



Office of
the Schools
Adjudicator

Determination

Case reference: ADA4252

Objector: A member of the public

Admission authority: Pioneer Educational Trust for Desborough College, Maidenhead

Date of decision: 23 April 2024

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objection to the admission arrangements for September 2025 determined by Pioneer Educational Trust for Desborough College, Maidenhead.

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), an objection has been referred to the adjudicator by a member of the public, (the objector), about the admission arrangements for September 2025 (the arrangements) for Desborough College (the school, Desborough), a non-selective academy school for pupils aged 11 – 18 in Maidenhead. In years 7 – 11, the school admits boys only. It has a coeducational sixth form. The objection is to the introduction of priority for pupils admitted to Year 7 on the basis that they attend one of two schools within the same multi-academy trust as the school. This is alleged to be unfair. There is also an objection to the provision in the arrangements for admission to the sixth form which provides that interviews will be conducted before a

conditional offer is made. This is alleged to be contrary to paragraph 1.9m of the School Admissions Code (the Code).

2. The local authority (LA) for the area in which the school is located is The Royal Borough of Windsor and Maidenhead. The LA is a party to this objection. Other parties to the objection are the objector, Pioneer Educational Trust and the local governing board for the school. The objector is a member of Maidenhead Labour Party and takes responsibility within the Constituency for education related matters. The Labour Party has some members who are parents living in the catchment area for Desborough School, and some who are Governors at local primary schools; the objector is said to be acting on behalf of those members with their consent.

Jurisdiction

3. The terms of the academy agreement between the multi-academy trust and the Secretary of State for Education require that the admissions policy and arrangements for the academy school are in accordance with admissions law as it applies to maintained schools. These arrangements were determined by the academy trust, which is the admission authority for the school, on that basis. The objector submitted her objection to these determined arrangements on 27 February 2024. I am satisfied the objection has been properly referred to me in accordance with section 88H of the Act and it is within my jurisdiction. I have also used my power under section 88I of the Act to consider the arrangements as a whole.

Procedure

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

5. 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;
- c. the objector's form of objection (undated but received on 27 February 2024) and supporting documents;
- d. the trust's response to the objection;
- e. the LA's response to the objection; and
- f. confirmation of when consultation on the arrangements last took place and details of the nature of the consultation and responses to it.

The Objection

6. The objection is twofold. First to the introduction of priority for pupils attending two schools within the same multi-academy trust, and the fact that applicants from these

schools are given a higher level of priority than applicants who are the siblings of pupils attending the school. It is alleged that these named feeder schools were not selected on reasonable grounds and that affording priority to applicants on the basis that they are pupils at the schools causes an unfairness. Second to the fact that conditional offers are made to applicants for places in the sixth form following an interview with the school, which (according to the objector) suggests that the interview is used as part of the decision-making process.

Other Matters

7. I raised a number of other matters with the trust as these appeared not to comply with the legislative requirements relating to admission arrangements. I will list these matters alongside the trust's responses in the main body of the determination entitled Consideration of Case. In essence, the trust has agreed to make all necessary revisions. In response to the trust's suggestions that these are all simply matters of good practice, I do need to clarify that paragraph 14 of the Code requires that parents should be able to look at a set of arrangements and understand easily how places for a school will be allocated. Whilst I appreciate that some relevant information will be available on the LA's website, adjudicators take the view that there should be clear links to the relevant web page or summaries in the main body of the arrangements in order for a set of admission arrangements to be sufficiently clear. I am grateful to the trust for its cooperation with our process and for the promptness of its responses.

Background

8. The school moved to its present site on Shoppenhangers Road in 1910, after land had been purchased from Lord Desborough, after whom the school was eventually named. At this point the school was named Maidenhead County Boys' School. In 1943 the school became known as Maidenhead County Boys' Grammar School. That changed in September 1973 when it converted to comprehensive schooling under the guidance of headmaster Leonard 'Rover' Reynolds, a World War Two veteran who, at 21, became commander of Motor Gunboat 658 in the Mediterranean. The school became an academy in October 2012 and changed its name to Desborough College. It is part of Pioneer Educational Trust, a multi-academy trust comprising: the school, Upton Court Grammar School, Foxborough Primary School and Trevelyan Middle School.

9. The school is a non-selective single sex secondary school for boys aged 11 – 18 in Maidenhead. Girls are admitted to the sixth form. Ofsted rated the school as Good in February 2019.

