



Office of  
the Schools  
Adjudicator

## Determination

<b>Case reference:</b>	<b>ADA3975</b>
<b>Objector:</b>	<b>Kirklees Council</b>
<b>Admission authority:</b>	<b>Impact Education Multi Academy Trust for Castle Hall Academy, Kirklees</b>
<b>Date of decision:</b>	<b>7 October 2022</b>

## 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 Impact Education Multi Academy Trust for Castle Hall Academy, Kirklees.**

**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 this determination.**

## 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 Kirklees Council (the objector, the LA) about the admission arrangements (the arrangements) for Castle Hall Academy (the school), a mixed non-selective academy school for students aged 11 to 16 for September 2023. The objection is to the published admission number for Year 7 (the PAN) and to the adequacy of the consultation process that took place prior to the determination of the arrangements by the admission authority for the school, which is the Impact Education Multi Academy Trust (the trust).

2. The parties to the objection are the LA, the school and the trust.

## Jurisdiction

3. 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 school are in accordance with admissions law as it applies to maintained schools. These arrangements were determined by the school's governing board on behalf of the trust, which is the admission authority for the school, on that basis. The objector submitted its objections to these determined arrangements on 13 May 2022. I am satisfied the objections have been properly referred to me in accordance with section 88H of the Act and they are within my jurisdiction. 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 objector's form of objection dated 13 May 2022 and supporting documents and subsequent correspondence with the LA;
- d. the trust's response to the objection and subsequent correspondence;
- e. a map of the area identifying relevant schools, recent admission data and the LA's most recent forecast of the demand for places in Year 7;
- f. confirmation of when consultation on the arrangements last took place and details of the nature of the consultation and responses to it; and
- g. a copy of the net capacity calculation for the school.

## The Objection

6. The LA's form of objection stated that the PAN for admissions to the school had been set at 180 between the years 2018 and 2022, and that it was making an objection to the PAN of 150 which the trust has determined for admissions in 2023. I have shared with the parties that I understand that the objection is that the PAN of 150 is unreasonably low.

7. The LA also complained that the consultation carried out by the trust prior to the determination of the arrangements was insufficiently explicit and that as a result it did not enable interested parties to respond meaningfully. I have shared with the parties that while

it is open to me to determine that there has been a failure to consult in accordance with the relevant requirements, it is not possible in such an event to require an admission authority to re-instate the previous year's arrangements. I shall nevertheless consider this aspect of the objection, and express my view concerning it, below.

## Other Matters

8. When I looked at the arrangements as a whole, it seemed to me that the following matter may also fail to conform with the requirements concerning admission arrangements:

- (i) an oversubscription criterion gives priority to "pupils on roll at an Impact Education primary school". Paragraphs 1.9b) and 1.15 of the Code require any feeder to school to be named.

## Background

9. Kirklees sits in a central position in the Pennines, bordered by other unitary boroughs which are part of West Yorkshire (Leeds, Bradford, Wakefield and Calderdale), and by parts of South Yorkshire (Barnsley) and Greater Manchester (Oldham). The school is located in Mirfield, which has Huddersfield to the south, Batley to the north and Dewsbury to the west, these conurbations also being in Kirklees.

10. The LA has shared with me documentation which shows that Kirklees as a whole has an under provision of secondary school places compared to the size of its resident population. Its 27 secondary schools have a combined Year 7 PAN of 5161 in 2022 and the known Year 7 resident populations (based on NHS GP registration data in January 2021) considerably exceed this figure. Year 7 populations shown by this data are over 6,000 in 2022 and only slightly lower for 2023. The size of the cohort then diminishes, but is still over 5,500 by 2026.

11. The LA has a programme of agreeing what it calls "bulge" places (places agreed on a temporary basis over schools' determined PANs) at a number of secondary schools to meet demand. It is also the case that there is an established pattern of Kirklees being a net "exporter" of pupils at Year 7, principally to Leeds and Calderdale. Internally, the LA refers to "North Kirklees", which its documentation reveals to consist of three secondary school planning areas – planning area 25 (which includes Mirfield), and planning area 24 (principally Batley) and planning area 28 (principally Dewsbury). I will need to refer to these in some detail below, but the context relevant to the school is that the LA says that there is "an established trend of pupils moving from Dewsbury towards Mirfield" and has told me that the school is within reasonable travelling distance of other densely populated areas such as Batley. School place planning in planning area 25 is made more complex because selective and faith schools there draw children from a wide area, including from beyond the borders of the LA.

