



Office of
the Schools
Adjudicator

Determination

Case reference: REF4103

Referrer: North Yorkshire County Council

Admission authority: The Rodillian Multi-Academy Trust for Brayton Academy, Selby, North Yorkshire

Date of decision: 30 March 2023

Determination

I have considered the admission arrangements for September 2023 determined by the Rodillian Multi-Academy Trust for Brayton Academy, North Yorkshire in accordance with section 88I(5) of the School Standards and Framework Act 1998 and find that in relation to the determined PAN for Year 7 and the wording of one oversubscription criterion, 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 within two months of the date of the determination, unless a different date is specified by the adjudicator. I determine that this date shall be 21 April 2023.

The referral

1. Under section 88H(2) of the School Standards and Framework Act 1998, (the Act), an objection has been referred to the Office of Schools Adjudicator (OSA) by a representative of a local authority (North Yorkshire County Council, the referrer, the LA), about the admission arrangements (the arrangements) for Brayton Academy (the school), an academy school for boys and girls aged between 11 and 16, for September 2023. The date of the objection was 24 January 2023.

2. The referral relates to the published admission number (the PAN) and to the priority given to applicants for a place at the school on the basis of the local authority area in which they live.
3. The parties to the case are the Rodillian Multi-academy Trust (the trust), which is the admission authority for the school, the school and the LA.

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 the 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 Trust Board on 7 February 2022, on that basis.
5. The referrer submitted an objection to these determined arrangements on 24 January 2023. The School Admissions Code (the Code) requires objections to admission arrangements for 2023 to be made to the Office of the Schools Adjudicator by 15 May 2022. As this deadline was missed, the case cannot be treated as an objection. However, as 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 and I am treating the objection as a referral.

Procedure

6. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).
7. The documents I have considered in reaching my decision include:
 - a) the referrer's form of objection dated 24 January 2023 and subsequent correspondence;
 - 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 admission authority on the matters raised and supporting documents;
 - e) a map of the area identifying relevant schools; and
 - f) information about the most recent admission rounds and the latest forecast of the need for Year 7 places in the area.
8. I have also taken account of information received during a meeting I convened on 2 February 2023 which took place remotely. The meeting was attended by representatives of all the parties.

The Referral

9. The referrer's form of objection sets out five matters of complaint. The objector believes that the PAN of 210 which has been set for the school is unreasonably low in the context of the need for school places locally. A low PAN in this context could result in the arrangements being unfair and therefore in contravention of paragraph 14 of the Code, which states that:

"...admission authorities **must** ensure that the practices and the criteria used to decide the allocation of places are fair, clear and objective."

10. The referrer also said that the arrangements give priority to children on the basis of the local authority area in which they live and that this contravenes the so-called "Greenwich judgement". Paragraph 1.14 of the Code sets out in a footnote the background to this judgement (which was given in 1990) and says that section 86(8) of the Act:

"...places an equal duty on local authorities [and therefore other admission authorities] to comply with parental preference in respect of parents living within and outside their boundary."

11. The three remaining complaints were that the trust had not carried out a consultation which complied with the requirements of the Code before determining the arrangements for the school, that the arrangements appeared to give priority to children on the basis of the order in which they had ranked their expressed preferences and that the arrangements had removed the school's catchment area. As I shall describe below, these are either matters concerning which I have no jurisdiction, or which the referrer agreed did not actually affect the arrangements as a result of the meeting between the parties which I convened.

Other Matters

12. 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) The arrangements do not define the school's catchment area, as required by paragraph 1.14 of the Code;
- (ii) Paragraph 14 of the Code requires that a school's admission arrangements are clear, and the following may mean that they are unclear:
 - a) The phrase "one of the three preferences" which appears in the arrangements does not accord with the practice of many local authorities of allowing parents to express more than the minimum of three preferences, and parents living in another local authority area must use the common application form of that authority to express their preferences for school places wherever they are (paragraphs 2.1 and 2.2 of the Code). The phrase is therefore likely to mean that the arrangements are unclear to some parents.

