



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** ADA4116

**Objector:** a member of the public

**Admission authority:** The OAK Multi Academy Trust for Manor High School,  
Oadby, Leicestershire

**Date of decision:** 14 July 2023

## Determination

**In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements for September 2024 determined by the OAK Multi Academy Trust for Manor High School, Oadby, Leicestershire.**

## The referral

1. Under section 88H(2) of the School Standards and Framework Act 1998 (the Act), an objection has been referred to the adjudicator by a member of the public (the objector), about the admission arrangements for September 2024 (the arrangements) for Manor High School (the school), an academy for pupils aged 11-16. The objection as originally submitted comprised two parts, the first concerns the selection of feeder primary schools and the second part concerns the way in which the consultation was carried out before the 2024 arrangements were determined. I explain further in this determination that I have not considered the selection of feeder schools and the reasons for this.
2. The local authority for the area in which the school is located is Leicestershire County Council (the county council) and the county council is a party to this objection. Other parties to the objection are the objector, the OAK multi academy trust which is the admission authority for Manor High School, and St Thomas More Roman Catholic Primary School.
3. The objector made a similar objection to the 2024 admission arrangements for another secondary school in the area, Gartree High School. This other objection is considered in determination ADA4115.

## Jurisdiction

4. The terms of the academy agreement between the OAK Multi Academy Trust (MAT) 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 OAK Multi Academy Trust on that basis. The objector submitted her objection to these determined arrangements on 20 March 2023.
5. I am satisfied the objection has been properly referred to me in accordance with section 88H of the Act.
6. The 2023 arrangements were subject to consideration by another adjudicator under section 88H of the Act. That determination, ADA3908, was published on 24 June 2022.
7. I have considered Regulation 22 of the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 (the regulations) which says “For the purpose of section 88H(5)(d), where the adjudicator has determined an objection to the admission arrangements of a school or Academy, no objection may be referred to the adjudicator raising the same or substantially the same issues in relation to those admission arrangements within 2 years of the decision by the adjudicator.”
8. The first part of this objection is the same or substantially the same as the objection which was brought in 2022 by the same objector concerning the arrangements for 2023. For the reasons given above, this part of the objection is not within my jurisdiction. I say more about this below. I am satisfied that the second part of the objection is a new issue and, as such, is within my jurisdiction.

## Procedure

9. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).
10. The documents I have considered in reaching my decision include:
  - a. a copy of the minutes of the meeting of the OAK Multi Academy Trust at which the school’s arrangements were determined;
  - b. a copy of the determined arrangements;
  - c. the objector’s email of objection dated 23 March 2023 together with subsequent correspondence;
  - d. the school’s response to the objection on behalf of the OAK Multi Academy Trust;
  - e. comments from St Thomas More RC School and the St Thomas Aquinas Trust which is the multi academy trust in which this primary school operates;
  - f. comments from Leicestershire County Council;

- g. a map of the area identifying relevant schools;
- h. confirmation of when consultation on the arrangements last took place and details of the nature of the consultation and responses to it; and
- i. previous determinations written by other adjudicators REF3892 and ADA3908.

## The Objection

11. The part of the objection within my jurisdiction is:
  - a. that the consultation about the admission arrangements for 2024 did not comply with the Code's requirements because St Thomas More Primary School did not inform its parents that they were being consulted about the high school's admission arrangements for 2024. The objector asserts that this is despite this being a contentious point in her objection made in 2022 about the 2023 arrangements and covered in ADA3908 and despite her actually writing to the headteacher at St Thomas More School asking her to inform parents this time around. The objector says that the headteacher acknowledged the request but refused to inform parents about the consultation in the same way that she refused a similar request the previous year.
  - b. that although the requirements of the Code are clear about who should be consulted, the High School does not appear to have checked that parents were informed about the consultation, nor did they process all responses received. The objector says that this is despite her asking the high school to make sure they informed parents of children at St Thomas More School and writing to the county council to ask that parents were made aware of the consultation. The objector questions how parents could make an informed response if they did not know that the consultation was taking place.
  - c. that the High School does not appear to have taken account of views expressed in the previous determinations with the result that the High School appears to have simply re-determined the previous admission arrangements despite having been informed in a determination that the 2023 admission arrangements did not conform with the Code.

12. The objector raised some other matters in her initial objection and I have concluded that I do not have the jurisdiction to consider the following aspects of the objection and I explain my reasons for this decision below.

