



Office of
the Schools
Adjudicator

Determination

Case reference: ADA4146-4148, ADA4152, ADA4165-4167, ADA4169-4172, ADA4174-4175, ADA4185, ADA4187, ADA4224

Objectors: A number of parents, some members of the public

Admission authority: The academy trust for Hitchin Boys' School in Hertfordshire

Date of decision: 26 September 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 the academy trust for Hitchin Boys' School in Hertfordshire.

I have also considered the arrangements in accordance with section 88I(5) and find there are other matters which do not conform with the requirements relating to admission arrangements in the ways set out in this determination.

By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of the date of the determination.

The referral

1. Under section 88H(2) of the School Standards and Framework Act 1998 (the Act), a number of objections have been referred to the adjudicator about the admission arrangements (the arrangements) for Hitchin Boys' School (the school) (HBS), a secondary school in Hertfordshire, for September 2024. The objectors are a number of parents whose children will be the right age to join the school in Year 7 (Y7) in 2024 and some members of the public.
2. The objections are to the fairness of the arrangements for boys living in certain areas of Hertfordshire, to the compliance of the arrangements with equalities legislation, to the

compliance of the oversubscription criterion for siblings with the School Admissions Code (the Code), and to whether the consultation carried out before the arrangements were determined met the relevant legal requirements.

3. The local authority (LA) for the area in which the school is located is Hertfordshire County Council. The LA is a party to this objection. Other parties to the objection are the academy trust for the school (the trust) and the objectors.

Jurisdiction

4. The terms of the academy agreement between the academy trust and the Secretary of State for Education require that the admissions policy and arrangements for the academy school are in accordance with admissions law as it applies to maintained schools. These arrangements were determined by the trust, which is the admission authority for the school, on that basis. All but one of the objectors submitted their objection to these determined arrangements between 5 May 2023 and 15 May 2023. One objection was received on 29 June 2023 and the Chief Adjudicator agreed that this objector would be added as a party to the case.

5. The complaints about the consultation undertaken before the arrangements for 2023 were determined are not within my jurisdiction. That is because my jurisdiction under section 88H of the Act can extend to considering the consultation process only where it was undertaken in relation to the determination of the arrangements for the relevant year, which is 2024 in this case. No consultation was undertaken for the 2024 arrangements, and none was required. I am satisfied that the objections in so far as they relate to the fairness of the arrangements for boys living in certain areas of Hertfordshire, to the compliance of the arrangements with equalities legislation, and to the compliance of the oversubscription criterion for siblings with the Code, have been properly referred to me in accordance with section 88H of the Act and that they are within my jurisdiction.

Procedure

6. In considering this matter I have had regard to all relevant legislation and the Code.

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

- a. a copy of the minutes of the meeting of the trust board at which the arrangements were determined;
- b. a copy of the determined arrangements;
- c. the objectors' forms of objection dated between 5 May 2023 and 29 June 2023 and supporting documents;
- d. the trust's response to the objections and supporting documents;
- e. the LA's response to the objections and supporting documents;

- f. information available on the websites of the LA, the school and the Department for Education (DfE);
- g. maps of the area identifying relevant schools;
- h. confirmation of when the trust last consulted on its arrangements and details of the nature of the consultation; and
- i. a determination of the adjudicator in respect of Hitchin Girls' School (HGS) dated 15 June 2021 (case reference [ADA3761](#)).

The Objections

8. The objections can be summarised as follows:
 - a. that the admissions arrangements for September 2024, and in particular their impact on access to single-sex education, are unfair to children living in certain areas of Hertfordshire. Paragraph 14 of the Code states that the practices and criteria used to allocate places must be fair;
 - b. that the arrangements do not comply with equalities legislation and are accordingly also in breach of paragraph 1.8 of the Code which makes clear that must so comply; and
 - c. that a particular aspect of the definition of sibling in the oversubscription criteria is not compliant with the Code. Paragraph 1.8 of the Code requires that oversubscription criteria must be reasonable and clear, and paragraph 14 requires that the criteria must be fair.

Other Matters

9. I have also considered matters in the determined arrangements which appeared to me to not conform with the Code. These are:
 - a. whether an aspect of the definition of sibling, separate to that raised by the objector, is clear as required by paragraph 14 of the Code; and
 - b. whether aspects of the criterion for admission of children of members of staff are clear as required by paragraph 14 of the Code.

