the first group of parents to put our faith in LPPS back in 2015/16. At the time, we applied directly through the school for a place, not through the local authority. We still applied via the local authority for primary schools as normal so all parents of those children in that academic year, had [offers of] places at good, well established local authority schools. I, like many other parents, was offered a place at LPPS and had a very difficult decision to make as there was physically no school, nothing to measure so how could you ever be sure it is right for your child? I had several calls from both Bromley Council and the headteacher at LPPS asking me to make a decision as I was holding two school places. It was incredibly difficult to decide, however I was told that they were planning for children at LPPS to have feeder school status to the secondary schools. This is the ONLY reason why I chose LPPS rather than the other local school place I was offered and was happy with'.

17. Another objector with a child in the primary school's current Y5 writes 'When viewing LPPS with my son I was shown around by the then acting deputy headteacher (Mr R). As a young child my son was extremely anxious and painfully shy. He did not talk to anyone in his previous school during his time there which caused him to be on the receiving end of a lot of bullying by his peers. Taking his anxiety and shyness into consideration it was a huge decision for my son to change schools. His previous school was very large and so I started to research smaller schools and was immediately drawn to LPPS not only due to its size but also because of it being in the same campus as the Langley Park Boys' School. When I met Mr R, we had a half hour meeting together with my son in attendance and we were shown around the school. On several occasions I mentioned my son's situation to Mr R and the fact that with his anxiety and shyness that I wanted to ensure his transition from primary to secondary school was as easy as possible for him. I asked him to confirm if LPPS was a feeder school for Langley Park Boys' School. He confirmed to me on several occasions that it was most definitely a feeder school and that my son would be guaranteed a place. This was the reason I chose to move my son to this school'.

18. There is a considerable amount of other anecdotal evidence which supports the objectors and referrers' submissions that unequivocal promises were made that definite transition from the primary school to the secondary schools was guaranteed. Most of this other evidence concerns open meetings prior to the opening of the new school and held at Langley Park School for Boys, attended by members of the trust and the headteachers of both secondary schools and addressed by the then headteacher of the primary school.

19. Following the letter explaining that consultation would not take place about the two secondary schools giving priority to pupils attending the primary school, the LPPS parents' Action Group (the parents' group) was formed of parents ('angry at being misled') in the,

then Y1 and Y2 at the school who challenged the trust. The response from the trust was that the only lawful route to automatic secondary entry was via a consultation leading to designated feeder school status for the primary school and that the earliest opportunity for this would be October 2019. The parents' group advised the trust that the issue was time critical as many parents were already considering alternative schools for their children. I pause here to note that the trust was correct to make the point it did on timing; it would not be rational for a secondary school's admission arrangements to give priority to children from a named primary school at a time when there would be no children who were transferring. The first academic year in which children could move at the end of Y6 at primary school to Year 7 at Langley Park Boys or Langley Park Girls begins in September 2023.

20. Having received the December 2018 letter, the parents' group used the trust's complaints procedure to complain formally. In May 2019 the trust commissioned an independent human resource consulting company in Bristol to investigate the parents' complaints. The executive summary of this investigation concludes that 'the potential feeder school status was for them (the parents) a pivotal factor in their decision to send their children to LPPS. In a number of cases parents rejected perfectly good schools more local to them because they were persuaded by what they had been led to believe was the feeder/through school status of LPPS.' However, the investigation points out that the only legally compliant way to grant the primary school feeder school status is through a full consultation on the admission arrangements as set out in the Code. (At the time it was the 2014 Code which has now been superseded by the 2021 Code although the relevant section and provisions are the same).

21. The independent review also makes it clear that the creation of the new trust changed its strategic direction significantly and it was agreed that admission arrangements would not change. The review suggests that parents of children at the primary school should have been updated about this at the first available opportunity.

22. The review makes it clear that, in his discussion with the trust, the investigator identified that there were differing views about the desirability and/or content of the consultation on feeder primary schools in the trust. The review reports that the trust made it clear that, even if consultation took place, there was no guarantee that the trust would change the admission policies. Again, I pause to comment that this is also right; while consultation on admission arrangements must include the proposed admission arrangements, it is also the case that those consulting must do so with an open mind and are not bound to adopt the arrangements consulted on.

23. Following the investigator's report, a trustee of the trust wrote to the parents' group on 28 June 2019. This is a lengthy letter but in essence the trust accepted the views of the independent investigation and stated that 'the complaint that the trust made promises and assurances to families about transition to the Langley Park Secondary schools is upheld for the period 2014 to July 2017. For the period January 2018 onwards, the complaint is not upheld'.