- the selection of feeder schools for 2024 has not been made on reasonable grounds and so does not conform with paragraph 1.15 of the Code;
- the 2024 admission arrangements remain largely the same as the 2023 arrangements with mostly the same school feeders listed; and

- the objector considers that St Thomas More School should be a feeder school.

13. The objector refers to determinations that resulted from objections concerning previous admission arrangements at this school. The School Admissions Code states in paragraph 3.3e “that the following types of objections cannot be brought: ... e) objections to arrangements which raise the same or substantially the same matters as the adjudicator has decided on [in a determination or an objection] for that school in the last 2 years.” As the Code explains this derives from regulation 22 of the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012. The adjudicator’s determination, ADA3908, is relevant in this context. ADA3908 concerned the arrangements for 2023 and it follows, therefore, that I cannot consider the elements set out above of the objection to the admission arrangements for 2024 of Manor High School under section 88H SSFA because it raises the same or substantially the same matters as those covered in ADA3908.

14. While I shall not be taking these elements of the objection forward as an objection for the reason I have set out, opinions have been expressed by the objector as part of the objection. I shared these views with the high school and the opinions are included in this determination. I have included comments that I received from the school in this determination alongside the matters about which I do have jurisdiction. It is not for me to express an opinion about the matters about which I do not have jurisdiction or to take the comments that have been made into account in reaching a decision on the matters within my jurisdiction and I have taken care not to do so.

## Background

15. The school has a published admission number (PAN) of 180. In its admission arrangements, the oversubscription criteria are in summary as follows:

- a) Looked after children and previously looked after children
- b) Children with siblings at the school
- c) Children who attend one of the (named) OAK MAT primary schools
- d) Children who attend one of the (named) traditional feeder primary schools
- e) Children of current Manor High School staff
- f) Distance. Priority will be given to children who live closest to the school

Oak MAT primary schools are:

- Oadby, Brookside Primary School
- Oadby, Woodland Grange Primary School
- Overdale Junior School

Traditional feeder primary schools:

- Great Glen, St Cuthbert’s Church of England Primary School
- Houghton on the Hill Church of England Primary School
- Oadby, Brocks Hill Primary School
- Oadby, Langmoor Primary School

- Oadby, Launde Primary School,
- Thurnby, Fernvale Primary School
- Thurnby, St Luke's Church of England Primary School
- Avenue Primary School
- St John the Baptist Church of England Primary School

## Consideration of Case

16. The first part of the objection that I am considering is that the school has not complied with the requirements of the Code in carrying out its consultation and specifically that it did not do so because St Thomas More RC primary school did not write to its parents to advise them that the consultation about the feeder schools at the High School was taking place.

17. The requirements for consultation are set out in paragraphs 1.45 -1.48 of the Code and are:

1.45 “When changes are proposed to admission arrangements, all admission authorities **must** consult on their admission arrangements (including any supplementary information form) that will apply for admission applications the following school year. ....

1.46 Consultation **must** last for a minimum of 6 weeks and **must** take place between 1 October and 31 January in the determination year.

1.47 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.

1.48 For the duration of the consultation period, the admission authority **must** publish a copy of their full proposed admission arrangements (including the proposed PAN) on the school’s website or its own website (in the case of a local authority) together with details of where comments may be sent and the areas on which comments are not sought. Admission authorities **must** also send, upon request, a copy of the proposed admission arrangements to any of the persons or bodies listed above inviting comment. Failure to consult effectively may be grounds for subsequent complaints and appeals.”

18. The high school said that the consultation took place over a six-week period from 24 November 2022 to 31 January 2023. The school consulted directly local schools, diocesan bodies, faith leaders, Leicestershire County Council and Leicester City Council. The consultation was also featured on the school's website and in the school's newsletters. The school believes that it made reasonable efforts to ensure that relevant parties, including parents, were informed and were given the opportunity to comment. One important way in which the school sought to reach parents was by asking local primary schools to share the consultation with their parents. I note that this is a common approach adopted by secondary schools although it is not the only way in which secondary schools can and do reach parents of local primary aged children. I note too that primary schools when they wish to consult the parents of children not yet of school age must find other ways to reach them.