Background

10. The oversubscription criteria in the arrangements for admission to Y7 in 2024 are the same as those determined for 2023, but different to those in use before that. The change to the arrangements between 2022 and 2023 arose in response to a determination by the adjudicator (ADA3761) following an objection to the admissions arrangements for HGS.

11. The chronology of the change is as follows:

- a. an objection to the arrangements for HGS for admission in 2022 was received in March 2021;
 - b. the determination by the adjudicator, dated 15 June 2021, required that HGS revise its arrangements. However, the adjudicator stated that there would be insufficient time prior to the start of the admissions application process for the trust and the LA to model changes, to identify any unintended consequences of change, and to consult. The determination therefore required that the arrangements be revised by 28 February 2022, the deadline for determining the arrangements for admission to Y7 in 2023;
 - c. In his determination, the adjudicator noted that his determination might also have implications for HBS, which had similar arrangements to those he had found to be in breach of the Code.
 - d. between 15 November 2021 and 31 December 2021, the trust for HBS undertook a consultation on the proposed arrangements for admission in 2023, which incorporated revisions similar to those proposed by HGS in order to comply with the determination by the adjudicator;
 - e. the arrangements for 2023 were approved by the trust board following the consultation; and
 - f. on 12 December 2022, the trust board considered whether or not to make changes to the arrangements for 2024. The arrangements for 2024 were determined with no changes from those applying in 2023.
12. The oversubscription criteria in the 2022 arrangements had been as follows:
1. Looked after and previously looked after children.
 2. Children with a particular social or medical need to attend the school.
 3. Siblings living in the school's priority area (PA).
 4. Children of staff.
 5. (Up to 120 places) Children living in the parish of Hitchin, with priority given first to boys for whom the school is their nearest maintained school that is non-faith, non-partially selective and makes provision for boys ("the nearest school") (5a), and then to those for whom it is not (5b).
 6. Children who live in the rest of the school's PA "by parish, on a proportional basis", with priority given first to boys for whom it is the nearest school (6a) and then to those for whom it is not (6b).
 7. Siblings living outside the school's PA.
 8. Other children.

The arrangements stated that the total number of places to be allocated under criteria 1 to 6 to children living in Letchworth must not exceed 20. Priority within criteria 5a, 5b and 6a was determined by distance from the school. Within criteria 6b and 8, priority was determined by random allocation.

13. ADA3761 contains a detailed description of the complex “parish proportionality” mechanism that operated at both HGS and HBS within criterion 6. In short, it was a mechanism that gave children over a wider area an opportunity of obtaining a place at one of the two schools. The rationale for the approach was that this broadened the opportunity of securing a place at a single sex school to children beyond those who would have been expected to be able to gain a place on the basis of living in the immediate vicinity of the schools.

14. In ADA3761, the adjudicator found that the above arrangements did not meet the requirements for fairness set out in paragraph 14 of the Code, because:

“the opportunity for single sex education to girls living in a wide area is laudable but the fulfilling of this aim should not be at the expense of girls living in the school’s immediate vicinity in circumstances where they may well also not be able to gain a place at the only other school in Hitchin catering for girls.”

The adjudicator identified that a possible effect of the arrangements would be that some girls living further afield would gain a place at the school, whilst some girls living closer to the school might not, whilst also missing out on a place at the only other school in Hitchin catering for girls. This was against a background of there being three schools in Hitchin, a boys’ school, a girls’ school and a mixed school.

15. As I have already mentioned, the adjudicator noted that his determination might also have implications for Hitchin Boys’ School. Consequently, the trusts of both schools worked with the LA to model potential changes to the arrangements prior to going out to consultation. I have seen documentation to confirm that a variety of scenarios were considered, with each being modelled to consider its impact, and relative advantages and disadvantages. The trusts also considered how to “future-proof” any changes against similar future objections, because whilst the original objection had been in respect of girls resident in a particular parish, a similar argument could potentially be made for boys in certain parishes who might wish to attend HBS.

16. Following the modelling process and the consultation, the trust decided to remove the parish proportionality mechanism from the arrangements. The oversubscription criteria determined for 2023 and subsequently for 2024 are as follows:

1. Looked after and previously looked after children.
2. Children with a particular social or medical need to attend the school.
3. Siblings living in the school’s PA.
4. Children of staff.