- b) The arrangements say “The Academy will admit up to 210 children in Year 7 if sufficient applications are received.” The final phrase is unnecessary and may make the arrangements unclear to some parents.
 - c) The arrangements refer to the need to complete a Supplementary Information Form (SIF) “to apply” for a place awarded on the basis of aptitude. All places must be applied for using a local authority common application form, and a SIF is needed if a parent wishes their application to be considered for one of the places awarded on the basis of aptitude. The arrangements appear to be misleading and therefore unclear.
 - d) The arrangements say “Where possible parents will be informed if their child’s application is being prioritised under this criteria...” The word criteria implies more than one criterion and is therefore likely to be unclear to some parents.
 - e) Oversubscription criterion 5 is given as:

“Children who are on roll at a (named) primary school operated by the Rodillian Multi- Academy Trust.”

There are no primary schools in the Trust, and so the presence of this oversubscription criterion is likely to be confusing to parents, making the arrangements unclear.
 - f) Oversubscription criterion 6 gives priority to “Children who Brayton Academy is their priority school”. This phrase, which is making reference to children who live in the school’s catchment area, is unclear because it does not say this and because it is unclear grammatically, making the arrangements unclear.
- (iii) Paragraph 1.34 of the Code says that if random allocation is used “admission authorities... **must** set out clearly how this will operate, ensuring the arrangements are transparent, and that looked after children and previously looked after children are prioritised”. The arrangements contain no relevant description of how random allocation would be used.
 - (iv) The arrangements say “From September 2023 there are 210 places in each of years 7, 8 and 9 and 200 places in each of years 10 and 11.” A PAN must be set for normal years of admission but applies only to that year group for that year, and not as it progresses through the school. Admissions to year groups which are not a normal year of admission to the school are governed by the principle of prejudice to the efficient provision of education or use of resources, as set out in paragraph 2.28 of the Code. References to a limited number of places being available in years other than Year 7 at the school therefore appear to fail to comply with paragraph 2.28.

Background

13. The school converted to academy status in 2016. The trust is the admission authority for three other secondary academies - the BBG Academy which is in Kirklees, the Rodillian

Academy which is in Leeds and the Featherstone Academy which is in Wakefield. The trust also runs alternative provision for pupils in Key stages 3 and 4.

14. Prior to submitting the form setting out its complaints about the arrangements, the LA had written to the adjudicator (on 19 January 2022) saying that it was faced with “a highly unusual and urgent situation”. The trust had determined, it said, arrangements for the school which for the first time were not the same as those determined by the LA, and this had not been realised by the LA until November 2022. The arrangements, which are for September 2023, include a PAN for Year 7 of 210 which is a reduction from the PAN for admissions in 2022/23, which was 241. The LA said that it could not “support” this figure “on sufficiency grounds” and that it was now evident that the school would be oversubscribed in September 2023. Although realising that the deadline for objections (15 May 2022) was long since passed, the LA urged the OSA to “review the situation as quickly as possible” in view of the short space of time that remained before the national offer date of 1 March 2023 for Year 7 places. I therefore took the unusual step of seeking a meeting with the parties on the earliest available date, and this took place on 2 February 2022.

15. I explained to the parties present at the meeting that as a result of the lateness of the objection it could not be considered under section 88H of the Act, but that I had decided to consider the arrangements as a referral, under section 88I(5). Section 88I(5) gives the adjudicator no power to consider a complaint about a consultation which relates to the arrangements.

16. The trust had provided me with evidence of the determination of the arrangements immediately prior to the meeting and I was able to point out to the trust’s representatives that the minute of the meeting of the Trust Board which it had supplied also showed evidence of the determination of arrangements for two of the three other academies for which it is the admission authority, but not for the third (The Featherstone Academy). I was also able to indicate that when I had looked at this school’s website, I had not found any admission arrangements there for 2023. However, I told the parties that it had proved instructive to read the 2023 admission arrangements as determined by the trust for the two other academies and the draft 2024 arrangements for The Featherstone Academy (which were available on its website) when seeking to understand aspects of the arrangements for Brayton Academy and the objection which had been raised concerning them.