19. The first part of the objection is that the consultation was defective because St Thomas More primary school did not pass on any information about the consultation to its parents. I contacted the primary school and asked if this was the case and received the following response from the Chief Executive Officer of the St Thomas Aquinas Trust of which St Thomas More primary school is a part. "In your communication, you state that an objector is suggesting that St Thomas More "did not inform its parents that they were being consulted about the High School's admission arrangements for 2024". This assertion is correct. The School Admissions Code sets out at 1.47 who the admission authority must consult with if they are looking to change their arrangements, including those within the relevant area who, in the opinion of the admissions authority, have an interest in the proposed admission. As a local primary school, St Thomas More was consulted with by Manor High School, so there seems to be no issue there. Having taken legal advice on your communication and examined the School Admissions Code, we can find no obligation whatsoever on a school that has been consulted with by a separate admissions authority to inform its parents that either they or the school are being consulted with; perhaps you could point me to the specific obligation within the code if you disagree on this point? If it was a requirement for the consulted school to carry out a survey of their parents, then it would be reasonable for the code to make this explicit. As it stands, it seems that it is up to the consulting admissions authority (Manor High School) to consider how they were going to contact any persons who would have an interest; they may consider asking other admissions authorities/schools to assist but, again, there seems to be no obligation at all for them to do so. Finally, even if the parent had approached St Thomas More directly about the consultation, s/he is obviously not a consulting admissions authority. S/he could presumably have approached the consulting school to ask them to consult directly with those that had an interest in the proposals."

20. The respondent from the trust is correct that the Code places no obligation on St Thomas More primary school or indeed any other primary school to communicate with its parents about the admissions arrangements of another school. However, other primary schools did share the information and so perhaps considered it in their parents' interests to

have heard about the consultation as their children would be requiring a secondary school in the future.

21. In the consultation document, the trust proposed that the number of feeder schools should be reduced and suggested that greater priority should be given to families who lived in the Leicestershire County area rather than in Leicester City area. The summary of the consultation responses which was provided by the high school shows that the school received 60 responses. Of these, it states that four were from parents at St Thomas More primary school. The table below shows the distribution of responses:

An unspecified Manor High School feeder school	1
Avenue Primary	21
Either St John or Avenue Primary	3
Houghton on the Hill	2
Leicester City Council	1
MP for Leicester South	1
One of the county villages	1
St John the Baptist	22
St Thomas More	4
Leicestershire County Council	1
Unknown	3
Total	60

22. The school reported that the responses were all read and key points noted. These were consolidated into the following key areas (some responses made more than one point):

Responses mention city/county legality (Greenwich ruling) or states it is a meaningless border	33
Doesn't want to see their city primary move down in priority	31
Parental choice of secondary school	23
Local families, in the city, may lose access to their nearest secondary school, by proposed changes	16
Good travel options for city pupils to get to school (walking/cycling/bus)	10
Respect parental choice of primary, which was based on it being named by Manor High School	7
Parents want their primary added to the feeder list	4
Manor High School should remove all city primaries as feeder schools	2
Need to offer fair access to Manor High School, as the nearest secondary, for outlying villages	2

Oadby primaries have no space for local families moving into the area. This limits their ability to then get into their local secondary school.	1
Free school transport is available to the nearest secondary school with space	1

23. The school looked at admissions from the last four years and identified which primary schools children had come from based on entry between the first day of term and 8 September. The school pointed out that in the first few days of the autumn term there are usually some movements into and out of the school as parents get offered higher preferences as a result of pupils movements in and out of other local schools. These figures include additional children who moved in during that period and exclude children who moved out to other schools.

24. The numbers of children coming from local primary schools in the last four years are as follows:

Name	2022	2021	2020	2019	Relationship with
Brookside Primary School	32	27	40	26	Oak trust school
Overdale Junior School	30	28	29	26	Oak trust school
Avenue Primary School	18	26	13	15	feeder
Launde Primary School	30	8	6	11	feeder
St John the Baptist	5	7	3	9	feeder
St. Cuthbert's (Gt.Glen) School	6	8	1	1	feeder
Thurnby, St Luke's Church of England Primary School	4	3	1	2	feeder
Brocks Hill Primary School	0	1	2	1	feeder
Woodland Grange	4	0	3	1	Oak trust school
Fernvale Primary School	0	2	0	1	feeder
Houghton on the Hill Primary	3	1	0	1	feeder
Langmore Primary School	0	0	0	0	feeder
Other	39	65	74	100	
Number of 'other' schools	17	25	22	40	
Total admissions	171	176	172	194	

25. The school said that it thought that the figures show there is a historical relationship between Manor High School and the Leicester City feeder schools of Overdale, Avenue and St John the Baptist schools. Following the consultation, the school decided not to make changes to the list of feeder primary schools. It decided to make some minor changes to the arrangements including giving a special section to cover education health and care plans (EHCP). The school reports that the discussion after the consultation identified areas for future consideration which included looking at how to respond to the increase in housing in the Oadby area which could possibly be met by a distance criterion. At the same time, the school recognised that families who live in outlying villages, and who are eligible for Free School Transport if they name Manor High School as their first choice, can be disadvantaged by distance. The school said that it intended to continue looking at these



issues with a view to consulting on further changes to the admission arrangements in years to come.