5. Boys living in the school's PA for whom the school is their nearest Hertfordshire maintained school or academy that is non-faith, non-partially selective and makes provision for children of the relevant gender.

6. Boys living in the school's PA for whom the school is not their nearest Hertfordshire maintained school or academy that is non-faith, non-partially selective and makes provision for children of the relevant gender.

7. Siblings living outside the school's PA.

8. Other children, on the basis of random allocation.

The arrangements state that the total number of places to be allocated under criteria 1 to 6 to children living in Letchworth will not exceed 20, although if all applications under criterion 6 have been satisfied and places remain available, they will be allocated to any outstanding applicants from the parish of Letchworth, before criterion 7. Priority within criteria 5 and 6 is determined by distance from the school.

17. There was no requirement for the trust to consult on the arrangements for 2024, since they were unchanged from the 2023 arrangements. The most recent consultation was in 2021, which is within the seven-year period laid down in paragraph 1.45 of the Code.

18. Whilst that consultation process is not within my jurisdiction, I have been supplied with evidence by the trust and the LA of the steps they took to comply with the requirements for consultation set out in paragraphs 1.45 to 1.48 of the Code. There are extensive details of the communications from the LA on behalf of the school to admission authorities in the relevant area, which include requests to pass on information to parents and stakeholders. Having considered all this evidence, I note that there does not appear to be any evidence that there was a breach of the requirements of the Code.

Consideration of Case

The oversubscription criterion for siblings

19. One objector says that:

“Children with siblings in year 13 will not be counted in the sibling rule.

For many children with older siblings at the school, despite being in final year will have saved clothing and uniform for younger siblings. This rule penalises these children and incurs unnecessary financial costs for those unsuccessful on application.”

20. The objector is referring to a caveat in the arrangements which restricts siblings to “Children who live in the priority area... who have a sibling at the school at the time of application, excluding brothers who a) first entered the school in the Sixth Form (Year 12) or b) are in Year 13 which is the last year of the normal age range of the school.”

21. The fact that the school has chosen to define a sibling by excluding those whose sole sibling is a brother in Y13 at the time of application does not breach any mandatory requirement of the Code or of admissions law. Neither do I find that the school's wording is unclear. However, I now go on to consider whether the objector's argument might give rise to a finding of unreasonableness or unfairness in contravention of paragraphs 1.8 and 14 of the Code respectively.

22. The school tells me that the caveat is there to ensure that only those with a sibling on roll at the time of admission are able to be accepted under the sibling definition. For the threshold for unreasonableness to be met, I would require evidence that this explanation is irrational or illogical, but I do not consider that I have any such evidence. As to unfairness, whilst it might be convenient for parents if a younger sibling is admitted at the start of Y7 to the same school that their older brother has just left, it would be expected that a secondary aged child would be capable of attending, and travelling to, a suitable school independently, just as would be the case if, for example, they had an older sister who was attending a single sex school. In relation to the issue raised by the objector regarding uniform, the school tells me that "financial support for uniform costs is available for eligible families and the PTA has a well-stocked second-hand uniform shop." I therefore do not find any unreasonableness or unfairness and so I do not uphold this aspect of the objection.

Equalities legislation

23. A number of objectors raise concerns that the arrangements are in breach of equalities legislation. I provide below a flavour of these:

"This does not give children living in Hitchin surrounding villages the option of a same sex education which is discrimination, all children should be given this option wherever they live – especially as most years previous there have been 6-7 children who have been accepted from the village."

"We feel the recent decision to remove Codicote from the catchment area of Hitchin Boys School is discriminating against the young people of Codicote. There is no longer an option for the young people of Codicote to choose to access single sex education. The only options available our [sic] all mixed sex schools. We have had our choice removed in this regard. Simply put, the new rules mean that children in our village no longer have the choice of a single sex education, which appears to discriminate against them."

"The new admission rules now discriminate against boys who live in villages such as Codicote and Knebworth as is no other choice for fair access to single sex secondary state education. HBS is the only single sex boys' school in the catchment area and due to the new rules only Hitchin and Letchworth boys will have the right to access this. As there is no other option for single sex secondary education for children in the village of Codicote there is now no fair access / choice for families, and I feel that this is discriminatory."

