



Office of
the Schools
Adjudicator

Determination

Case reference: ADA4309

Objector: Leeds City Council

Admission authority: Delta Academies Trust for Garforth Academy, Leeds

Date of decision: 31 July 2024

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements for September 2025 determined by Delta Academies Trust for Garforth Academy, which is in the local authority area of Leeds.

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 unless an alternative timescale is specified by the adjudicator. In this case I determine that the arrangements must be revised by 9 September 2024.

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 Leeds City Council (the objector), about the admission arrangements (the arrangements) for Garforth Academy (the school) for September 2025. The objection is that the selection of feeder schools does not comply with the School Admissions Code (the Code).

2. Leeds City Council is the local authority for the area in which the school is located. The parties to the case are Delta Academies Trust (the admission authority, the trust) and the local authority.

Jurisdiction

3. 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 board of trustees of Delta Academies Trust, which is the admission authority for the school, on that basis. The objection to these determined arrangements was submitted on 24 April 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 School Admissions Code (the Code).

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

- a. evidence that the arrangements were determined;
- b. a copy of the determined arrangements for 2025;
- c. the objector's form of objection dated 24 April 2024;
- d. the trust's response to the objection;
- e. documents relating to the most recent consultation on the school's admission arrangements;
- f. further information provided by the parties at my request or invitation; and
- g. information available on the websites of the school, the local authority and the Department for Education (DfE).

Background

6. The school is a coeducational school for students aged 11-18 situated in Leeds, West Yorkshire. The school is a part of Delta Academies Trust and has a Published Admission Number (PAN) of 300 for Year 7 for September 2025. The school also admits external students to the sixth form, with a PAN of 20.

7. In the event of oversubscription, after the admittance of children with an Education, Health and Care Plan (EHCP) which names the school, priority for places in Year 7 is determined by application of the following criteria (in summary):

- i. Looked after, and previously looked after children;
- ii. Children with special educational needs (but without an EHCP), or exceptional medical or mobility needs, that can only be met at the school;
- iii. Children with siblings at the school;
- iv. Children who attend either East Garforth Primary Academy or Green Lane Primary Academy;
- v. Children who attend Ninelands Primary School, Strawberry Fields Primary School, Micklefield CE Primary School or Aberford Primary School;
- vi. Children who reside in the catchment area of the school;
- vii. Other children, prioritised by proximity of their home address to the school.

8. The most recent consultation on admission arrangements took place between November 2023 and January 2024 and was in respect of the arrangements for 2025. Prior to the 2025 arrangements, equal priority was afforded to applicants from all six feeder schools.

9. The local authority has said, in respect of the responses to the consultation: “considering the extent of objections and lack of any support, we are unclear as to the Trust’s reasons as to why the change was adopted.” This appears to be a suggestion that the consultation process was flawed because the concerns expressed were not taken into account.

10. Having read and considered the consultation responses, my view is that they either raise the same points as those raised in the objection or relate to the potential effects of the arrangements. The latter point is not a matter that forms part of the objection and therefore is not within my jurisdiction to consider under section 88H of the Act.

11. Whilst it is open to an adjudicator to determine that there has been a flaw in the consultation process, the adjudicator cannot impose a requirement upon an admission authority to re-consult after it has determined the arrangements. Neither can an adjudicator require the admission authority to re-instate the previous year’s arrangements.

12. I consider below the trust’s reasons for determining the arrangements it has. I note here that the trust responded in full to the concerns raised by the objector which are the same as those expressed as part of the consultation responses.

The Objection

13. The objection relates to the hierarchy of feeder schools in the arrangements. That is, to the fact that children from East Garforth Primary Academy and Green Lane Primary Academy, both of which are in Delta Academies Trust (the Delta primaries), are afforded

higher priority for entry than those from the other four schools which are not in the trust (the non-Delta primaries).

14. The objection has two parts. Firstly, the objector asserts that the arrangements contravene paragraph 1.15 of the Code in that the selection of feeder schools may not have been transparent or made on reasonable grounds. Secondly, the objector asserts that the hierarchical treatment of the feeder schools contravenes paragraph 2.9 c) of the Code which stipulates that admission authorities must not refuse to admit a child on the basis that they followed a different curriculum at their previous school.

15. The objector has alleged two specific breaches of the code; in determining the objection I have confined my determination to these specific breaches. The paragraphs of the Code which the objector has identified are:

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."

2.9c: "Admission authorities **must not** refuse to admit a child solely because: ...c) they followed a different curriculum at their previous school".

Consideration of Case

16. I will first consider the assertion that the selection of feeder schools may not have been transparent or made on reasonable grounds. The reasons for this assertion were given by the objector as follows:

"The 2025/26 admissions policy includes a hierarchy of feeder schools and the 2 schools in the Multi Academy Trust (MAT) are given higher priority than other feeder schools. We are concerned this is not compliant with the School Admissions Code.

Paragraph 1.15 may be contravened as it requires the selection of a feeder school(s) as an oversubscription criterion must be transparent and made on reasonable grounds.