10. The admission arrangements for September 2024 contained the following oversubscription criteria (summarised):

- 1) Looked after and previously looked after children.
- 2) Children with exceptional medical or social reasons for requiring the college.

- 3) Children of staff at the college where the member of staff has been employed at the college for two or more years at the time at which the application for admission to the college is made, or the member of staff is recruited to fill a vacant post for which there is a demonstrable skill shortage.
- 4) Children who would have a sibling of compulsory school age at the college at the time of admission of the child for whom a place is sought.
- 5) Children who live in the 'designated area' of the college.
- 6) All other applicants.

11. The objector says that Pioneer Education Trust launched a consultation on a proposed change to the oversubscription criteria for admissions in September 2025. The proposal was to identify two feeder schools (both within the same multi-academy trust as the school), and to give higher priority to pupils from those feeder schools than that which would be afforded to both children living in the catchment area and the siblings of pupils attending the school. The consultation closed on 31 January 2024. The objector believes that 36 objections were received to the proposal.

12. The minutes of the meeting of the trust at which the admission arrangements were determined refer to 45 comments on the consultation. In light of these, the trust determined that it would continue to give priority to local children, given that most of the comments complained about the proposed introduction of feeder schools in the multi-academy trust being given higher priority than siblings and applicants living in the designated area of the school. It was noted in the meeting that both proposed feeder schools were some distance from Desborough, which would have an adverse environmental impact; presumably in terms of pollution from cars taking children to and collecting them from the school. Apparently, the LA advised "decoupling the sibling criteria to siblings in the designated area and siblings outside of the designated area, in line with other Maidenhead secondary schools". Therefore, taking all of this feedback into account, the trust decided to re-order what it had formerly proposed would be the over-subscription criteria for September 2025 admissions. I have summarised the oversubscription criteria adopted below:

- 1) Looked after and previously looked after children including those who appear to have been in state care outside of England and ceased to be in state care as a result of being adopted.
- 2) Children of members of staff who have been employed by Pioneer Educational Trust for 2 years or more prior to the final submission deadline for the Common Application Form (CAF), on 0.5 of full time or above or filling a vacant post where there is a skills shortage, and working at Desborough College. The term "staff" refers to any employee who is permanently employed by Pioneer Educational Trust working at Desborough College, and excludes those contracted through external agencies.
- 3) Children living within the 'designated area' of the college with siblings at the school of compulsory school age.

- 4) Children living within the 'designated area' of the college.
- 5) Children that are attending, at the time of application, Foxborough Primary School or Trevelyan Middle School, as the designated feeder schools.
- 6) Children not living within the 'designated area' of the college with siblings at the school of compulsory school age.

Consideration of Case

The Objection

13. The objector argues that this new order of oversubscription criteria was not consulted upon. As I have explained to the parties, I would have no jurisdiction to require the trust to re-consult or to re-instate its previous arrangements even if I had formed the view that the consultation process was flawed. However, in any event, there was no requirement upon the trust to consult when revising a proposal in light of the responses received following the consultation process. It had put forward a proposal, conscientiously considered the concerns expressed during the consultation process and taken what it considered to be reasonable steps to address those concerns. This is an entirely lawful and proper response. Admission authorities are in fact required to consult upon their "proposed arrangements." However, that does not mean that the only choice they have following consultation is to adopt the arrangements consulted on or those that previously existed. They may, provided they properly consider comments, adopt arrangements that are different from those existing previously and from those consulted on.

14. The objector further argues that the choice of feeder schools is potentially unfair as giving priority to children attending the proposed feeder schools would result in children who live and attend other primary schools closer to Desborough (but who for whatever reason do not live in the catchment area) potentially not being able to gain a place at the school. These children may then face an unreasonably longer or more difficult journey to an alternative school, particularly if their parents are seeking a single sex school. The objector states that the next closest all boys schools are in High Wycombe (10 miles away, and a wholly selective grammar school) or Windsor Boys School (8 miles away). She makes the point that there can be many reasons why a family may live outside the designated area, for example where relationships have ended and families have had to be rehoused, or where families have moved to cheaper accommodation. The designated area defined by the LA is said to include a number of boundaries where there are communities in close proximity who straddle the boundary, for example Cookham and Bourne End, and the objector's view is that there are no reasonable grounds for the trust naming the proposed feeder schools. She does not consider that there are any strong links between the schools within the trust, save for the fact that they are in the same multi-academy trust.

