



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** ADA4207 ADA4209 ADA4222 ADA4223

**Objector:** A member of the public

**Admission authority:** IMPACT Multi-Academy Trust

**Date of decision:** 17 August 2023

## Determination

**In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objections to the admission arrangements for September 2024 determined by IMPACT Multi-Academy Trust (the Trust) for Langley Park School for Boys and Langley Park School for Girls, Bromley.**

## The referral

1. Under section 88H(2) of the School Standards and Framework Act 1998, (the Act), objections have been referred to the adjudicator by a member of the public, (the objector), about the admission arrangements (the arrangements) for Langley Park School for Boys and Langley Park School for Girls, Bromley (LPSfB and LPSfG) for September 2024. LPSfB and LPSfG are non-selective academy schools for pupils aged 11-18 years.
2. The objections are to the following aspects of the arrangements:
  - 2.1. That the oversubscription criterion that gives preference to the children of staff at LPSfB and LPSfG does not specify the groups of staff it applies to, contrary to paragraph 1.40 of the School Admissions Code 2021 (case references ADA4207 and ADA4209); and
  - 2.2. That the oversubscription criteria do not include Hawes Down Primary School (Hawes Down) as a feeder school and this is unfair (case references ADA4222 and ADA4223).

3. Although the objections were made separately, concerning as they do the same schools and the same aspects of nearly identical admission arrangements it is convenient to deal with the objections in one determination.

4. The local authority (LA) for the area in which LPSfB and LPSfG is located is London Borough of Bromley. The LA is a party to this objection. The other party to the objection is IMPACT Multi-Academy Trust (the Trust) as admission authority for LPSfB and LPSfG.

## Jurisdiction

5. The terms of the Academy agreement between the Trust and the Secretary of State for Education require that the admissions policy and arrangements for LPSfB and LPSfG are in accordance with admissions law as it applies to maintained schools. These arrangements were determined by the Trust, which is the admission authority for LPSfB and LPSfG, on that basis. The objector submitted his objections to these determined arrangements on 15 May 2023.

## Procedure

6. In considering this matter I have had regard to all relevant legislation and the School Admissions Code 2021 (the Code).

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

- a. a copy of the minutes of the meeting of the Trust at which the arrangements were determined;
- b. a copy of the determined arrangements for both schools for 2024/25, including the Supplementary Information Forms;
- c. the objector's form of objection dated 14 May 2023 (received 15 May 2023), subsequent emails dated 15 May 2023, a second form of objection dated 14 May 2023 (received under cover of an email dated 26 May 2023) and supporting documents (received under cover of an email dated 15 May 2023);
- d. the Trust's response to the objections and supporting documents;
- e. information provided by the LA about admissions to LPSfG and LPSfB and the destinations of pupils at primary schools in the LA's area; and
- f. publicly available information on the websites of the Trust, the schools and the Department for Education.

## The Objection

8. The objector has made two separate objections that are within my jurisdiction to the arrangements of the schools. The first concerns oversubscription category 3 of the arrangements which relates to the allocation of places at the schools to children of staff who work there. That objection (the first objection) is that the Trust "ha[s] not specifically

stipulated/ specified in their admission arrangements which group of staff it will apply to... [T]he original intention was for standard teachers only and not all staff.”

9. This objection also included issues regarding the handling by the Trust of applications for places for children of staff at LPSfB and LPSfG. It is outside my jurisdiction to consider the circumstances relating to the admission of particular children to either school. The role of the adjudicator is to consider the wording of the determined and published admission arrangements, not to consider the application of those arrangements in practice.

10. The second objection is that including Langley Park Primary School (LPPS) as a feeder primary in oversubscription category 4 of the arrangements for LPSfB and LPSfG but not also including Hawes Down is unfair to the pupils at Hawes Down and their parents.

11. The second objection also included matters that are outside my jurisdiction to consider, such as the schools’ internal management of an increase in the published admission number in 2023/24. The objector submitted a substantial bundle of documents in support of the objection, the relevance of which to the matters that are within my jurisdiction is not clear. The objector did not respond to my request for an explanation of the relevance of the material so, although I have looked at all of it, I have not taken it into consideration in this determination unless I have expressly referred to it below.