24. The published admission number (PAN) for the boys' school is 220 and for the girls' school it is 240. Both schools are oversubscribed as can be seen in the table;

Year of entry	First preferences for boys' school	First preferences for girls' school
2020	275	275
2021	301	289
2022	301	313

25. The oversubscription criteria have remained the same since the creation of the new trust and for both secondary schools can be summarised as follows;

- 1) Looked-after and previously looked-after children
- 2) Siblings of students at either secondary school
- 3) Children of staff members at the specific secondary school
- 4) All other children by distance.

26. From 9 December 2019 to 24 January 2020, the trust consulted on changes to the admission arrangements for admission in September 2021. The consultation on feeder schools considered two possible options; to name the primary school at oversubscription criterion 2 or to name the primary school at oversubscription criterion 2 and two other trust primary schools as joint feeders at criterion 3. These would be in the arrangements for both secondary schools. The consultation received over 3000 responses 88 per cent these disagreed with the introduction of feeder schools with nine per cent agreeing. The trust decided not to introduce any feeder school criteria and the arrangements remained the same.

27. The parents' group continued conversations with the Trust and at a meeting in June 2021 the new chief executive of the trust outlined the consultation which was to be undertaken from October to November 2021 for admissions in September 2023. The consultation proposed that the primary school be named as a feeder primary with the intention of this being for two years (to accommodate those children who had joined the school in its first two years), that priority would only be given to children who joined the primary school prior to 31 August 2018 and that the PAN for both secondary schools would be increased by a full class size (that is by 30 places each); again with the intention that this would be for two years only.

28. In the consultation document the trust accepted that 'prior to, and for a period shortly after, the opening of Langley Park Primary School, assurances were given to some parents relating to priority in admissions to the two Langley Park secondary schools (LPSB and

LPGS). It became clear through investigating the complaint that those assurances influenced the decisions of some parents to subsequently send their child to Langley Park Primary School. Nobody currently involved in the management of the trust or its schools was involved in making these commitments but the position remains that the trust believes that it is very likely that some parents of children in the top two year groups at Langley Park Primary School (those due to start Year 7 in September 2023 and September 2024) chose to send their child to Langley Park Primary School because they had been advised that this would give their children priority in admissions to the two Langley Park secondary schools”.

29. The trust received 1085 responses to this second consultation; 82 per cent of these were opposed to priority being given to this group of pupils in the two-year groups of the primary school and 66 per cent were opposed to increasing the PAN. The trust felt that it had no option but to decide not to proceed with the proposals and sent a letter to the parents’ group to this effect on 19 January 2022 which was the same day that the trust published the outcome of the consultation.

Consideration of Case

30. It is clear that everyone involved in this case understands the situation and accepts that parents were made promises, in writing and face to face and by a range of ‘official bodies’, that if they applied to send their children to a new school then those children would be able to progress to one of the secondary schools on the same site. These promises were made by the then trust, staff from both secondary schools and the primary school and were contained in documents relating to the new school and its creation. These parents accepted these promises in good faith and had difficult decisions to make; the school was not built and therefore had no background or history of success; the school was housed in temporary accommodation for a period of time until the buildings were completed. The children were admitted into the primary school in 2016 and 2017.

31. The trust and the independent reviewer of the parents’ group’s complaint made it clear that those who made promises of automatic progression from the primary to the secondary schools were not in a position to do so and they have said that the only promise that could have been made would be to consult on changes to allow this to happen. This is accurate; no-one can promise the outcome of any consultation on admission arrangements in advance; any changes to admission arrangements must be consulted on and admission authorities are required to determine the arrangements annually. However, the parents did not know this and it is understandable that they took the word of trusted education professionals at face value.

32. The objections and referrals say that, given the above, ‘they consider that the decision to deny priority entry to the affected children is unlawful under promissory estoppel and the refusal to fulfil the promise so unreasonable that no reasonable person acting reasonably could have made it.’ Promissory estoppel is a legal doctrine. A finding in respect of this can be made only by a Court. I can understand why the objectors and referrers have referred to this, but it is not relevant to my consideration of the arrangements. My jurisdiction is restricted to the functions assigned to the Schools Adjudicator under the Act

and concerns whether the arrangements conform with the relevant legislation and Code and if they do not so conform in what way they do not conform. The remedy an adjudicator can offer comes in the form of a finding that admission arrangements must be revised because the arrangements are unfair, as opposed to the enforcement of a promise.

33. In this case, I have tested the objections and referrals against paragraph 14 of the Code. Paragraph 14 provides, so far as is relevant here, that “admission authorities must ensure that the practices and the criteria used to decide the allocation of school places are fair, clear and objective.” First, I have looked at whether or not the arrangements are fair for this group of affected children. As an adjudicator my first question would ordinarily be ‘if this child is not successful in applying for the school, are there other schools which would be available to the child and which are within a reasonable distance from their home.’ The DfE website names over fifteen other secondary schools within three miles of the school’s campus and therefore unsuccessful applicants are able to be accommodated in other suitable secondary schools. Evidence from the local authority confirms this.