17. The arrangements for the other academies were in many respects identical to those for the school, in format or in the wording employed, and a comparison casts light on the intention behind them. The term “priority school” appears frequently across the arrangements which the trust has determined for its different schools, but some of the arrangements use (in a comparable phrase or sentence) “the PAA” (which the adjudicator in ADA3756, which considered an objection about the arrangements for one of the trust’s other academies, had said was the abbreviation used by it for “priority admission area”). Some of the arrangements for the trust’s academies describe a geographical area as their PAA. In other words, it seemed to me that “priority school” when used in a phrase such as “... and the Brayton Academy is their priority school” refers to a child who lives in the school’s priority admission area (the Code term for which is catchment area) and has nothing to do with the order of the preference which had been expressed by a child’s parents, as the LA had feared. I shared this perception with those present at the meeting,

and the representative of the trust confirmed that this was indeed the meaning it had intended, and further that it had not intended to dispense with Brayton Academy's catchment area (as the LA had also feared, since it is neither referred to in any other way nor described in the school's arrangements).

18. I confirmed these understandings in writing to the parties after the meeting, and that it was therefore my view that of matters which the objector had set out in the form of objection, there remained two which were substantive in nature – the issue of the PAN, and that concerning priority given to children on the basis of whether they live in the local authority area of North Yorkshire.

19. Those elements of the arrangements which relate to the substantive matters raised by the referrer are:

- (i) Under the heading "Procedure for Year 7 entry" the arrangement say that "There are 210 places available".
- (ii) The arrangements provide seven oversubscription criteria, and the final one is given as:

"All other children residing outside the local authority who reside nearest the Academy based on the straight line distance from the home address to the Academy."

I have described above a number of the statements contained in the arrangements, and will not repeat them here.

Consideration of Case

The PAN

20. It is clear that it is possible for an objection to be brought concerning the decision of an admission authority to decrease the PAN for a school. Paragraph 3.3b) of the Code prohibits objections only concerning an increased or unchanged PAN. The referrer's form had however stated no more than that it "could not support....on sufficiency grounds" the determined PAN. Nevertheless, the LA confirmed at the meeting which I held that it was indeed raising an objection to the PAN which the trust had determined (albeit a late objection, as discussed above).

21. Paragraph 14 of the Code (as set out above) concerns admission arrangements as a whole, of which the determined PAN is part (by virtue of section 88D of the Act), and it requires that they be fair (as well as clear and objective). I explained to the parties at the meeting (and subsequently in writing) that it was my understanding following the exchanges there that the objection was that the reduced PAN results in the arrangements being unfair, because it is unreasonably low, and that that was how I would consider this matter.

22. That being the case, I asked the parties to provide me with evidence relevant to my consideration. I asked the LA to give me its latest forecast of the need for Year 7 places locally, including the projected need for September 2023, and requested it to state explicitly the reasons why it had objected to the PAN. I also asked it to provide a map of local

schools and relevant information concerning them. I asked the trust to provide me with a copy of the arrangements for the school as they had been determined for September 2022 (in order that I could see exactly how those for 2023 differed), and for the allocation of places against the school's oversubscription criteria in 2021 and 2022.

23. When the trust replied to me it said:

“Prior to the admission arrangements for 2023, the Academy did not have a codified admission policy. The Academy relied solely on the local authority arrangements for the admission (sic) to the Academy.”

It is of course open to an admission authority to adopt admission arrangements which are consistent with those used by the local authority where a school is located for the schools for which it is the admission authority, or indeed any Code-compliant arrangements, when determining admission arrangements for a school. The Code (at paragraphs 1.49 and 1.50) requires, however, that all admission authorities determine arrangements annually and display them on the website for the school in question, displaying them there for the whole of the school year in question. It is not lawful for an admission authority to “rely” on the admission arrangements of another unless it makes a formal decision to do so, in line with the Code, in which case these become the determined arrangements. I take it from the trust's reply however that it did not do so, although this is not clear. I have, however, been unable to find admission arrangements for the school for the school year 2022/23 on its website.

24. I note in passing that the arrangements should also have been sent to the local authority in order for it to include them in its composite prospectus for parents (as described in paragraph 1.54 of the Code). I have searched assiduously but have been unable to find the determined admission arrangements for the school (or for most other secondary schools in the local authority's area, either for September 2022 or September 2023) on the LA's website. The LA website provides a large amount of helpful material for parents, and a copy of its coordinated scheme of admissions which includes a “description” of admission arrangements for the schools for which it is the admission authority, but that is not the same thing.