## Background

12. The Trust includes a number of secondary schools in south London as well as LPSfB and LPSfG. It also includes 3 primary schools: LPPS, Hawes Down and Clare House Primary School. It is the admission authority for all these schools. The schools, except LPPS, were all established maintained schools before joining the Trust (which has changed its name on a number of occasions). Hawes Down joined the Trust in March 2015. LPPS is a relatively new free school, sponsored by the Trust, that opened in September 2016.

13. LPSfB and LPSfG are both popular secondary schools that share a campus in Beckenham with LPPS. The admissions arrangements for both LPSfB and LPSfG have, over the years, been the subject of other objections. In 2020, the schools adjudicator considered the arrangements for LPSfB (as they then were) under case reference ADA3737 (the 2020 determination). The objection concerned the preference given in the oversubscription criteria for LPSfB to children of staff at both LPSfB and LPSfG. The adjudicator upheld the objection, on the basis that the Code only permits preference to be given to children of staff at the particular school to which the arrangements relate and not to staff at other schools. The arrangements for both LPSfB and LPSfG were amended in accordance with that determination.

14. In 2022, a number of objections were received to the Trust’s decision not to implement proposals on which it had consulted in the previous year. The proposals included amending the arrangements for LPSfB and LPSfG to add LPPS as a feeder school. The adjudicator’s determination of those objections is published under case

reference ADA 3958-3959, ADA 3983-4066 and REF 4078-4083 (the 2022 determination). The adjudicator upheld the objections, finding that not to do so would be unfair. The determination was made on the basis of evidence that assurances were given to parents in 2016 and 2017, when LPPS was newly established, regarding transition of children from LPPS to LPSfB and LPSfG. The adjudicator found that those assurances may have persuaded some parents, who would otherwise have chosen other primary schools with an established good track record for their children, to send their children to LPPS.

15. In order to implement the 2022 determination, the Trust amended the admissions arrangements for LPSfB and LPSfG for 2023/24 in two respects:

- 15.1. the PAN for the relevant year group (Year 7) for both schools was increased, in the case of LPSfB by 25 to 245 and for LPSfG by 30 to 270; and
- 15.2. a new oversubscription category (Category 4) was inserted in the arrangements for both schools to include LPPS as a feeder school, after the first 3 categories of looked after/previously looked after children; children of staff at the school; and siblings.

16. The 2022 determination was the subject of judicial review proceedings (the judicial review proceedings). The judgement in that case was handed down on 25 May 2023, after the time limit for objections for this determination year, which was 15 May 2023. The judgement may be found under case reference *R (oao Sharp) v Office of the Schools Adjudicator and others [2023] EWHC 1242 (Admin)*. The judge approved the 2022 determination and, by implication, the changes to the admission arrangements for LPSfB and LPSfG for 2023/24.

17. The arrangements for both LPSfB and LPSfG for 2024/25 are unchanged from the arrangements for 2023/24. In summary, the arrangements include the following oversubscription criteria:

Category 1: Looked after or previously looked after children;

Category 2: Children who have a sibling at either LPSfB or LPSfG;

Category 3: Children of staff;

Category 4: Pupils attending LPPS;

Category 5: All other children;

Tie-breaker: straight-line distance between the child's home address and the school.

18. I quote below from the published arrangements for LPSfB. The arrangements for LPSfG are, insofar as is relevant to these objections, identical except that those arrangements refer to LPSfG instead of LPSfB.