12. When it set out its objection, the LA referred to the recent history of discussions and correspondence between itself and the school concerning admissions. It said that the

school had consulted between 14 June and 26 July 2021 on a proposal to reduce its PAN from 180 to 130 from September 2022 and that at that time the consultation had set out sufficient information to allow it, the LA, to make an informed response. It had challenged the timing of this consultation, which took place outside the period specified in paragraph 15b) of the Code of 1 October to 31 January in the school year before the arrangements are to apply.

13. The school had not proceeded with determining a lower PAN for September 2022, but had, the LA said, published a second consultation in November 2021 which also proposed a reduced PAN of 130, this time for 2023. The LA said that while this consultation did not, in its opinion, provide consultees with sufficient information to make an informed response (something which I will consider below), it had nevertheless responded by expressing its concern about the impact of a reduced PAN on its ability to provide sufficient school places for local children. The LA provided me with a copy of the responses which it made to both the consultations as these contain details of its pupil projections relevant to the need for places at the school. I will refer to these data, and to recent correspondence I have had with the LA in order to confirm my understanding of what the figures imply, below.

14. The LA went on in its objection to say that following the second consultation, the trust had determined a PAN of 150 for admissions in 2023 (and therefore not the 130 proposed in the consultation). Having done so, the trust had written to the LA saying that it would be willing to admit children over and above this figure in order to help meet the local demand for places. The LA also told me that the school had agreed to offer up to 195 places for admissions in September 2022 (that is to have 15 “bulge” places over the determined PAN of 180), and that on the day prior to the date of its objection to the arrangements (that is, on 12 May 2022) 192 of these had been allocated, the 3 remaining places at the being the only Year 7 vacancies on that date in planning area 25. The LA concluded by telling me that the demand for Year 7 places in the area is expected to decline, but that this will not have happened by September 2023.

15. When the school responded to my request that it provide me with a copy of the arrangements and evidence of their determination, it sent me a copy of the minutes of the meeting of the local governing board at which this had taken place on 15 March 2022. This was therefore after the deadline for the determination of admission arrangements for September 2023 of 28 February 2022 stated in the Code at paragraph 1.49, and the same day on which admission authorities must publish their arrangements on their website and to send a copy to the LA. The minutes record that:

“The current PAN is 180 for entry at Year 7. The consultation proposed a reduction to a PAN of 130. However, the feedback received, supported by the population data from North Kirklees, had indicated that this would leads to insufficient places being available.

The admission number had then been revised to 150 and there has been further consultation on this number.

The application (sic) to the Academy for September 2022 Year 7 entry is 130 first choice and 8 second choice which provides some confidence that the proposed change to the PAN of 150 is correct.

The reduction in the PAN addresses the Board's previously expressed concern that the surplus of numbers created by a PAN of 180 resulted in unwanted in year admissions."

16. It is evident that the information about the number of children likely to be seeking places at the school in September 2022 recorded in the minutes of the meeting on 15 March 2022, and that provided to me by the LA as the position on 12 May 2022 appear to be at odds. It is of course the need for places in September 2023 that is at the heart of the LA's objection, but clearly the position in September 2022 is a material factor in judging what this is likely to be. I shall consider this in more detail, and in the light of the latest available evidence, below.

17. The LA commented on the minutes of the trust's meeting of 15 March, saying first that it questioned the "validity" of the determination because it had not taken place by 28 February 2022. My view of this is that the trust has clearly failed to comply with a mandatory requirement of the Code concerning the date by which arrangements must be determined, but that this does not invalidate the arrangements themselves. The LA also said that it was unclear what "further consultation" there had been on a PAN of 150 and that the reason stated for the PAN reduction was not a reasonable one. It said that the stated reason was itself an acknowledgement of an in-year demand for places which would not be satisfied by admissions to the school because of the PAN reduction which had taken place.

18. The school told me that it was its understanding that it had determined its arrangements "on time", which is not the case, as I have explained. It referred to the ongoing dialogue between itself and the LA concerning the reference to "further consultation" and said that "in hindsight" the minute did not record accurately the view of the school or the trust concerning in-year admissions. Concerning this latter, it said that it was the desire that the school be full, but that "high mobility" impacted on the "stability" of the school and affected class sizes. It referred to the fact that the school was "trying to improve" and ran a "tight" Integrated Curriculum and Financial Planning model which it says is "endorsed and lauded" by the DfE and the Education and Skills Funding Agency. The Government website "Get Information About Schools" records that the school opened in September 2018 as a "fresh start". Its predecessor school, also called Castle Hall Academy, had been placed in special measures in 2016, but the current school does not yet have an Ofsted rating. The trust has not elaborated on its comment about its need to improve.