15. The objector's view is that it is also unreasonable to give priority to children attending the two proposed feeder schools over siblings of pupils already attending the school. She argues:

“Foxborough Primary School is 11 miles from Desborough College by car. It does not appear to be served by a direct bus, and would involve a train journey, walk and bus ride. It is in a separate local authority and is not even at the westerly point of Slough where it borders RBWM (Royal Borough of Windsor and Maidenhead), but is at the far easterly border of that local authority. It is in a selective local authority. It does not have any reasonable connection to Desborough College other than by being incorporated into the same MAT. Foxborough is a co-ed setting. It cannot be fair that boys would get priority for a school in Maidenhead and that girls wouldn't, even if the suggestion of Maidenhead as a feeder school was reasonable, objective or clear.

Trevelyan Middle School is 8 miles from Desborough College by car. While there is a bus that serves the route, it would take 45 minutes to undertake. It is also served by a train, but at some times of day that would involve two trains and a 30 minute walk. The school is within the same local authority but has a different school's system, where pupils attend middle school for years 6, 7 and 8. Desborough College primarily admits children from Maidenhead in year 7. It does not have any reasonable connection to Desborough College other than by being incorporated into the same MAT. Trevelyan is a co-ed setting. It cannot be fair that boys would get priority for a school in Maidenhead and that girls wouldn't, even if the suggestion of Maidenhead as a feeder school was reasonable, objective or clear”.

16. Upon receipt of the objection, the trust responded by saying it recognised the strength of feeling locally with respect to the changes made to the oversubscription criteria for Desborough. The trust questioned whether there was any recourse, at this stage, to remove the oversubscription criterion which gives priority to the named feeder schools. The trust did not believe it was possible to do so under the Code.

17. The relevant provision is paragraph 3.6 of the Code which says: “Once admission arrangements have been determined for a particular school year, they cannot be revised by the admission authority unless such revision is necessary to give effect to a mandatory requirement of this Code, admissions law, a determination of the Schools Adjudicator or any misprint in the admission arrangements. Admission authorities may propose other variations where they consider such changes to be necessary in view of a major change in circumstances. Such proposals must be referred to the Schools Adjudicator (for maintained schools) or the Secretary of State (for academies) for approval, and the appropriate bodies notified”. The trust is, therefore, correct that it cannot simply revise the school's arrangements on the basis that it accepts that the arrangements contain a provision which is unpopular.

18. Having been advised that the trust was willing to revise the arrangements, the case manager explained to all parties that my intention was to write a determination requiring the trust to revise its arrangements on the basis that it had agreed to do so. I explained that, where an objection has been made under section 88H(2) of the Act, the function of the adjudicator is to decide whether, and (if so) to what extent, the objection should be upheld, and that I did not consider it necessary to undertake a full investigation of all relevant circumstances in order to reach a conclusion in order to uphold the objection. The objector,

for reasons which I understand, requested that I make a ruling on the fairness and reasonableness of giving priority to children attending the two named trust feeder schools.

19. I considered this request carefully. The objector was concerned that, even if the trust removed the oversubscription criterion, it would subsequently re-introduce it in the future. On 2 April 2024 the case manager wrote to the objector (copied to the other parties) on my behalf. The email said:

“2. ... the adjudicator is not minded at this point to make ruling on reasonableness and fairness in this case. Her function is to determine whether or not to uphold your objection, and she has decided to uphold your objection to the oversubscription criterion which gives priority to applicants attending the named feeder schools (“the feeder schools criterion”) on the basis that the school has agreed to remove the criterion from its admission arrangements for September 2025. Her reasons for not making a further ruling in relation to whether the provision is unfair and/or unreasonable are as follows:

- a. You say that your purpose for seeking a ruling on the non-compliance with the School Admissions Code of the adoption of the named feeder schools is “so that can ensure that the Trust does modify its plans accordingly”. The adjudicator’s understanding is that the trust has agreed to remove the feeder schools criterion and her determination will uphold this aspect of your objection and require them to revise the school’s arrangements in line with the agreement they have made within 2 months of the date of the determination. This gives you the outcome you are seeking. This outcome is not guaranteed if the adjudicator makes a ruling because it is possible that she may conclude, having obtained all the necessary information, that the feeder schools have been adopted on reasonable grounds and that there is no unfairness.
- b. The adjudicator can appreciate that your view is that, if she makes a determination that the school’s admission arrangements for 2025 are unfair and unreasonable, this is more likely to dissuade the trust from adopting the same feeder schools for its 2026 arrangements. However, the effect of the adjudicator making such a ruling will not be that this precludes the trust from consulting upon, and adopting, the same schools as feeder schools in its 2026 arrangements. The adjudicator only has jurisdiction to make a determination on the school’s admission arrangements for September 2025. The trust will need to consult if it decides to re-adopt the same feeder schools because it will have revised its 2025 admission arrangements to remove the feeder schools criterion. Even if the adjudicator concludes that the feeder schools criterion has not been adopted on reasonable grounds and operates unfairly to an identified group, this will not prevent the trust from re-adopting the criterion if it can establish reasonable grounds, and can demonstrate that the criterion does not operate unfairly or there has been a change of circumstances from those which pertained in 2025 which would make the effect in 2026 different.