25. What I was able to find on the LA website was a map showing secondary school catchment areas (which the LA has also supplied to me) and a statement about the catchment area for Brayton Academy which is as follows:

“For the purposes of admissions a distinction is drawn between those who live in Selby rural area and Selby town area. Brayton Academy and Selby High each has its own designated rural area and the two schools are jointly the normal schools for the Selby town area. Places will be offered to children from the individual rural area associated with each school before those in the town area, using the tie break elements of the admissions policy for community and voluntary controlled schools for the academic year where necessary.”

26. This statement helps to explain the concern which was expressed by the LA to the OSA before it submitted its form of objection when it believed that the trust had dispensed with a catchment area for the school, as the LA appears to rely in practice on the whole of

its area being covered by the catchment areas in the determined admission arrangements for the secondary schools there. The statement also ties the arrangements for Brayton Academy into those used by the LA for community and voluntary schools, which of course is also not a matter for itself. The LA may consider that it should reflect on how these matters now appear, in the light of this present case.

27. I have provided the above as background and context to the issue before me, which is whether the PAN which the trust has determined for the school for September 2023 is unreasonably low. The context is the need for Year 7 places locally, and therefore the disposition of other local secondary schools and their admission arrangements including their PANs are relevant matters.

28. Brayton Academy is located in the town of Selby, where there is one other secondary school, Selby High School. Each has a rural catchment area outside the town, and there is a common urban area within which applicants are treated as living in the catchment area for both schools. The catchment areas for two other secondary schools, Sherburn High School and Barlby High School have a border with Brayton Academy's rural catchment area. That is, the three other schools together are those in the local authority's area which have catchment areas which border on that of the school. The information provided to me by the LA on 10 February 2023 was that Sherburn High School and Selby High School were "oversubscribed" for entry in 2023, and that Barlby High School was not. However, the LA could not give figures to indicate the likely levels of oversubscription, or the number of places that Barlby High School might have available. Holy Family Catholic High School (for which I was able to find the admission arrangements on the LA website) is located in the rural part of Brayton Academy's catchment area, and I was told that it was likely to have vacancies in September 2023. It has no catchment area and I assume it draws children who are primarily of the Catholic faith from a wide area.

29. The LA told me that the numbers of children in primary schools in the Selby and Brayton areas who are due to transfer to secondary school show an increase from those for September 2022, for each of the years up to 2027. The figures given to me were:

Year of transfer (September)	Cohort size
2022	426
2023	461
2024	460
2025	455
2026	441
2027	450

30. The PAN for Selby High School is 237. The combined PANs for the two schools in the town are therefore 447 on the basis of the PAN of 210 determined for the school. Prior to 2023, the combined PANs were 478. On the date when I met the parties, a representative of the LA said that there had been 207 first preferences expressed for a place at the school in September 2023. The LA said following the meeting that for admissions in 2023, assuming a PAN of 210 for the school, it expected to have to provide a place for some children who had expressed a preference for a place at the school at a school in whose catchment area they did not live, and for which their parents had not expressed a preference. It said that this was the basis of its objection to the determined PAN. Following the meeting which I held, the LA and the trust have agreed to work together for admissions in September 2023 on the basis of the ability of the latter to agree admissions above 210 without this constituting an increase in PAN, pending the outcome of the LA's objection.

31. When the trust responded to my request for information, it told me that the LA's projected intake figures for Brayton Academy have been inaccurate in recent years, that the PAN of 241 had not been reached from 2018 onwards and that oversubscription criteria had therefore not been used since that date. It gave me the following data (most recent years only) which it said demonstrated that the LA forecasts in recent years have proved unreliable. I shall return to this issue of forecasting below, but it is worth noting here that the following table shows that the forecasts have been both too high, and too low.

Year	2020-21	2021-22	2022-23
Projected intake	195	203	159
Actual admissions	180	192	175

32. The trust complained that the LA had not made it aware of the increase in demographics referred to above when the trust consulted on its arrangements for September 2023. As I have said, the trust and the LA dispute the extent to which a compliant consultation concerning the arrangements took place, but that this is not a matter for me. The trust also said that it had a duty to plan for staffing and the use of resources, and that it would face criticism were it not to do so. It said that if it found itself in a position where it were overstaffed, it would have to make staffing redundancies which "would have a negative impact on the academy".