19. The LA confirmed that there had been discussions with the trust to explore the possibility of a "compromise" PAN of 150 for 2023 or in the future, but that it has maintained its view in the light of its forecast of need and of the position on National Offer Day in 2022 that a PAN of 150 for September 2023 was "not acceptable", by which I understand it to mean that it believed this would compromise its duty to secure the provision of sufficient education locally.

20. The trust told me in response that it thought that a PAN of 150 was a number which “supported” the LA and that “moving the PAN to 150 serves the best interests of the school”. It asked the adjudicator “does Castle Hall have a legal responsibility to keep it’s (sic) PAN at 180 to ensure the LA can offer enough places if it consults through the normal process....If so, can you direct me to the legislation that points me to this.” It said that “the trust and LA have a different opinion on this issue and so I would ask the adjudicator to make a decision”.

21. I was happy to be able to refer the trust to paragraph 4 of the Code which states that academies are required to comply with the Code and the law relating to admissions, and to paragraph 3.3 which says that an objection about an own admission authority’s decision to reduce its PAN is an admissible objection.

## Consideration of Case

### The PAN

22. The exchanges which I have summarised above took place before I set out my jurisdiction for the parties and formally sought the comments of the trust concerning the objection and the other matters of concern. When it responded to my request for its comments on the objection about the PAN, the trust referred to the minute of the meeting at which the arrangements were determined which it said explained “why this determination was reached”. I had asked it to tell me how many children had been admitted in September 2020 and 2021, and the number expected for September 2022. It did so saying that “we think it is important to provide a deeper analysis that provides context to this issue and the factors taken into account when determining admission arrangements”. It told me that “despite offering 210 places in all but one of the last four years and 195 in 22/23 (at the request of the LA), the number offered on National Offer Day has been clearly lower, and conversion into pupils being admitted in September is even lower.” The information it gave me (on 24 August 2022) was, in summary, as follows:

	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>2021-22</b>	<b>2022-23</b>
Year 7 PAN	174	210*	210*	210*	195 *
Places offered on national offer day	164	177	194	137	185
September actual	132	137	123	130	?
In-year net changes	-1	-5	+8	+17	?

End of Year 7 total	131	132	131	147	?
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\*These are the PANs provided by the school, but are incorrect as they include agreed “bulge” places (see below).

23. The trust said that there has been a clear pattern of children who were initially offered a place at the school going onto the roll of other schools in the area and that this uncertainty has resulted in “a number of staff remodelling exercises, with some redundancies”. It told me that the trust had been advised by a School Resource Management Advisor on deployment from “the DfE/RSC/ESFA”, amongst other things, to review its projections of likely admissions downwards from 150 to a projected 130 and that as a result it had started the process “to request for (sic) an in-year variation for September 2022, with the alternative being to reduce the PAN to 130 by the normal route”. I understand this last statement to refer to some of the background which I have set out above.

24. The trust went on to tell me that it had put in place a curriculum model based on 130 Year 7 admissions for September 2022 and that the associated staffing model for September 2022 and 2023 “was lean and an effective use of resources”. The LA had nevertheless agreed to fund the school for up to 195 places for September 2022 it said (that is, 15 places over and above the PAN of 180). The trust repeated its view that it had understood that for admissions in September 2023 the LA would be supportive of a PAN “somewhere between 130 and 180”, which it said accurately reflects historical actual admissions at the school as shown in the above table.

25. I reflect at this point on two matters that emerge from the trust’s account that seem relevant to me in my consideration of the objection. First, the trust has not been advised to reduce its PAN, only to plan on an assumption of lower Year 7 numbers than had been the case hitherto. It could have done so without changing the PAN. It is obviously the case that the significant differences which there have been in recent years between the number of offers of places at the school in March each year and the uptake of places the following September does create the management difficulties which the trust has told me about, and this is exacerbated by the fact that the net in-year changes shown in the above table result from a larger number of entries and de-registrations during the year. Nevertheless, it is also the case that the management of Year 7 in a school like Castle Hall does not, or should not, happen in isolation, with numbers in later years known much more securely. Many (if not most) secondary schools have to accommodate such uncertainties around their Year 7 intake. Second, it is possible to imagine the phrase “somewhere between 130 and 180” to be an accurate description of the LA’s position because it was objecting to a proposed reduction from 180 to 130, which may explain the difference in perspective between the parties as to what has passed between them.