34. However, I do not on the particular facts of this case consider that the fact that there are other schools available makes these arrangements fair. I consider instead that the admission arrangements as determined for both secondary schools disadvantage this small group of children, namely the children whose parents applied for admission to the new school in 2016 and 2017 after hearing assurances that there would be progression to the secondary schools and does so in a way that is unfair to them. All school admission arrangements advantage some children and disadvantage others; they are designed to do so.

35. The question for me is whether the disadvantage to this group is unfair. In determining this question, ordinarily I would conduct a balancing exercise to determine whether the advantage to one group in giving them priority would be outweighed by disadvantage to another group of children who might be ‘displaced’ as a result. In this case, however, I do not need to conduct such a balancing exercise. My view is that the arrangements in neglecting to give priority to applicants attending the primary school are unfair. However, because it would be possible to change them in a way that delivered the promised benefits to a group of parents without creating any unfairness to other children, the balancing exercise is unnecessary.

36. The number of children who would need to apply for feeder school priority in order to secure a place at the school is low. Many of the children in Y5 and Y6 in September 2022 in the primary school will be able to gain entry to the secondary schools anyway because they live near enough to the schools. Others may not in any case make the boys’ or girls’ secondary school their first preference because they prefer another school or do not wish to attend a single sex school. Over the past three years, according to the local authority’s figures, the maximum distance for admission to the girls’ school has been 1.49 miles and to the boys’ school the distance has been 1.25 miles. The corresponding shortest distance has been 1.46 miles for the girls’ school and 1.14 for the boys’. I understand that when the new school was created it was not oversubscribed and therefore children were accepted from a greater distance than is now the case. I have seen figures from the last

three years of entry to show that the primary school is now also oversubscribed and that for 2022 the furthest distance a child admitted to the school under the distance criterion lived from the school was 1.63 miles.

37. Prior to the second consultation, the trust investigated the precise number of children who were affected by the failure to give priority to children attending the primary school and found that there are 16 children in what will be Y6 in September 2022 and 24 children in Y5 in 2022 who would not be expected to gain a place at the secondary schools on the basis of where they live. These children applied for and were admitted to the new primary school in 2016 and 2017 on the understanding that there would be automatic progression to the secondary schools for them if their parents so wished. The chief executive explains that the proposals in the second consultation were carefully considered. The proposal was that, for two years only, the primary school became a named feeder primary school and that the number of places offered at the schools in each of September 2023 and 2024 would be increased by a greater number than the number of children who would be admitted from the primary school but who would not have been expected to secure a place on the basis of where they lived. The trust hoped that this would assure other parents that no child would be disadvantaged as a result of the benefit of feeder status being given to children at the primary school. The Chief Executive explains that the trust's hope was that this approach would address the extremely hostile response which was received in the previous consultation and would reassure parents/consultees that no children in those year groups who would have been allocated a place at the secondary schools without these changes would miss out on a place if the changes were made. She goes on to say, 'Unfortunately, this strategy did not work and once again there was overwhelming opposition to the proposed changes'.

38. I have seen the analysis of the responses to the consultation. There were nine key themes for opposing the proposals and I set these out below along with my brief analysis of and/or response to each;

1). Fairness. There is always perceived unfairness in the arrangements for oversubscribed schools because by their very nature there will be unsuccessful applications and disappointed families. The proposal to allow the affected children a place would be time limited and specific to these families. With an increase in PAN there would be no resulting additional unfairness in the admission arrangements for any other local family.

2). Local schools for local children. I take this to be a concern from parents who live near to the school suggesting that their application would be unsuccessful because their 'place' would be taken by an affected pupil who lives further away. This would not be the case if the PAN were increased. Moreover, in any system where priority is based largely on distance from a school, quite how close it is necessary to live to gain a place will vary from year to year depending on how many other children seek a place and where they live. This in turn will depend on factors such as the number of children in a cohort, the number of looked-after and previously looked-after children who must always have priority and in this case the numbers of siblings and children of staff. As I have outlined above, the distance for entry to these schools varies from year to year.

3). Siblings. Children admitted in 2023 and 2024 who would not ordinarily secure a place on the basis of distance may well have siblings who would fall under this priority in subsequent years. This is true. The trust suggests that this number would be small and spread over a number of years - equating to five additional siblings each year between the two schools. Given that the number of siblings admitted to the school in 2021 was 102 out of a total of 460 places, I am confident that the trust's estimates are reasonable in this regard.