26. Leicestershire County Council responded that it “had reminded Manor High School at the point they consulted on their policy for entry 2024, of the previous Office of the Schools Adjudicator determination and the requirements that they were bound by, amongst other aspects. In terms of a comment, Leicestershire is of the opinion the same objections were raised previously and the determination was clear. Furthermore, as (its) own admitting authority it remains for the Manor High School to propose and determine their feeder schools in accordance with para 1.15 of the Code. At the point of Manor High School consulting Leicestershire’s position was to ensure that no Leicestershire child attending a county feeder school would be disadvantaged. The local authority was assured by Manor High School they would be prioritising county feeder schools.”

27. I shall now consider the information that I have received, beginning with whether the consultation was defective because parents of children at St Thomas More primary school were not individually and directly consulted. The trust responsible for St Thomas More primary school chose not to share the consultation that Manor High School was undertaking with the primary school’s parents. The objector is of the view that knowing that St Thomas More Primary School would not pass on information about the consultation to its parent body, the school (that is Manor High School) should have found some other way to contact them directly and individually, and she suggests that the school should have written to them. The obvious problem with this suggestion is that the school had no way to do so; it did not hold the names and addresses of these parents and, as it has pointed out, had no means lawfully to obtain what is a large amount of personal data.

28. The fact that St Thomas More primary school did not share the information does not in my view invalidate the consultation that was being carried out by the high school as the objector suggests it did. I find that the school took reasonable steps to reach those it was required to consult and I do not uphold this aspect of the objection. There is in fact evidence that the consultation did reach the parents of St Thomas More primary school, not least as the high school reports that four of the 60 responses received were from parents of children at St Thomas More Primary School.

29. The second part of the objection is that although the requirements of the Code are clear about who should be consulted, the High School does not appear to have checked that parents at St Thomas More Primary School were informed about the consultation nor did they process all responses received. The objector says that this is despite her asking the high school to make sure they informed parents of children at St Thomas More primary school and writing to the county council to ask that parents were made aware of the consultation. The objector questions how parents could make an informed response if they did not know that the consultation was taking place.

30. In the previous paragraphs I have dealt with the fact that St Thomas More primary school chose not to disseminate the high school’s admissions consultation to its parents. I have already dealt with aspects of this and concluded that there was no obligation in the

Code that it should do so. Given that the high school did not have a direct route to communicate with parents at the primary school I cannot see how it would be able to ensure with certainty that the individual primary school parents were informed about the consultation. The evidence is that the high school used a range of channels to try to communicate with primary school parents and this did reach at least some parents at this primary school.

31. The objector asserts that the high school did not process all the consultation responses that it received. I have seen the summary of the 60 responses and I have seen no evidence that there were unprocessed consultation responses. Four responses were received from parents at St Thomas More School despite the consultation not having been shared directly with its parents. I can see no reason why the high school should not process consultation responses received. With no specific evidence that there are responses that were not considered I do not uphold this part of the objection.

32. The last part of the objection is that the objector considers that the High School does not appear to have taken account of views expressed in the previous determinations with the result that the High School appears to have simply re-determined the previous admission arrangements despite having been informed in a determination that the 2023 admission arrangements did not conform with the Code.

33. The school on behalf of the board of trustees for the OAK multi academy trust responded by saying that it had considered the previous determinations REF3892 and ADA3908 very carefully. It provided evidence of its original consultation for the 2024 arrangements which proposed changing the arrangements to make more distinction between schools in Leicestershire County and schools in Leicester City. It provided a summary of consultation responses from, amongst others, the county council, the city council and a local councillor, that indicated that this proposed change was not supported. As a result, the trust responded to the consultation and changed its view about making significant changes and with some minor amendments decided to keep the arrangements much as they had been in 2023. The trust suggested that it would be looking at other possible changes in years to come.

34. In reviewing this matter I do not uphold the objection that the school simply adopted the previous arrangements without consultation. I have been shown evidence that a consultation took place and that the governing board of the school considered responses made and determined its arrangements accordingly.