“Due to the recent changes in the admission policy for Hitchin Boys School, the way in which places are now allocated means that children from rural areas such as Codicote and Knebworth no longer have a chance in getting a place in the school as these areas have been removed from the school’s catchment area. This leaves them without the choice of a secondary single sex education which discriminates against them. This goes against the code that states the practises and the criteria used to allocate school places are fair, clear, and objective. Children living in rural villages are discriminated against because of their location and therefore no longer have a choice of a single sex secondary education.”

“Knebworth is now limited to only one option in education, a mixed school in Stevenage. Familys [sic] need to be supported in making the correct choices for individual children, this right has now been taken away.”

“I would like to express my concern that the new admissions arrangements brought in this year discriminates against local children who live in villages in the catchment area of the school...The new admissions rules are discriminatory for boys who live in villages such as Codicote where HBS is the only single sex boys secondary school in the catchment area and give clear preference to boys living in Hitchin and Letchworth. As there is no other single sex provision for the villages it means there is not a fair choice for these families and is therefore discriminatory.”

24. The Equality Act 2010 (the EA) makes provision for the protection of individuals from direct and indirect discrimination on the basis of certain protected characteristics including, so far as is relevant here, sex. The EA also makes specific provision to disapply the prohibition of discrimination on the grounds of sex so that single-sex schools can admit girls only in the case of a girls’ school and boys only in the case of a boys’ school. The Education Act 1996 places statutory duties on local authorities to secure the provision of schools and school places in their area for every child of compulsory school age. None of these duties separately or taken together give parents a right of access to state-funded single-sex schooling.

25. In some parts of the country, there are significant numbers of single-sex schools and in others there are not. Against that background I have considered whether the arrangements adopted by the school could be considered to discriminate either directly or indirectly and, if so, whether such discrimination is on the basis of a protected characteristic. The relevant protected characteristic here is sex. Direct discrimination arises where a person (A) discriminates against another (B) if, because of a protected characteristic, A treats B less favourably than A treats or would treat others. Indirect discrimination arises where a person (A) discriminates against another (B) if A applies to B a provision, criterion or practice which is discriminatory in relation to a relevant protected characteristic of B's. A provision, criterion or practice is discriminatory in relation to a relevant protected characteristic of B's if:

- a. A applies, or would apply, it to persons with whom B does not share the characteristic;

- b. it puts, or would put, persons with whom B shares the characteristic at a particular disadvantage when compared with persons with whom B does not share the characteristic;
- c. it puts, or would put, B at that disadvantage, and
- d. A cannot show the provision, criterion or practice to be a proportionate means of achieving a legitimate aim.

26. In this case, any disadvantage that could be said to accrue to some boys (those living in villages outside Hitchin) in terms of having a lower prospect of being admitted to the school than boys living in Hitchin, arises as a result of where they live and not on the basis of sex. Living in a location outside Hitchin is not a protected characteristic under the EA. I therefore find that the arrangements do not discriminate either directly or indirectly against boys because they are boys, and I do not uphold this aspect of the objections. In circumstances where there is an alleged disadvantage based upon residence in a rural location, the relevant question is whether any such disadvantage is fair. I consider this question in the next section.

The fairness of the arrangements

27. The Code does not define fairness, which means that it has its ordinary dictionary meaning. In considering whether the arrangements are unfair to children living in certain areas of Hertfordshire, I will look at the consequences for them of not being able to gain a place at the school. I will consider also the effects of the higher priority that the arrangements give to boys in the PA for whom HBS is the nearest school, upon any other group of children. In doing this, I have in mind that all oversubscription criteria will advantage some and disadvantage others; I have to consider whether they have done so fairly, balancing the effect on different groups.