33. When it made a further response based on the information provided to me after the meeting by the LA, the trust pointed out that this had included the following information about the number of preferences expressed for a place at the school in recent years:

Year	2021	2022	2023
PAN	241	241	210
Total preferences	329	290	439

Using these figures to arrive at a recent trend in the relationship between the number of preferences expressed and actual intakes, the trust told me that the calculated number of admissions that could be expected for September 2023 would be 260. I agree that it is reasonable to make such a link. My own calculation is that if the average of the recent years' trends is applied to the total number of preferences for 2023, this would result in 259 admissions. As the trust pointed out, this figure is above both the determined PAN, and the previous PAN of 241. It said that in view of what it says is a recent history of inaccurate forecasting, it would be reluctant to rely on this calculation as a basis for returning to the PAN of the previous PAN of 241, but this seems to me to provide support for what the LA has said about the consequences of a PAN of 210.

34. The trust also said that the LA had not been clear as to whether the cohort sizes which I have given above related to the joint catchment areas for Selby High School and Brayton High School or for Brayton alone. However, it seems to me that this was clear in what the LA said, and as I have reported it. The trust's final comment was that it seemed to it that the LA really wanted the school to take a bulge year, that is to admit above its PAN, but had not said so to the school. The LA has seen these comments but has not made a further response.

35. I am left with the following picture. I agree that the LA forecasting has not produced consistent outcomes in terms of the projected need for places at the school year-on-year, and I have to say that the comment made to me by the LA that "predicting the demand for places in advance is always difficult in the context of parental preference", is self-evidently true, especially where there are adjacent large conurbations, as here. This is a problem faced by many local authorities which appear to have more sophisticated and robust forecasting systems than anything which the LA has shown me in this case. Nevertheless, the clear evidence of increasing cohort sizes in the relevant primary schools, coupled with the simple use of recent trends discussed above, leads me to the view that the likelihood is that there will be a need for places at the school in coming years comparable to the demand in 2023, and that this will therefore be in excess of the PAN of 210 which the trust has determined for the school.

36. I am clear too that the LA seeks a higher PAN, and not an agreement by the trust to admit above PAN at the school if this is necessary in a given year. The difference between these is that the former provides the LA with certainty that places will be available for it to fulfil its duty to secure adequate local provision, and the latter does not. I am mindful of what the trust has said to me about matters which will enable it to manage the school effectively, but mindful too of the need for all state-funded schools to contribute to serving the interests of the community in which they are located and that this need will not be met if schools collectively fail to provide sufficient school places in accordance with their capacities for the local community to access.

37. The LA has told me that a likely consequence of having insufficient places at the school in 2023, based on a PAN of 210 and no admissions above it, is the allocation of children to places at schools at a greater distance from their home and for which their parents have not expressed a preference. A PAN which is unreasonably low in the context of the local demand for places such that it frustrates the opportunity for children to attend the school of their parents' choosing is likely in my view to cause an unfairness. This in turn

makes the arrangements as a whole unfair and contrary to the requirements of paragraph 14 of the Code. I consider that the PAN which the trust has set for the school is unreasonably low, and that the arrangements as determined are as a result unfair.

The priority given on the basis of residence in the local authority area

38. The arrangements give as a final oversubscription criterion:

“All other children residing outside the local authority who reside nearest the Academy based on the straight line distance from the home address to the Academy.”

The trust said that it did not accept my concern that this means that children living inside the area of the local authority but outside the school’s catchment are not given priority. It explained that its intention was to give a final priority to children living outside the catchment area, with priority given on the basis of distance. This is of course perfectly acceptable, but it is not what the arrangements state, and I do not understand why the trust fails to accept this. The school has a catchment. That catchment is not the same as the local authority area. The arrangements as drafted do not say how children who live inside North Yorkshire but outside the school’s catchment area would be treated. The arrangements as determined fail to comply with section 86(8) of the Act (the reference to which and the effect of which as referred to in paragraph 1.14 of the Code are set out above).

Other matters

39. The trust has helpfully accepted that the arrangements fail to define the school’s catchment area, and that they therefore fail to comply with paragraph 1.14 of the Act.