4). The boys' school was not part of the trust when the assurances were given. This is true but the evidence is clear that the promises made to parents were made by staff at the boys' school even though it was not part of the trust at the time.

5). Feeder schools. If the primary school is named as a feeder school for two years, then, following consultation, the trust can remove any notion of feeder schools for admission in 2025. This is true, subject to the trust complying with the relevant requirements on consultation.

6). Transport and traffic issues. These matters are not within my jurisdiction, but the trust said in its analysis of the consultation that 'it is likely that this proposal would increase the traffic coming into an already very congested Hawksbrook Lane at peak time, but the increase would be unlikely to be significant'.

7). Parents being told different things at different times by different people. The trust has accepted that this group of parents were made assurances about progression when they were deciding on a YR place for their children.

8). Quality of education. The trust believes that a temporary increase in the PAN would not impact negatively on the quality of education as increasing the PAN also brings in additional income and enables economies of scale. I too do not consider that operating with PANs of 270 (for the girls' school) and 250 (for the boys' school) would negatively impact the quality of education the schools are able to offer. These sizes are well within the normal range of sizes of secondary schools.

9). Trust. It is clear that various groups of parents are finding it difficult to have confidence in the trust; certainly, the groups of objectors and referrers but also the parents who are against any element of priority for children who attend the primary school. There is a suggestion in some responses to the consultation that this proposal is the 'thin end of the wedge', and that feeder schools and increased numbers may become the norm in the future when the trust determines the arrangements. The trust is clear that this would not be the case. In any case, any further change to the arrangements including in relation to potential future feeder schools would require consultation and could be the subject of objections to the adjudicator at that time.

39. The objectors and referrers were satisfied with the proposals in the second consultation because it provided a short-term remedy for the promises made without disadvantaging any other group of prospective applicants. They believe that this was not communicated effectively to the wider consultation group and in sufficient detail to allay

their fears and therefore many respondents simply believed it was a repeat of the first consultation and provided negative responses. I have studied the consultation papers and the trust made it very clear that the proposals were specifically for the affected group of children and that the increase in PAN would mitigate any adverse effect on the admission of other local children. It is clear from the vast majority of responses that very many people were unhappy with the proposed proposals. I cannot know why that was the case, but I am clear in my view that the proposed arrangements – had feeder status been introduced for two years only with a commensurate increase in PAN - would not have caused the disadvantage to other local children that appears to be feared by so many.

40. The local authority's response to the consultation was positive about the increase in PAN and said that it 'understood the rationale for the addition of the criterion to admit children from Y5 and Y6 from LPPS' but questioned a cut-off date of September 2018 as this would disadvantage any Y6 child who joined the primary school after this date unless the families have been party to the rationale as to why some Y6 pupils are given priority and other are not. The local authority suggested that the school is likely to require clear evidence of this for any future appeal defence.

41. I am of the view that this small group children are disadvantaged unfairly by the current arrangements. I find that the arrangements do not conform with the Code. It is for the admission authority to decide how to amend its arrangements in response to my determination. I am sure that in doing so they will wish to ensure that other children are not potentially being disadvantaged unfairly by being displaced. I observe that it is open to the trust to increase the PAN for 2023 and 2024. Such a change is permitted by paragraph 3.6 of the Code and does not require consultation or the approval of the Education and Skills Funding Agency.

Summary of Findings

42. Based upon the information before me, I have concluded that the arrangements are unfair to those children attending the primary school who are there because their parents were misled. Whilst those who made promises to those parents had no authority to make the promises they did, nevertheless the parents in question believed those promises and applied for their children to be admitted to the primary school directly as a result of them. It was reasonable for those parents to have formed the belief they had and acted as they did.

43. The trust has acknowledged this unfairness and taken steps to remedy it by consulting upon naming the primary school as a feeder school and increasing the school's PAN by a small amount for two years to enable the children who have been disadvantaged unfairly to secure places at the secondary school.

44. The responses to the consultation indicated a large-scale disagreement to the proposals, and therefore the trust decided not to proceed with them. The trust will now need to revise the school's arrangements to rectify the unfairness I have identified. In doing so, the trust will be mindful to ensure that it does not unfairly disadvantage other children who may no longer secure places if priority is now given to children attending the primary school.

Increasing the PAN for the school for the limited period and by the small number as was proposed and consulted upon by the trust would have the effect of redressing the unfairness whilst not causing an unfair disadvantage to these other children.

Determination

45. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements for September 2023 determined by Langley Park Learning Trust (admission authority) for Langley Park School for Boys and Langley Park School for Girls.

46. 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 unless an alternative timescale is specified by the adjudicator. In this case I determine that the arrangements must be revised by 30 September 2022.

Dated: 15 August 2022

Signed:

Schools Adjudicator: Ann Talboys