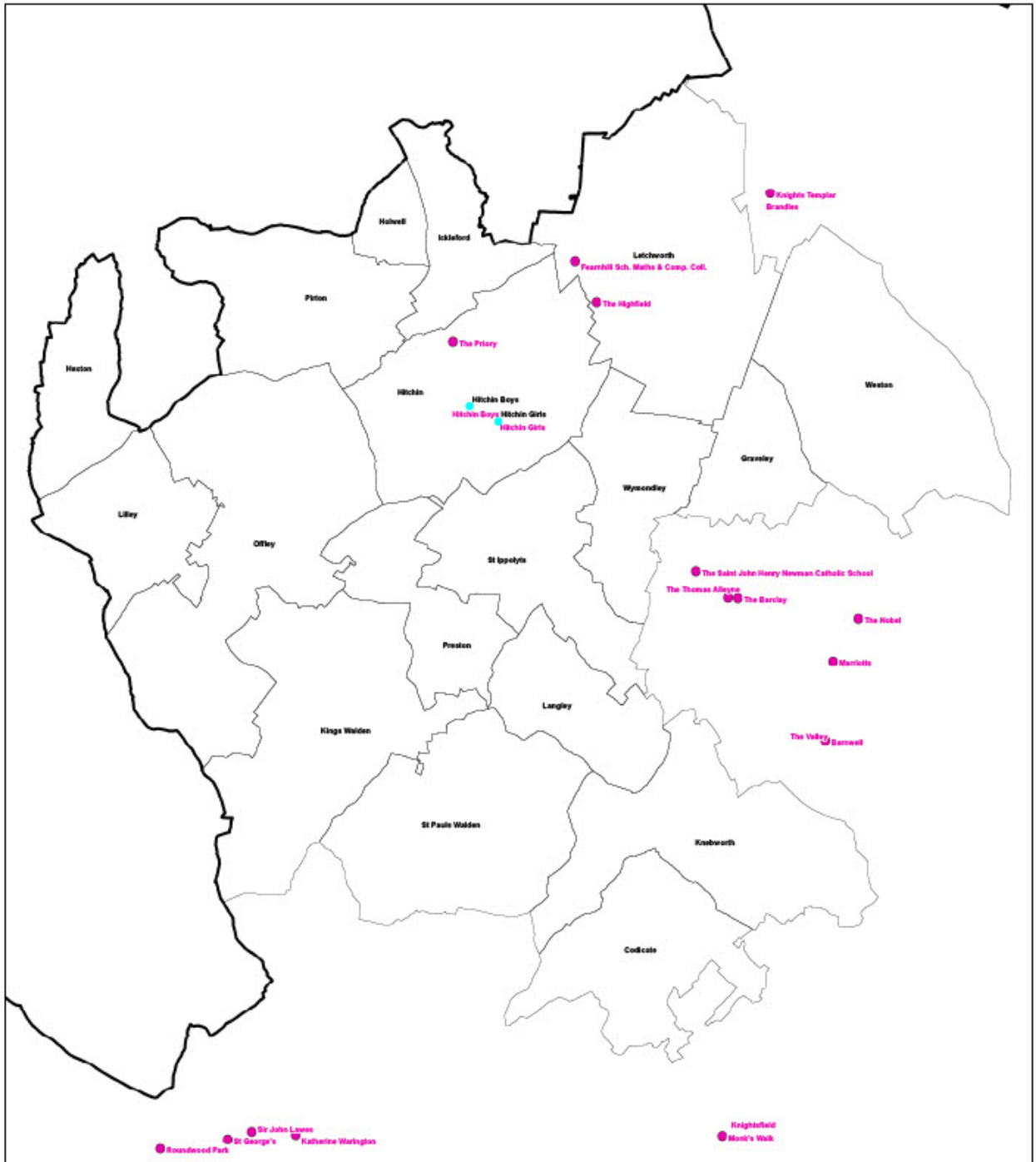
28. I note at this point that one aspect of the objections is that the objectors simply do not agree with the response of the school to the findings of unfairness in the arrangements for HGS made by the adjudicator in ADA3761. As explained earlier, ADA3761 identified a potential unfairness to girls living in the school's immediate vicinity who might not gain a place at the school nor at the only other school in Hitchin catering for girls. I have not been supplied with any evidence that ADA3761 failed to address sufficiently the matters before the adjudicator, nor that any points were missed or that there has been a significant change in circumstances in the area. The details of the modelling process undertaken by the LA and the trusts of HBS and HGS show that great care was taken to consider the position of children of both sexes resident in the parish of St Ippolyts (as identified for girls by ADA3761) and of children of both sexes in other parishes subsequently identified as facing the same issue. It is self-evident from the revisions to the oversubscription criteria that the trust for HBS has taken steps in order to address the potential unfairness to these boys.