#### **Children of staff**

19. The priority given to children of staff is expressed as follows:

*“Category 3: Children of Staff Members at Langley Park School for Boys*

*Children of staff members (i.e. full or part time teaching and non-teaching staff) employed by the Admission Authority who are based for more than 50% of their time at Langley Park School for Boys who:*

*a) have been continuously employed for two or more years at the date that the application is submitted; or*

*b) were recruited to fill a vacant post for which there was a demonstrable skill shortage;*

*will be allocated places in this category, with neither sub-category having priority over the other.*

*For the avoidance of doubt, the children of staff members employed by the Admission Authority who are based for more than 50% of their time at any of its schools other than Langley Park School for Boys will not be included in this category. It is only possible for the children of staff members to have priority at one school.*

*In this category, a 'child' is defined as the staff member's natural or adopted child (whether living with the staff member or another parent), and a foster child placed with the staff member, or a child of the staff member's spouse or cohabiting partner (living with the staff member at the child's home address, as defined by this policy). For the avoidance of doubt, a child of a friend or extended family member will not meet the definition of a 'child' in this category, even where they live at the staff member's home address, unless the staff member has care of the child, and the child's natural or adoptive parent does not live with them.*

*In order to be included in this category, only the employed parent's details must be provided in the application form, with no details of the other parent being given. In respect of applications for admission to the main school, in order to be included in this category, a Category 3 Form (which is available to download from the School's website or in hard copy format from the School's main office) must also be submitted with the application or, if later, by the closing date for applications. This does not apply to applications for admission to the sixth form, as this information will be provided in the Sixth Form Application South Eden Park Road, Beckenham, Kent, BR3 3BP Form (External Candidates).”*

20. The relevant provisions of the Code on giving preference in the allocation of places to children of staff are:

- paragraph 1.9 (f): admission authorities “**must not** ... give priority to children according to the occupational, marital, financial or educational status of parents applying. The exceptions to this are children of staff at the school and those eligible for the early years pupil premium, the pupil premium and the

*service premium who may be prioritised in the arrangements in accordance with paragraphs 1.39 – 1.42;”;*

- paragraph 1.39 “*Admission authorities may give priority in their oversubscription criteria to children of staff in either or both of the following circumstances: a) where the member of staff has been employed at the school for two or more years at the time at which the application for admission to the school is made, and/or b) the member of staff is recruited to fill a vacant post for which there is a demonstrable skill shortage.*”; and
- paragraph 1.40 “*Admission authorities **must** specify in their admission arrangements how this priority will be applied, for example which groups of staff it will apply to.*”.

## **Feeder school**

21. Category 4 of the oversubscription criteria for LPSfB and LPSfG (the wording used in the arrangements for both schools is in all respects the same) is as follows:

*“Category 4: Children currently in Year 6 at Langley Park Primary School who have been registered pupils continually since 31 August 2018*

*Children who are currently in Year 6 at Langley Park Primary School, who were registered as pupils on or before 31 August 2018 and have remained registered pupils on a continual basis since that date and are still registered pupils at the closing date for applications, will be allocated places in this category. For the avoidance of doubt, children who were registered as pupils of Langley Park Primary School on or after 1 September 2018 will not be allocated a place in this category.*

*In order to be included in this category, a Category 4 Form (which is available to download from the School's website or in hard copy format from the School's main office) must also be submitted with the application or, if later, by the closing date for applications.*

*This category does not apply to applications for admission to the sixth form.”.*

22. The relevant provision of the Code is paragraph 1.15 which provides:

*“Feeder Schools*

*1.15 Admission authorities may wish to name a primary or middle school as a feeder school. The selection of a feeder school or schools as an oversubscription criterion **must** be transparent and made on reasonable grounds.”.*

## **Overall principles**

23. The application of the provisions of the Code to the arrangements must be considered in light of –

- the general principles that apply to over-subscription criteria, set out in paragraph 1.8:

*“Oversubscription criteria **must** be reasonable, clear, objective, procedurally fair and comply with all relevant legislation...”*; and

- the overall principles behind setting arrangements set out in paragraph 14:

*“In drawing up their admission arrangements, admission authorities **must** ensure that the practices and criteria used to decide the allocation of school places are fair, clear and objective.”*.

## Consideration of Case

### Objection 1: children of staff

24. The first objection is that the arrangements do not make it clear which groups of staff are entitled to benefit under category 3 of the oversubscription criteria. Before turning to consideration of this point, I note that the category meets all the requirements of paragraph 1.39: it gives priority to children of staff who meet either or both of the permitted criteria in subparagraphs (a) and (b) and no others.