26. I turn now to what the LA has said to me. When it made the objection, it provided me with its response to the consultation carried out by the trust in November 2021, saying that this “made clear the potential impact for local families of such a reduction...at a time when

there was evidence available about a population peak in North Kirklees”. The consultation response said that the school is part of the LA’s Planning Area 25 where projected Year 7 cohorts “.....remain at a high level until 2024/25. It is only thereafter that the size of Year 7 cohorts begins to decrease more significantly”. In response to my request, the LA has provided me with the following information about these cohorts:

<b>Year 7 cohorts Planning Area 25</b>	<b>GP registration data 2022</b>
September 2022	897
September 2023	856
September 2024	878
September 2025	834

27. These figures are in line with the statement which the LA made in its consultation response, but need careful interpretation. The LA has been at pains to point out that the situation in Planning Area 25 is heavily influenced by the broader background of what it refers to as “a population bulge entering the secondary phase at year 7” in Kirklees as a whole, and because there is “significant movement of pupils between planning areas in North Kirklees” (of which planning area 25 is one). I have referred above to the pressure for Year 7 places in planning area 25 because of its geographical proximity to the densely populated areas of Dewsbury and Batley. In both of the relevant planning areas (28 for Dewsbury and 24 for Batley), the information provided to me by the LA shows an insufficiency of Year 7 school places (based on PANs) compared to the size of the relevant local Year 7 cohorts (GP data) both historically, and until at least 2025. The LA data also shows that some schools in these two other areas within North Kirklees have made admissions over their PANs in September 2021.

28. By contrast with the position in the neighbouring planning areas, the number of Year 7 children in the resident population in planning area 25 which is shown above is lower than the number of local Year 7 places based on PANs, as the sum of the PANs of the five secondary schools is 1021. Nevertheless, data provided to me by the LA of actual admissions at the four schools other than Castle Hall Academy since 2020 show that each has effectively been at capacity (including any agreed “bulge” places) in this time. I am not aware of the reasons in particular schools in some years for admissions being slightly above or below the effective PAN. The relevance of these figures is that there is unlikely to be additional capacity in any of the other schools in the planning area. The following table shows these Year 7 admissions, with PANs and “bulge” places relevant to the year in question shown in brackets:



<b>Other schools in Planning area 25</b>	<b>Admissions 2020</b>	<b>Admissions 2021</b>	<b>2022 (offers)</b>
Heckmondwike Grammar School	<b>212</b> (180+30)	<b>209</b> (180+30)	<b>210</b> (180+30)
Spenn Valley High School	<b>192</b> (190)	<b>189</b> (190)	<b>200</b> (190+10)
The Mirfield Free Grammar and Sixth Form	<b>234</b> (221)	<b>250</b> (221+29)	<b>250</b> (221+29)
Whitcliffe Mount School	<b>250</b> (250)	<b>250</b> (250)	<b>250</b> (250)

29. The school had a PAN of 180 in each year from September 2019 to September 2022 and there were 30 “bulge” places in each year until 2022, when this became 15 (which results in the figures presented to me as the “PANs” by the trust for these years). The relevant National Offer Day figures together with the actual September admissions for the school were shown earlier. It can be seen that unlike others in its planning area the school is not at capacity. It infrequently makes a number of offers of a place in line with its augmented PAN and has not admitted up to its actual PAN in any of the years shown.

30. The LA has told me in correspondence that it recognises that this picture of the school admitting fewer children in September than the number of places which have been offered the previous March is likely to be repeated in 2022 “given what has happened in previous years as parents exercise their right to appeal etc”. It said, however, that it finds it difficult to predict what the level of this effect might be, either in 2022 or in 2023. It nevertheless says that it continues to project the need to agree what are large numbers of “bulge” Year 7 places across its schools until at least 2023 and it has also told me that it does not expect the “bulge” places at The Mirfield Free Grammar and Sixth Form or at Spenn Valley High School to continue beyond 2022/23 due to limited physical capacity at these schools, which it says will offset the small reduction in the number of Year 7 children in the planning area between 2022 and 2023. It has said “We know that if the PAN at Castle Hall Academy had been 150 on secondary National Offer Day 2022 there would have been year (sic) 7 applicants living in North Kirklees with no allocated school place. This remains a significant risk for national offer day 2023 if the PAN is reduced to 150”.