29. However, it is also clear that an effect of the revisions may be that boys resident further afield from the school will have a lower chance of attending HBS, and so my consideration of fairness will look at whether the impact of this effect has turned out to have

been more of a disadvantage than anticipated, to the extent that it now outweighs the advantage given to boys who live closer.

30. Map 1 shows the parishes in the PA for HBS and the location of other secondary schools:

Map 1:



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31. All bar one of the objections are from residents in Codicote and Knebworth and so I have therefore carefully considered the data about applications from boys in those parishes, as summarised in table 1.

Table 1

Secondary school applications and destinations from Codicote and Knebworth

	TOTAL	HBS	Verulam School (11-18 boys school with mixed 6 th form)	Monks Walk School	Barnwell School	St John Henry Newman Catholic School	Other
Codicote 2021 (prior to revisions)	15	10	0	5	0	0	0
Codicote 2022 (prior to revisions)	15	10	0	5	0	0	0
Codicote 2023 (post revisions)	17	1	0	9	5	0	2
Knebworth 2021 (prior to revisions)	13	10	0	0	3	0	0
Knebworth 2022 (prior to revisions)	21	17	0	1	1	1	1
Knebworth 2023 (post revisions)	19	3	3	0	11	1	1

32. Whilst it is not in question that the effect of the changes has been to reduce the proportion of applicants from these parishes being admitted to HBS, I note that the consequences are as follows:

- a. it is not the case that no boys in these parishes will progress to a single sex school in September 2023;
- b. not all of the applicants from Codicote or Knebworth were able to go on to HBS in the two years before the arrangements changed;
- c. in 2023 some boys from Knebworth will be attending Verulam School in St Albans, a boys' school with a mixed sixth form. Whilst this is further away from the centre of Knebworth than HBS (approximately 9.5 miles in a straight line compared to 7.2 miles), I find that it is not prohibitively so;
- d. there is no evidence that any of the 2023 applicants have been unable to progress to a school that makes provision for their gender and is within an acceptable distance of their home; and
- e. in those cases where applicants may have not had their preference met for a single sex school in September 2023, map 1 shows that it is likely that the alternative destination is closer than HBS. Whilst the shape of the parishes is such that the relative distances will vary somewhat, table 2 shows the approximate distances in a straight line from the centres of Codicote and Knebworth to HBS, Monks Walk School and Barnwell School.

Table 2

Approximate straight-line distances from village centres to schools

	Monks Walk School	Barnwell School	HBS
Codicote	2.2 miles	3.8 miles	7.2 miles
Knebworth	3.3 miles	1.8 miles	7.2 miles

33. I therefore conclude that the oversubscription criteria in the arrangements do not create an unfairness to those boys living in outlying parishes such as Codicote and Knebworth which is sufficient to outweigh the advantages given to boys living closer to Hitchin.

34. One objector raises the issue of possible unfairness to children who live in the hamlet of Langley. They say that:

“Following on from this, we live in the hamlet of Langley which would mean further possible discrimination based on the straight line rule. We would currently not fall under ‘Rule 5’ (Priority area and nearest school), as in a straight line this would be a

school in Stevenage. However the A1 motorway runs between Langley (west) and Stevenage (east). Hitchin Boys School is 7.6km away from our home address. The listed nearest school (on the local authority website) would be The Thomas Alleyne Academy (DfID 9194017) in Stevenage, which by the straight line ruling would be 3.5km. However, what this fails to recognise due to our unique location, is that it is actually 9.8km to travel to The Thomas Alleyne Academy. There are also no public transport links to Stevenage from Langley as the only route goes to Hitchin again due to our position on the west side of the A1. There would be no school bus service and even with 3 buses, it is not possible to get to school on time given lack of services in the area.

We would therefore fall under 'Rule 6' for children who this is not their nearest school even though Hitchin Boys IS our nearest school and therefore our chances to get a place are further reduced."

35. In response to this point, I have used the "Find your nearest school" tool on the LA's website to confirm that both HBS and The Priory School, which is mixed, have the parish of Langley in their priority area. I have also noted the distance from the objector's address to HBS (between 7500m and 8000m) and to The Priory (between 8750 and 9250m). Whilst I have used the objector's precise address in my calculations, I have here expressed the distances as approximate ranges in order to ensure that the objector's address cannot be discerned.