25. In response for my request for further information about the background to this oversubscription criterion, the Trust has told me that the reason for category 3 is that it *“supports the recruitment and retention of high-quality staff”* at the schools. The Trust has provided information about the history of its inclusion in the arrangements. It appears to have formed part of the arrangements for many years. I note that it was included in a consultation on the arrangements that was carried out in 2019/20, before the 2020 determination. The Trust describes the outcome of the consultation in the following terms:

*“The Trust consulted on a proposal to give priority to the children of staff who worked at both [LPSfB] and [LPSfG], given they are both single sex schools and are located on the same site. After the consultation exercise closed, the Trust determined the admission arrangements to include this extended priority as consulted on. However, following a subsequent objection to the OSA (ADA3737 - LPSB only), this was deemed to be non-compliant with the School Admissions Code due to the wording “at the school” in the relevant section (now para. 1.39). The wording in both Admission Policies was subsequently varied simply to remove reference to the other school and those final Admissions Policies are included in the zip file sent with this response.”*

26. The precise wording of the priority was changed in the 2023/24 arrangements, to clarify that where a member of Trust staff works across different locations in the Trust and priority will only be given to staff members who work more than 50 per cent of their time at the school in question, which is how the criterion has been applied in practice in the three admissions years since the 2019/20 consultation. I set out in Table 1 the information provided by the Trust about children to whom places have been allocated under Category

3. I note that in that three pupils in total have been admitted to LPSfG under this category and nine pupils have been admitted in total to LPSfB and the most admitted to both schools in an admission year was seven in 2022/23.

Table 1: children admitted under over-subscription category 3 (children of staff)

Admission Year	LPSfB		LPSfG		Total
	Category 3(a) <sup>1</sup>	Category 3(b) <sup>2</sup>	Category 3(a)	Category 3(b)	
2021/22	3	0	1	0	4
2022/23	5	0	2	0	7
2023/24	0	1	0	0	1
<b>Total</b>	9		3		

27. Category 3 identifies the staff to whom it applies as “*full or part time teaching and non-teaching staff employed by the Admission Authority who are based for more than 50% of their time at [the relevant school]...*”. The only aspect of the wording that is potentially unclear is the use of the expression “*of their time*”.

28. Whilst this expression could be understood to require the whole of the staff member’s working week to be taken into consideration and include work done not for the Trust, such an interpretation would necessitate enquiries into aspects of the staff member’s occupation that are not permitted under paragraph 1.9(f) of the Code. It would also be unfair, resulting in a different outcome for a staff member who, for example, works for the Trust two days per week at LPSfB and does not undertake any other paid employment (entitled to a place for their son because working 100% of their time at the school) and a staff member employed by the Trust on the same basis but who is also works for a different employer three days per week (not entitled to a place for their son because working only 40% of their time at the school). For these reasons, I do not think the expression could reasonably be argued to bear this interpretation.

29. In the context in which it is used it is clear that the expression “*of their time*” refers to the hours for which staff work as employees of the admissions authority. On the basis of the

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<sup>1</sup> Category 3(a) – staff in continuous employment for 2 years or more.

<sup>2</sup> Category 3(b) – staff recruited to fill demonstrable skill shortage.



information provided by the Trust regarding admissions under this category, that is in fact how the Trust actually applies it.

30. Read as a whole, Category 3 has the effect that, for example, a part-time member of staff who is employed by the Trust for 1 day per week at LPSfB and 2 days per week at LPSfG is only entitled to apply for a place under category 3 at LPSfG for a place for their daughter and would not be entitled to apply for a place at LPSfB for a son.

31. The objector asserts that “*the original intention*” (it is not clear whose intention is referred to) was that the oversubscription criterion should be limited to teaching staff at the school. He has submitted no evidence to substantiate the assertion. The Trust says on this point:

*“Our admissions arrangements give priority to both full-time and part-time members of teaching and non-teaching staff, so we do not disadvantage those who work part-time (who are disproportionately women) or in valuable support roles.”.*

32. I note that the proposal consulted on by the Trust in 2019/20 included all staff the school without differentiating between teaching and non-teaching staff and Category 3 as adopted is consistent with that proposal (subject, of course, to the 2020 determination).