40. The trust has responded as follows concerning the matters which I was concerned did not or may not comply with the requirement of paragraph 14 of the Code that admission arrangements are clear:

- (i) it has suggested alternative wording to replace the phrase “one of the three preferences”, but as determined this wording is present and is likely to be unclear to parents;
- (ii) it has offered to remove the phrase “if sufficient applicants are received”, but it is present in the determined arrangements which are likely to be unclear to some parents as a result;
- (iii) it has not commented directly on my concern that the arrangements refer to the need to submit a supplementary information form (SIF) “to apply” for places which are awarded on the basis of aptitude or that they refer to “this criteria”, but has suggested alternative wording. The arrangements as determined are misleading and therefore unclear because applications for places at a school are made using a local authority common application form and a SIF serves a different purpose, and any alternative wording should make this clear. They are also unclear because they use the word “criteria” to refer to a single oversubscription criterion;

- (iv) it has offered to remove the oversubscription criterion giving priority to children attending a primary school within the trust, since there are no such schools. As determined however, the arrangements contain this criterion;
- (v) it has offered to reword the oversubscription criterion which says that priority is given to “Children who Brayton Academy is their priority school”, but the wording is present in the determined arrangements; and
- (vi) it has offered a description of how random allocation will operate if employed. However, the determined arrangements do not do this.

For each of the above reasons, the arrangements fail to comply with paragraph 14 of the Code because they render the arrangements unclear.

41. The trust has offered alternative wording to describe how admissions to years which are not normal years of admission to the school will be regulated. However, the determined arrangements refer to a limited number of places being available in years other than Year 7 and therefore fail to comply with paragraph 2.28 of the Code.

Summary of Findings, implications for the 2024 arrangements and date for changing the arrangements

42. I have set out above my reasoning in coming to the view that the PAN determined by the trust for admissions in September 2023 is unreasonably low in the context of the demand for places locally, and that the arrangements are therefore unfair and in breach of paragraph 14 of the Code. Although the national offer date of 1 March 2023 is now passed, the admission arrangements for 2023 are important for the remainder of the coordinated admissions process leading up to September 2023 and will remain relevant to admissions to the school during the forthcoming school year. It is important now that a revised PAN is published by the trust as soon as possible in order to provide the LA with certainty as to the number of places available at the school.

43. I have also explained why one of the oversubscription criteria used in the arrangements is contrary to the requirements of section 86(8) of the Act.

44. The arrangements also contain a number of matters which offend, variously, paragraphs 1.14, 14 and 2.28 of the Code for the reasons which I have stated.

45. The Code required the trust to determine the admission arrangements for the school for September 2024 no later than 28 February 2023 and I have noted that such arrangements (which state that they were determined by the trust on 27 February 2023) are available on the school’s website. These appear to contain many, but not all, of the revisions which will be required for the 2023 arrangements, and notably determine a PAN of 210. Since the trust must now revise the PAN for 2023 by increasing it following this determination, a PAN of 210 for 2024 admissions will constitute a reduced PAN and so could be the subject of an objection on those grounds. It is open to the trust when considering the effect of this determination on the arrangements which it has determined for 2024 to consider whether a PAN of 210 is, in the light of what I have said above, a matter which offends against the mandatory provision of the Code that admission arrangements be

fair, and to use the discretion provided by paragraph 3.6 of the Code to vary this aspect (together with others that might require this) of the arrangements for 2024 without seeking a variation from the Schools Adjudicator.

46. The Code provides for the adjudicator to set a date by when arrangements must be changed. The trust has accepted the need for change here and has indeed already drafted changed arrangements – which, as noted above, it has shared with me. Given this and the need for certainty as soon as possible on the PAN, I have decided to set a deadline for the changes to be made of 21 April 2023.

Determination

47. I have considered the admission arrangements for September 2023 determined by the Rodillian Multi-Academy Trust for Brayton Academy, North Yorkshire in accordance with section 88I(5) of the School Standards and Framework Act 1998 and find that in relation to the determined PAN for Year 7 and the wording of one oversubscription criterion, 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.

48. 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 a different date is specified by the adjudicator. I determine that this date shall be 21 April 2023.

Dated: 30 March 2023

Signed:

Schools Adjudicator: Dr Bryan Slater