36. Information on allocations to Hertfordshire schools for entry in September 2023, published on the LA website on 27 April 2023, shows that the most distant child allocated to HBS from the HBS priority area lived 8687m away. The most distant child allocated to The Priory from its priority area lived 9462m away and there were an additional 23 applicants allocated places from outside the priority area.

37. When these distances are compared to the distance at which the objector resides, they show that had the objector's son been an applicant in 2023, he would have been able to access whichever of HBS and The Priory had been his first preference. I therefore consider it more likely than not that he will be able to access a suitable school in Hitchin in 2024 if that is the preferred location.

38. Taking into account my findings in respect of residents of Codicote, Knebworth and Langley, I do not find that the arrangements are in breach of the requirements for fairness set out in paragraph 14 of the Code. I do not uphold this aspect of the objections.

Other Matters

Definition of a sibling

39. The school's definition of a sibling includes the following:

"A sibling is defined as: the brother, half brother, adopted brother, child of the parent/carer or partner or a child looked after or previously looked after, and in every

case living permanently in a placement within the home as part of the family household from Monday to Friday at the time of the application.”

40. As it stands this section is unclear and needs to be revised. This is because it appears to exclude, for example, an applicant whose older brother is at the school, and where both children spend Monday to Wednesday with one parent and Thursday to Friday with another. In this respect, the issue is the same as that identified by the adjudicator in a recent determination for a primary school in Hertfordshire (VAR2320 and VAR2321), where similar wording was found to be unclear. Following that ruling, the local authority has revised its definition of a sibling to make it clear that, if an applicant lives at more than one address, the sibling must also reside at the same address for the majority of the school week. The school has told me that it intends to do likewise in order to ensure that this section of their arrangements will comply with the requirement of the Code for clarity.

Admission of children of staff

41. Criterion 4 of the arrangements states that:

“The school will admit a child of a member of staff provided that:

- a) the staff member is directly employed by Hitchin Boys’ School on a permanent contract
- b) the member of staff (defined below) 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
- c) the member of staff is recruited to fill a vacant post for which there is a demonstrable skill shortage.

For the purposes of satisfying these criteria, a member of staff is defined as a member of the full-time teaching staff, or of the part-time teaching staff with a 50% and above timetable, or a member of the full-time support staff (on a 38 week and above contract), or of the part-time support staff who work 50% and above as determined by their role (on a 38 week and above contract) whose role and activities can be demonstrated to provide a significant impact upon student achievement at the school.

A panel from the Governors’ Admissions Committee may determine whether the member of staff meets the requirements for this rule.”

42. Paragraph 14 of the Code requires that criteria should be clear, with parents able to understand easily how places will be allocated, and I find that the above criterion is not compliant with this aspect of the Code for the following reasons:

- a. it is not clear whether the stipulation that the staff member is “directly employed by Hitchin Boys’ School on a permanent contract” is intended to stand on its own

as a qualifying requirement, or is in addition to the requirements listed subsequently; and

- b. it is not clear upon what basis the panel of Governors might decide that a particular support staff role does or does not demonstrate “a significant impact upon student achievement at the school.”

43. In response to my queries, the school has drafted revisions to the criterion, with a re-ordering of the definition and the removal of the clause relating to “significant impact”. I am satisfied that those changes, once implemented, will ensure that this aspect of the admission arrangements will conform with the Code.

Summary of Findings

44. I do not find any breaches of the Code in relation to the process of determining the arrangements for 2024. I do not find that there is any breach of the Code in the exclusion of boys in Y13 from the sibling rule. I do not find any breaches of equalities legislation and I do not find that the arrangements are unfair. I do not uphold the objections.

45. There are two aspects of the arrangements which must be revised in order to conform with the Code. These are:

- a. the definition of a sibling; and
- b. the wording for the priority given to children of members of staff.

Determination

46. 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 the academy trust for Hitchin Boys’ School in Hertfordshire.

47. I have also considered the arrangements in accordance with section 88I(5) and find there are other matters which do not conform with the requirements relating to admission arrangements in the ways set out in this determination.

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.

Dated: 26 September 2023

Signed:

Schools Adjudicator: Clive Sentance