## **Objection 2: feeder school**

33. The objection is that the Trust’s feeder school policy relating to LPSfB and LPSfG is unfair in giving higher priority in the allocation of places to children at LPPS than to children at Hawes Down, another primary school in the same multi-academy trust. The objector says:

*“I would like a review of accepting Hawes Down pupils on the same and [equal] basis of admission as [LPPS] pupils or there being no feeder school placement whatsoever for [LPPS] and [Hawes Down].”*

34. Regulation 22 of the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements)(England) Regulations 2012 (SI 2012/8) provides:

*“For the purposes 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.”.*

35. The fact that the fairness of the feeder school policy was considered in detail in the 2022 determination and the determination found to be legally sound in the subsequent Court proceedings means that I am not able to re-consider any objection to the lawfulness of including LPPS as a feeder school in the arrangements. I am however able to consider an objection that a failure to include Hawes Down as a feeder primary school as well is unfair to the pupils at that school and their parents.

36. The history to the feeder school policy is a matter of public record. It is set out in the 2022 determination. The adjudicator gave careful consideration to the question of whether not adopting LPPS as a feeder school was unfair to a particular group of parents who had sent their children to LPPS in reliance on assurances that the arrangements for LPSfB and LPSfG would be changed to give their children priority in the allocation of places. Having found that it was unfair, the adjudicator then gave consideration to the fairness of the proposed variation in the arrangements that was the subject of consultation in 2021. She considered that the proposed arrangements would have remedied the unfairness. Of importance to her findings were the following points that are relevant to this objection:

- the priority given to pupils at LPPS in the proposed oversubscription criteria was limited to children “... *who were registered as pupils on or before 31 August 2018 and have remained registered pupils on a continual basis since that date and are still registered pupils at the closing date for applications...*”. The benefit of the feeder school policy is therefore limited to pupils in year 6 at LPPS who are in this academic year and in 2023/2024, the children affected by the assurances given by the Trust in 2016 and 2017. It confers no benefit on children in subsequent year groups. Any child who joined LPPS in any year group on or before 31 August 2018 will have left on or before the end of the academic year ending in July 2024 (with the possible, but very rare, exception of a child who repeated a year); and
- the estimated number of children likely to benefit from the limited feeder school policy is small and more than off-set by the proposed increase in PAN at both LPSfB and LPSfG, therefore no children at any other local primary schools (which includes Hawes Down) applying for places in 2023/24 and 2024/25 were likely to be displaced; on the contrary, such children would be advantaged by the increase in the number of available places.

37. In this case, it is not clear where the unfairness to pupils at Hawes Down lies. The objector does not allege that the “unfairness” has had any effect on the likelihood of his own children (who attended Hawes Down) being allocated places at either LPSfB or LPSfG. He argues that the unfairness to himself and his family arises from the historic mishandling of parents’ concerns and that his children “*will be part of the bulge year*” at either [LPSfB or LPSfG]. These are not matters that are within my jurisdiction.

38. The objector also says that if parents of children now at other primary schools had been informed that the Trust would adopt LPPS as a feeder school for LPSfB or LPSfG “*they could have had the opportunity to send their children to alternative primary schools e.g. [LPPS] instead.*” This is of course another version of the argument that was fully aired in the context of the judicial review proceedings, and which the judge described (at paragraph 51) as having “*formidable difficulties... [as] it is by no means clear that the group exists*”.

39. The only evidence adduced on the point is a letter dated 20 December 2019 included in the bundle of documents submitted by the objector. The letter was written by the

governors at Hawes Down and is addressed to the chief executive of the Trust. In it, the governors assert that assurances were given in public fora that “*no schools within the [multi-academy trust] are feeder schools and if this were to change then all primary schools would be given equal status*”.

40. For the purposes of this determination I have assumed that the assurances were given as described in the letter and that those assurances represented Trust policy at the time. However, like the assurances on which the LPPS parents relied, such assurances did not have the effect of creating any enforceable legal rights because it was not in the power of the Trust to deliver what it had promised: changes to admission arrangements are subject to a statutory process which includes consultation.