- c. Admission authorities are required to determine their admission arrangements annually, and the starting point in the School Admissions Code is that it is for admission authorities to choose their oversubscription criteria provided they comply with the Code. There is nothing inherently unreasonable about a multi academy trust naming other schools in the trust as feeders, many multi academy trusts adopt this practice, there is nothing in the Code which specifically precludes this, and the trust may have cogent reasons for deciding to adopt the feeder schools it has. Since the feeder schools criterion has been newly introduced for 2025 admissions, there can be no assessment of the actual effect that its adoption will have. It may be that very few children from the feeder schools will choose to make the journey to Desborough College, particularly as it may be a difficult one in some cases, therefore it will have little or no effect upon siblings who live outside the catchment area whose parents have applied for places at the school.
- d. The adjudicator wishes to stress that she has conducted no analysis or gathered any evidence upon which to make a decision about whether the oversubscription criterion you have objected to is unreasonable or unfair. There is a high bar in meeting the threshold for unreasonableness. The test is whether the grounds for adopting the feeder schools are such that no reasonable admission authority could have adopted the schools as feeders taking account all relevant evidence.
- e. So far as fairness is concerned, all oversubscription criteria will disadvantage some applicants over others. That is their function. In assessing whether an oversubscription criterion is unfair, the adjudicator will weigh any actual or likely disadvantage to those who no longer have priority against the benefits to those conferred priority by the relevant oversubscription criterion. (*Sharp, R (On the Application of) v The Office of the Schools Adjudicator [2023] EWHC 1242*). It may be that out of catchment siblings will still continue to be offered places even though they have lower priority than applicants attending the feeder schools. It may also be the case that out of catchment siblings have many reasonable alternative options for secondary school places, whereas those attending the feeder schools have fewer such options. The trust may wish to attract more applicants to the feeder schools with the higher possibility of attending a trust school at secondary level. It would not be open to an adjudicator to find that there was unfairness in the selection of particular feeder schools unless the adjudicator can identify a convincing argument taking account of information provided by the objector and the information and possible counter arguments presented by the other parties. Simply not being able to obtain a place at your nearest school, particularly in an urban area where there are large numbers of schools in relatively close proximity, is not of itself unfair. Indeed, it is often the case that in order for all children to have a high priority for a school within a reasonable distance, some children may well not be able to have a high priority for or gain access to their nearest school. Sometimes there will be more children for whom a school is the nearest school and who wish to go there than there are places at that school. Some will be disappointed. There might be unfairness if it was demonstrated that there were no reasonable alternatives for

children who would previously have gained a place at the school in question but would now be excluded from doing so. But it is inherent in the scheme of having oversubscription criteria which expressly may include feeder schools in preference to a distance criterion that children will not necessarily be able to attend their nearest school.

Since the adjudicator has not gathered all the necessary information and data, it is not assured that she will reach a conclusion that the feeder schools oversubscription criterion has not been adopted on reasonable grounds or that it disadvantages a particular group of applicants unfairly”.

20. I should probably add to this that the Code allows for sibling priority; however, again there is no requirement to adopt such priority and no requirement that siblings be given higher priority than children who attend feeder schools. It is common for primary schools to give priority for siblings because there may be practical difficulties in parents taking younger children to different schools and because younger children who may be less confident can benefit from attending the same school as a sibling. The argument for adopting sibling priority at secondary school level is weaker as older children are able to travel to and from school without a parent, and by no means all secondary schools choose to adopt sibling priority. In order to reach a reasoned conclusion as to the fairness and reasonableness of a newly introduced oversubscription criterion which is not yet in operation, it would be necessary for me to obtain substantial data from the trust and local authority as to the number of out of catchment siblings attending the school over the last three years; details of all secondary schools within a reasonable distance of the areas in which these out of catchment siblings live; levels of oversubscription at local secondary schools; the number of parents expected to apply for places in 2026; and make an assessment of what the likely outcome of the introduction of feeder schools priority might be. All of this I would do willingly but for the fact that there would be no advantage to any party in my doing so, given that the trust has agreed to remove the feeder schools oversubscription criterion.