31. In response to my request, the LA told me on 20 September 2022 that the figures which it held on 1 September 2022 for admissions to the schools in planning area 25 totalled 1105, including 183 at Castle Hall Academy. So the translation of places offered into actual admissions at the school for September 2022 has been much greater than in some previous years, and supports the position put to me by the LA concerning the likely

need for places at the school in September 2023 in its objection, given all the factors which I have referred to above.

32. The complexity of these circumstances may continue to result in the school having to manage a situation in which it does not admit children to all the places which it is able to offer. While the school may quite reasonably have a view about what serves its own interests in terms of financial and managerial considerations, and while the school has said that it would be willing if necessary to admit a higher number of pupils than the number it has set for its PAN in 2023, I nevertheless consider that there is an overriding importance that all local children can with certainty be offered a secondary school place on National Offer Day (and therefore without the need for the LA to rely on such additional places).

33. Based on the evidence which I have seen, and in particular:

- (i) the continuing forecast of underprovision of places in the relevant neighbouring school planning areas;
- (ii) the inability of the other schools in the planning area of which Castle Hall Academy is a part to admit more children than currently (and the fact that this will probably be fewer children in total), and
- (iii) the latest information about the actual position of admissions at the school in September 2022,

I believe that it is probable that in order for it to be able to offer a place to each local child on National Offer Day in 2023, the LA will need to be able to rely on there being more than 150 places in Year 7 at the school in September 2023. I am also mindful that the net capacity calculation for the school which the LA holds shows a capacity of 900 places and an indicated admission number of 180. I therefore take the view that the PAN determined by the trust is unreasonably low, and I uphold this aspect of the objection.

#### The consultation

34. I asked the trust to comment on the complaint made by the LA about the consultation which preceded its determination of the arrangements, and to provide me with evidence of how this met the requirements which are set out of paragraphs 1.45 to 1.48 of the Code. Each of these paragraphs contains requirements which are mandatory in nature, the Code having the force of law, as explained in paragraph 12 for the benefit of admission authorities.

35. Paragraph 1.45 says that there must be consultation if changes are proposed to admission arrangements, or in any case every seven years if arrangements remain unchanged. Paragraph 1.46 repeats the requirement of paragraph 15b) that consultation must last for at least six weeks and that it must take place between 1 October and 31 January in the school year prior to that to which the arrangements will apply.

36. The PAN is part of a school's admission arrangements and therefore a change to a PAN is a change which requires an admission authority to carry out a consultation prior to

the determination of those arrangements. For admission arrangements which are to apply for September 2023, the period during which consultation must have taken place was 1 October 2021 to 31 January 2022. The Code makes this stipulation in order that all relevant consultations by school admission authorities take place within the same period of time, allowing parents and other interested parties to be alert to the likelihood of there being proposed changes to admission arrangements which are subject to public consultation at this point in the calendar. The period specified allows admission authorities to consider responses which have been made, before determining their arrangements by the deadline specified elsewhere in the Code of 28 February in the relevant year. The consultation carried out by the trust in June and July 2021 was therefore outside this required period and so it was right to carry out a further consultation beginning in November 2021.

37. Paragraph 1.47 sets out the persons or bodies who are to be consulted, and paragraph 1.48 the requirement that a copy of proposed admission arrangements are to be published on the admission authority's website for the duration of the consultation period together with details of where comments are to be sent amongst other things.

38. The LA had provided me as part of its objection with a consultation notice in the form of a screenshot of the relevant part of the school's website which was taken on 1 January 2022, and a copy of the proposed arrangements which had been posted there during the consultation. When the trust responded on 24 August 2022 to my request, it told me that the consultation which it undertook was "between December 2021 and January 2022" (and so not beginning in November 2021 as I had been told by the LA) but did not provide exact dates. It simply told me that there had been a poor response, and that the trust had assumed that "stakeholders" had already provided their response during the consultation the previous summer. Since the school had not responded meaningfully to the request which had been made of it, I wrote to it again explaining that the objection which had been made concerning the consultation was properly made, that I must consider it, and that in order to do so it was necessary for me to be provided with evidence which would allow me to decide whether or not it should be upheld. In order to assist the trust, I provided it with a list of the material which I considered would be relevant to me, which was:

- (i) Copies of any consultation document that was circulated to consultees;
- (ii) Copies of any letters or emails showing how each of the relevant persons listed in paragraph 1.47 were consulted;
- (iii) Copies of any press notices or advertisements placed in local newspapers or public spaces which drew attention to the consultation;
- (iv) A copy of what appeared on the school's website during the consultation period, and the exact dates between which the consultation took place; and
- (v) Copies of the responses which were received to the consultation as referred to in its letter of 24 August.