35. I turn now to the objector's argument that because, in her view, the consultation process was defective, the arrangements are defective. I need to explain first it is open to an adjudicator to determine that there has been a failure to consult in accordance with the relevant legal requirements, and therefore a failure to comply with both the 2012 School Admissions Regulations and the School Admissions Code. However, even where consultation was defective, this does not mean that arrangements are necessarily also defective. In any case, an adjudicator cannot impose a requirement upon an admission authority to re-consult after it has determined the arrangements even if the consultation has

not been conducted in accordance with the requirements of the Regulations and the Code. Nor can an adjudicator require the admission authority to re-instate the previous year's arrangements.

36. In this case I have not found that the consultation was inadequate. I have found that one school declined to assist with the consultation but this is not a requirement of the Code. I have found that the high school took what action it could to communicate with the wider group of parents whose children were attending primary schools in the area and some of whom will be parents who might be interested in seeking a place for their child at the high school.

37. I shall now comment about the previous determinations that have been written about this school and its admission arrangements. A determination is a judgement concerning the matters raised in an objection under section 88H or a referral under section 88I of the School Standards and Framework Act 1998, about the admission arrangements for a particular year. If matters in arrangements are found to be unlawful, then it is the responsibility of the admission authority to consider the matters raised and to decide how to address them to ensure that their arrangements comply with the Code and other relevant legislation. The objector's concern is primarily that Manor High School has failed to determine arrangements for 2024 that comply with the determinations made in cases REF3892 and ADA3908. These determinations did not relate to 2024 but to the arrangements for 2022 and 2023 respectively. However, as an adjudicator neither I, nor the Office of the Schools Adjudicator, have enforcement powers to ensure that actions have been taken following a determination so that amended arrangements comply with the Code and other relevant legislation. Failure to take appropriate action is a matter for the Secretary of State and the Department for Education. As I have previously set out, this aspect of the objection is about the same or substantially the same matters as the previous objection and as such I do not have jurisdiction to re-examine the matter.

38. There are three aspects to the part of the objection that I am not considering because I do not have jurisdiction to consider them as they have previously been considered in the most recent determination ADA3908. For completeness I shall list them again here, the first part is that the selection of feeder schools for 2024 has not been made on reasonable grounds and so does not conform with paragraph 1.15 of the Code. This was the key objection in the previous determination referred to. At that time and in respect of the 2023 arrangements, the adjudicator concluded that the admission authority had given reasons for the selection of feeder schools but had not applied these reasons consistently.

39. The second part is also linked to the previous objection and I repeat the point made above about the responsibility of the admissions authority to take such action as is necessary to ensure that its arrangements comply with statutory requirements and to review its arrangements in the light of determinations that are made concerning its arrangements in any given year.

40. In respect of the last part of the objection, the objector considers that St Thomas More primary school should be a feeder school for the high school or in the alternate that

the feeder school approach should be dropped and some new approach adopted. The adjudicator does not have the power to determine what admission arrangements for any school should be; our jurisdiction in this regard is solely for whether or not existing arrangements do or do not conform with requirements. How to address an adjudicator's determination that arrangements do not conform is for the admission authority. The objector has made some observations about the arrangements for the high school, and comments "that Beauchamp (College) (in the previous round of objections) never did name St Thomas More as a feeder, but yet changed the criteria in such a way that it is now fair to all children in the Knighton-Clarendon Park area, as all children in the area are now on the same footing. So much so that (she) didn't place an objection to Beauchamp's new criteria and that it is open to the High School to also put children in the area on the same footing, even if through a different admission criteria". I have explained above that this part of the objection concerning the selection of feeder school is not within my jurisdiction. I have included the objector's observation but I make no further comment on this matter.

## Summary of Findings

41. I have not upheld the main points of the objection that were within my jurisdiction on the grounds that I have been provided with evidence that the consultation had been carried out to the best of the school on behalf of the trust's ability in compliance with the Code's requirements. I acknowledge that St Thomas More primary school did not pass on information about the consultation to its parents but it was not explicitly required to do this by the Code.

42. For completeness, I have set out the aspects of the objection about which I do not have the jurisdiction to consider. I have explained that I do not have jurisdiction because they cover the same or substantially the same matters that were considered in ADA3908, a determination published in 2022.

## Determination

43. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements for September 2024 determined by the OAK Multi Academy Trust for Manor High School, Oadby, Leicestershire.

Dated: 14 July 2023

Signed:

Schools Adjudicator: David Lennard Jones