21. Regulation 22 of the School Admissions (Admission Arrangements and Coordination of Admission Arrangements) (England) Regulations 2012 states that, 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. For the avoidance of doubt, I have not ‘determined’ the lawfulness (or otherwise) of the feeder schools oversubscription criterion because the trust has agreed to remove it. Therefore, in my view if the oversubscription criterion is re-introduced within two years of this determination, the adjudicator will not be barred from considering an objection to the criterion.

22. In summary then, given that the trust has agreed to remove the oversubscription criterion which is alleged to be unreasonable and to cause unfairness, I determine that the said criterion must be removed, and I therefore uphold this aspect of the objection. This will

enable the trust to revise the arrangements under paragraph 3.6 of the Code as it is now required to do so in order to give effect to my determination.

23. The second aspect of the objection relates to the arrangements for admission to the sixth form. The relevant provision in the Code, as I have mentioned, is paragraph 1.9m which says that “It is for admission authorities to formulate their admission arrangements, but they must not:... interview children or parents. In the case of sixth form applications, a meeting may be held to discuss options and academic entry requirements for particular courses, but this meeting cannot form part of the decision making process on whether to offer a place”. The objector’s concern is that applicants are being interviewed as part of the decision-making process determining whether they should be made a conditional offer, and that this is contrary to paragraph 1.9m of the Code.

24. In response, the trust has explained that the term ‘Conditional offers’ is used to ensure that all applicants are clear that entry requirements for particular courses are in place. Similarly, the ‘enrolment interviews’ referred to are solely used for the purpose of ensuring that pupils have met the eligibility criteria and would like to progress with their chosen courses. The trust has confirmed that the purpose of all contact with the applicants is solely for the purpose of discussing options and academic entry requirements for particular courses. This is part of the school’s ongoing careers education, information, advice and guidance process, and meets the requirements as detailed in the Gatsby Benchmarks¹.

25. The objector was unhappy with the trust’s response. On 2 April 2024 the case manager wrote to the objector on this point. The email said:

“In relation to applications for places in the sixth form, the position, as the adjudicator understands it, is that the trust’s response implies that, even though school staff meet applicants prior to the making of conditional offers, the purpose of these meetings is to discuss options and academic entry requirements for particular courses, and that this meeting does not form part of the decision-making process on whether to offer a place. **The adjudicator will ask the trust to re-confirm this if it would be helpful.** Do you have any evidence to contradict this assertion? The timing of the meeting, of itself, is not proof that it is held for a purpose which is contrary to paragraph 1.9m of the Code. It is possible, as the trust has suggested, that it is helpful to applicants in determining whether or not to accept a conditional offer to have had discussions and been able to ask questions about the options available and careers implications. The adjudicator has no basis upon which to make an assumption that the trust has made a false assertion. The trust has been cooperative with the objection process. The adjudicator has no grounds upon which to reach a

¹ This is a reference to the statutory guidance document ‘Careers guidance and access for education and training providers’ January 2023. [Careers guidance and access for education and training providers \(publishing.service.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/111111/careers-guidance-and-access-for-education-and-training-providers-january-2023.pdf)

conclusion other than that the meeting is held for the trust’s stated purpose which complies with the requirements of the School Admissions Code unless you have any further evidence to submit”.

26. No further evidence has been received from the objector; however, the trust has subsequently assured me that the purpose of meeting applicants prior to making offers conditional upon the applicant meeting the entry requirements is as I had understood it to be. Schools are permitted under paragraph 1.9m to hold meetings with sixth form applicants to discuss options and academic entry requirements and I have no evidence upon which to conclude that the trust is acting in contravention of paragraph 1.9m of the Code or that the arrangements are in contravention of paragraph 1.9m. For these reasons, I do not uphold this aspect of the objection.

Other Matters

27. The trust has helpfully set out the other matters which I raised alongside its responses in the form of a grid. As can be seen, the trust has agreed to make all necessary revisions. I confirm that the trust is able to do so under paragraph 3.6 of the Code. Again, I am grateful to the trust for agreeing to do this.