39. In response, the trust provided me with a copy of the proposed arrangements and what appeared to be a copy of a notice of the consultation, both of which appeared on the school's website and both of which the LA had previously given to me. The notice says that the consultation was starting on 29 November 2022 and gave details of where responses should be sent. The trust also provided me with an email evidencing the LA's response to the consultation dated 9 December 2022 which included a copy of the email which the LA had received from the trust referring to the consultation, dated 29 November 2021. As there appeared to be nothing further that related to the information I had requested, I wrote again to the trust reminding it of the above list and asking it for any further evidence it could provide. The trust told me on 5 October 2022 that it was unable to locate any further documentation concerning the consultation.

40. Paragraph 1.47 of the Code says:

"Admission authorities must consult with:

- a) parents of children between the ages of two and eighteen;
- b) other persons in the relevant area who in the opinion of the admission authority have an interest in the proposed admissions;
- c) all other admission authorities within the relevant area (except that primary schools need not consult secondary schools);
- d) whichever of the governing body and the local authority is not the admission authority;
- e) any adjoining neighbouring local authorities where the admission authority is the local authority; and
- f) in the case of schools designated with a religious character, the body or person representing the religion or religious denomination."

41. As far as the school is concerned, since it does not have a religious character each of the listed categories of consultee is relevant when the trust carries out a consultation concerning its admission arrangements, except the last. For these consultees to have been consulted meaningfully, it is my view that an attempt should have been made by the trust to make each aware of the consultation and how to respond to it. That goes beyond there simply being a notice of the consultation and response details posted on the school's website as required by paragraph 1.48 of the Code. I would have expected the means which I asked the trust to give me evidence that it had used, or similar equivalently effective means, to have been brought into play by it.

42. I have seen no evidence other than that described above as to what the consultation which was carried out during the period specified in the Code consisted of, or how it was carried out, and therefore no evidence that the persons listed in the Code as required consultees were made aware of its existence. Rather, it seems the consultation was perfunctory in nature, as if the school was relying on what it had done when it carried out a consultation the previous summer, as the LA has said to me. It is my view that the

consultation fell well short of the requirements set out in the Code, and I uphold this aspect of the objection.

43. I add as a footnote to this judgement, in the light of the trust's apparent perspective about the nature of consultation, that the requirements as to a meaningful consultation concerning school admission arrangements are designed to ensure that the body making a decision on a change to them is fully informed of the likely consequences before that decision is made. Any responsible public body should wish to be so informed, and it is quite inappropriate for consultation to be thought of as a process for providing automatic authentication for any change, whatever its nature. Even if consultation is carried out in an ideal fashion, the matter in hand is still subject to the relevant requirements concerning it, as in the case of the PAN for the school here.

### Other matters

44. The trust has acknowledged that the reference to an "Impact Education Primary School" in the arrangements does not meet the requirement in the Code that any feeder school should be named, and has stated its willingness to amend the wording so that this states that the school in question is Old Bank Academy, which is the name of one of the four primary schools which are part of the trust (although the trust has not told me this), and which is situated in Mirfield. As determined, however, the arrangements failed to satisfy the requirements of paragraphs 1.9b) and 1.15 of the Code where the requirement that feeder schools should be named is stated.

45. It also seems to me, in the light of the knowledge that Old Bank Academy is not the only primary school which is part of the trust, that the wording of the arrangements was also unclear since parents reading them would have understood the oversubscription criterion to give priority to a child who had attended any of the four primary schools in the trust, meaning that the arrangements were also in breach of the requirement in paragraph 1.8 of the Code that oversubscription criteria must be clear. I have however not raised this further non-compliance with the trust as it will also be rectified when the single school that the trust wishes to name as a feeder school is so named in the arrangements.

## **Summary of Findings**

46. I have upheld the objection that the PAN of 150 which the trust has determined for September 2023 is unreasonably low, because the evidence which I have seen is that this will not allow the LA to offer each local child a secondary school place on 1 March in that year.

47. I have concluded that the consultation carried out by the trust did not meet the relevant requirements for the reasons which I have stated.

48. I have also explained why the arrangements as determined are in breach of the requirements set out in the Code concerning the naming of a feeder primary school.

## Determination

49. 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 Impact Education Multi Academy Trust for Castle Hall Academy, Kirklees.

50. 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.

51. 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 this determination.

Dated:

Signed:

Schools Adjudicator: Bryan Slater