41. It is also the case that policies must be kept under review in the light of changing circumstances. In this case, the Trust, in its response to the objection, has explained the history of events which led to its change of policy. Those events culminated in the 2022 determination that was binding on the Trust under section 88K(2) of the Act.

42. Therefore, the question for me is similar to the question answered in the 2022 determination and requires an assessment of the overall fairness of the admissions arrangements in relation to the pupils at Hawes Down. The letter of 20 December 2019 does nothing to illuminate the question. It is difficult to understand how an alleged promise that no primary school in the same multi-academy trust would have feeder school status for the schools or that they all would (without any commitment to make that change) can ever be reasonably considered to have influenced parents’ decisions on whether to accept a place for their children at Hawes Down Primary School. The letter does not provide any evidence that it did and is essentially speculative.

43. I asked the Trust for information about the actual effect of the variation of the arrangements made consequent on the 2022 determination on transfer of children from local primary schools to LPSfB or LPSfG. I was informed that in September 2023, the first year of the new feeder school policy, 11 pupils from LPPS who would not otherwise have been admitted, were allocated places at the secondary schools under Category 3: six pupils were admitted to LPSfB and five pupils were admitted to LPSfG. The Trust went on to say:

*“... [W]e had estimated these numbers as 12 and 4 respectively in our autumn 2021 Consultation Notice... [In that notice], published on our website and submitted ...[in response to the objection], we estimated that the number of LPPS pupils who would secure a place at both schools under the new criteria in September 2024, who would not have done so otherwise was 24, across both schools. This does of course assume that all those children want to attend LPSB or LPGS. As seen in the 2023 figures referenced above, these can only be estimates as we cannot predict with any certainty where parents will apply to, their order of preferences, or how far children will live from the school to be admitted under distance in any one year.*

*However, the PAN across both schools has been increased by a total of 55 places, which is more than double the number of LPPS children estimated to be eligible as a result of this temporary criteria. No child applying for admission in 2023/24 or*

*2024/25 will therefore be displaced as a result of naming LPPS as a feeder school. In fact, many children attending other schools who would not previously have achieved a place will now do so, as noted by in the judgement following the JR proceedings.”*

44. The Trust also provided the following information it had obtained from the LA about the furthest distance from between home and school of children admitted under the oversubscription category “other children” set out in table 2, and places allocated at LPSfB and LPSfG to pupils at Hawes Down set out in table 3:

Table 2: furthest distance between home and school of pupils admitted to LPSfB and LPSfG

School	Admission Year		
	2021	2022	2023
LPSfG	1.377 <sup>3</sup>	1.294	1.293
LPSfB	1.127	1.074	1.106

Table 3: pupils at Hawes Down allocated places at LPSfB and LPSfG

Year	LPSfB and LPSfG		
	Preference expressed	Allocated	Admitted
2021/22	60	38 (63%) <sup>4</sup>	31
2022/23	56	45 (80%)	43
2023/24 <sup>5</sup>	46	28 (60%)	26

In relation to table 3, the Trust makes the point that “... [W]e do not know where Hawes Down parents placed LPSB and LPGS in their order of preference, out of the 6 possible options and it is possible that many of those applying expressed a higher preference for other local schools.”.

<sup>3</sup> Distances are expressed in miles.

<sup>4</sup> The percentage figure expresses the places allocated as a proportion of preferences expressed.

<sup>5</sup> The “admitted” figures for 2023/24 are in fact “due to admit” figures, as the school year has not yet started.

45. The LA has informed me, in response to my request, that in fact 25 pupils in year 6 expressed a preference for either LPSfB or LPSfG but were not allocated a place at either school. All these children were allocated places at other schools for which they had expressed a higher preference.

46. Hawes Down's admission number is 60 and has not changed in recent years. Although PAN is not relevant to admissions in years other than Reception (the relevant year for the school), it is reasonable to assume that the pool of potential applicants at Hawes Down for places at LPSfB and LPSfG is approximately 60 pupils each year.