<p>A minor point, but the arrangements should refer to the phraseology set out in the relevant legislation and the Code, so ‘Planned admission number’ should be ‘Published Admissions Number (PAN)’.</p>	<p>As you explain, a minor point but will change this in the arrangements at the end of this process, if permitted by the adjudicator.</p>
<p>The arrangements explain about the admission of children with an EHCP, but what they also need to say is that a child with an EHCP which names the school must be admitted in priority to those applications admitted via the usual application process and will therefore reduce the number of places available.</p>	<p>As above, happy to amend the wording, if permitted by the adjudicator.</p>
<p>There is no provision in the arrangements explaining what happens in the case of late applications. It may be that this is set</p>	<p>As suggested, the arrangements for late applications are detailed on the local authority’s website. However, again happy to</p>

<p>out on the local authority's website, however the school is an academy with its own admission arrangements which need to make clear what happens where an application is not received by the 31 October. It would, of course, be possible to do this by providing a one click link to the correct page on the local authority's website, but it would probably be clearer for parents to simply explain the consequences of submitting a late application in the school's arrangements themselves.</p>	<p>make the suggested changes, if permitted by the adjudicator.</p>
<p>There is a link to the map of the 'designated area' which refers to admissions in 2021 and 2022, and so should be updated. The significance of the shading and the broken black line is not immediately clear.</p>	<p>The designated area map is that of the local authority's. Therefore, we have no ability to change this ourselves. We can raise this feedback with the local authority, if permitted by the adjudicator.</p>
<p>In relation to the admission arrangements for the sixth form, the Published Admission Number (PAN) is the number of external applicants admitted to the school. Internal pupils are already of the roll and are not included in the PAN. Because it is difficult to predict how many external applicants will be admitted until the number of existing pupils moving on to the sixth form is known, schools tend to determine a low PAN which can be exceeded if there are available places.</p>	<p>The admissions authority is happy to adapt the PAN for year 12 entry to make clearer that internal pupils are already on roll and to determine a PAN that can be exceeded if there are available places, if permitted by the adjudicator.</p>

<p>Paragraph 9 of the arrangements says: “There are a variety of Sixth Form courses on offer, each with different entry requirements. Full details of the general and subject specific entry requirements are given in the Sixth Form Prospectus including Course Guide published annually on the school website [See note (k)].” Since the academic entry requirements are an integral part of the arrangements, there should be a direct link to those requirements. Paragraph 14 of the Code requires that parents be able to look at a set of admission arrangements and be able to easily understand the criteria for admission, which may include being able to understand the grades required for each of the courses offered.</p>	<p>A hyperlink to the courses on the website can be added to the arrangements, if permitted by the adjudicator.</p>
<p>Paragraph 12 of the arrangements says: “No student will be admitted to Year 12 after 15 school days from the beginning of the Autumn Term; the beginning of the Autumn Term being defined as the first day of school for students”. Whilst I understand that it may not be desirable for new students to be joining the school after the beginning of Year 12, it is not lawful to have a provision such as this. Section 86 of the School Standards and Framework Act 1998 requires that where a parent expresses a preference for a school, the school is obliged to comply with the preference and admit the child in question unless compliance with the preference would prejudice the provision of efficient education or the efficient use of resources. The school would need to demonstrate prejudice in each individual case. It is not permitted to have a blanket provision saying that no applicants will be admitted to Year 12 after a particular date.</p>	<p>This criteria can be removed, if permitted by the adjudicator.</p>

28. In relation to the map of the designated area, the LA has acknowledged that while the Designated Area maps are factually accurate, the way the years are written on the maps may be considered misleading to parents. The LA has said that it is working to correct any potentially misleading text, thus providing more clarity for anyone accessing the maps and, once corrected, the maps will be re-published. I am grateful to the LA for its cooperation in this matter. The LA made no comments on the objection or any of the other matters I had raised.

Summary of Findings

29. I uphold the first aspect of the objection. This will enable the trust to remove the oversubscription criterion which gives priority to children attending the two named feeder schools. I do not uphold the second aspect of the objection. I accept the trust's assurance that interviews conducted prior to the making of conditional offers are for the purpose permitted by paragraph 1.9m of the Code. There are a number of other matters which do not comply with the requirements of admissions legislation. The trust has agreed to revise these matters save for updating the map of the designated area, which the LA has agreed to revise.

Determination

30. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objection to the admission arrangements for September 2025 determined by Pioneer Educational Trust for Desborough College, Maidenhead.

31. 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.

32. 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: 23 April 2024

Signed:

Schools Adjudicator: Dr Marisa Vallely