47. I conclude from this information that –

- Over the last three years the furthest distance between home and school of the last pupil admitted under the “all other children” category has reduced slightly overall but it is noticeable that in admission year 2023, when the variations took effect, the reduction in distance for LPSfG was minimal (0.001 mile) and increased slightly for LPSfB (0.032 mile), which is consistent with the variation to the arrangements not having the effect of displacing children from primary schools other than LPPS;
- Most (but not all) pupils at Hawes Down express a preference for one or other of the Langley Park secondary schools and the number expressing such a preference has reduced over the last three years, but that preference may have been a second or lower preference: to put it another way, there is no evidence that any child has been disappointed because they missed out on a place at the schools; and
- Over the last 3 years between 60 per cent and 80 percent of the pupils at Hawes Down have been allocated places at the schools, although a few pupils each year do not take up the place. The fluctuation in the proportion of Hawes Down pupils who are allocated places at the Langley Park schools is not such that any meaningful conclusion can be drawn from it – there is no clear trend.

## **Summary of Findings and conclusion**

48. For the reasons the out in paragraphs 23-31 of this determination, I am satisfied that the Trust has complied with the Code in relation to Category 3 of its oversubscription criteria that gives priority to children of staff at the relevant school. The wording of the criterion is clear and it follows very closely the format and language used in paragraph 1.39 of the Code. In compliance with paragraph 1.40, Category 3 specifies which group of staff benefit from the criterion, namely staff who work more than 50% of their time at the particular school. Therefore, the staff who benefit will have a substantial connection with the relevant school, supporting the Trust's intention to recruit and retain high-quality staff.

49. No good reason is advanced by the objector to limit the application of the criterion to teaching staff only. I have seen no evidence that the criterion gives rise to any unfair disadvantage to any other particular group of children. It is the case that admitting children

of staff who would not otherwise be allocated a place necessarily displaces other children in an oversubscribed school. However, this is a lawful means of allocating places expressly contemplated by the Code and I find that the criterion has been adopted for good reasons; it is clear how it is intended to be applied, that is who benefits and who does not; it is decided objectively, by reference to information provided on a supplemental information form; and the effect is fair. I do not uphold this objection.

50. Category 4 was adopted by the Trust in response to the 2022 determination. It was an option on which it had carried out a consultation in the previous year. The object of the limited oversubscription criterion was to provide targeted redress to a small, identifiable group of pupils whom the adjudicator found would have been unfairly disadvantaged in the allocation of places at LPSfB and LPSfG. The adjudicator considered whether it was necessary to balance the fairness to that group of including Category 4 against the disadvantage accruing to others. She determined that, taking into account the increase in the admission numbers for each of the schools no such disadvantage arose – indeed, additional children not at the feeder school were likely to benefit. Her reasoning was approved in the judicial review proceedings. Her assessment of the impact of the variations has been borne out by events. My jurisdiction does not extend to re-opening the 2022 determination.

51. I have seen no evidence that any pupils at Hawes Down or indeed any other local primary school have in fact suffered any disadvantage from the variations to the admissions arrangements for LPSfB and LPSfG. To the extent that any unfairness to such pupils may potentially have arisen, it is limited by the wording of Category 4 to pupils who were in year 6 in 2022/23 or who will be in year 6 in 2023/24 and would be off-set by the advantage accrued to those pupils as a result of the increase in the number of places available at the Langley Park secondary schools. As it has turned out, fewer children were admitted to either LPSfB or LPSfG this year under the feeder school category than was estimated by the Trust in 2022. It is therefore reasonable to conclude that more children at Hawes Down have benefited from the increase in PANs at LPSfB and LPSfG than was expected, and may continue to do so in September 2024 reducing still further the risk of potential unfairness.

52. On the other hand, to require the Trust to add Hawes Down to the arrangements would give rise to unfairness to pupils at other local primary schools by conferring an unjustified advantage to those pupils in the allocation of places at LPSfB and LPSfG. This would be the case even if the advantage were to be limited to admissions year 2024/25 only, to be consistent with Category 4. I do not uphold this objection.

## Determination

53. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objections to the admission arrangements determined by Trust for LPSfB and LPSfG, Bromley.

Dated: 17 August 2023

Signed:

Schools Adjudicator: Helen Jeffrey