The admission authority has since at least 2010 had reasonable grounds for naming 6 primary schools as feeder schools. The change for 2025 is to create 2 tiers of feeder school. As we understand it from the consultation information, there is still a strong enough link between all feeder schools for the admission authority to name all 6 as feeder schools, but the decision to place 4 lower down is because the partnership is being effectively disbanded and 4 of 6 schools have not joined the MAT."

17. The Code requires that the selection of feeder schools is transparent and made on reasonable grounds. In this case, transparency is hardly in doubt: the feeder schools are clearly identified, and the arrangements are likely to be easily understood by parents in this respect. I will therefore consider whether reasonable grounds exist for the selection of the

feeder schools, including that applicants from the Delta primary schools are afforded higher priority for entry than those from the non-Delta primaries. I stress that this is a different issue from consideration of the consequences of naming the feeder schools; the objection did not assert that the overall effect of the arrangements may be unreasonable or unfair and consequently this is not a matter for my consideration.

18. The Code uses the term ‘reasonable’ but does not define it. It is a requirement upon public bodies, including admission authorities, that they must act reasonably in adopting any policy or making any decision. The common law test for ‘unreasonableness’ in this context is that, for a decision to be considered unreasonable it would have to be a decision that no rational admission authority would have made having taken into account all relevant factors, placing sufficient weight upon each of those factors and disregarding any irrelevant factors.

19. In order for the grounds for the selection of feeder schools to be reasonable, the trust should be able to give reasons for that selection. Although there is no requirement for these to have been written in the admission arrangements the trust, as the admission authority for the school, should nonetheless have an explanation available for the adjudicator.

20. The case manager wrote to the trust on my behalf requesting a full explanation of the trust’s rationale for the oversubscription criteria for entry to Year 7 including:

- a) Why the trust has chosen to name feeder schools in the arrangements.
- b) The rationale for the choice of feeder schools (that is, why each of the schools has been chosen).
- c) Why children from two of the feeder schools are given higher priority for admission than those from the other four schools.
- d) A full explanation of the reason for changing the feeder school arrangements from those in 2024.

21. The trust responded as follows:

“the Garforth Academy admissions policy pre consultation reflects this previous working relationships [sic]; the post consultation policy reflects the current position and the stronger relationships between the Delta primary schools in the locality and Garforth Academy.

Review of admission data for the last three years indicates that the change in admission policy is unlikely to adversely impact pupils from the former GSPT [Garforth Schools Partnership Trust] schools, who do not attend Green Lane or East Garforth Academy should their parents chose to apply for a place at Garforth Academy. The local Authority admission team have stated that in their opinion, if the preference patterns remain the same, all feeder school applicants are highly likely to be offered places under either policy.”

22. It was my view that the trust's response did not answer the questions posed. The case manager therefore wrote to the trust again and stressed that it was vital that the trust provide a full response to each item a) to d) as above. In response the trust stated:

"Feeder schools have previously been named in the Garforth Academy admissions policy. The schools named in the 2024 policy and (previously) were the schools included within the Schools Partnership Trust [SPT], 14 Jul 2004 - 22 Jun 2010, which became Garforth Schools Partnership Trust (GSPT).

This group of schools originally included Garforth Academy and the primary schools Green Lane, East Garforth, Ninelands, Strawberry Fields, Micklefield CE Primary School and Aberford CE Primary School. The original intention was that this would form the basis of a Multi Academy Trust.

Over time, this group became inactive. While other primary schools made different decisions, two of the original primary schools included in SPT, Green Lane and East Garforth, decided to academise, and joined a Multi Academy Trust, Schools Partnership Trust Academies (SPTA), which was set up by the original signatories to the Articles of Association for SPT. This MAT grew out of Garforth Academy and the first CEO was previously the Head teacher at Garforth Academy. SPTA was the predecessor trust of Delta Academies Trust.

GSPT became inactive as an organisation. As per a special resolution dated 15 December 2016, Strawberry Fields Primary school is the sole remaining member of GSPT.

The Garforth Academy admissions policy pre consultation reflects the previous working relationships; the post consultation policy reflects the current position and the stronger relationships between the Delta primary schools in the locality and Garforth Academy. The change reflects the same underlying principles as the previous policy and give higher priority as feeder schools to those schools with which Garforth Academy has the strongest working relationship.

All three schools (Garforth, Green Lane and East Garforth) belong to the same Multi Academy Trust – Delta Academies Trust and the reason for the change in priority of feeder schools was to reflect this stronger relationship. Please find enclosed the document issued by the school as part of the consultation process.

In response to comments received during the consultation process, an oversubscription criterion immediately after the two Delta primary schools has been included for the four non – Delta primary schools, who were formerly part of SPT (Priority 5). This covers children who, at the time of application, are on roll at Ninelands Primary School, Strawberry Fields Primary School, Micklefield CE Primary School and Aberford CE Primary School.

Review of admissions data for the last three years indicates that the change in admission policy is unlikely to adversely impact pupils from the former GSPT

schools, who do not attend Green Lane or East Garforth Academy, should their parents chose to apply for a place at Garforth Academy.

The local Authority admission team have stated that in their opinion, if the preference patterns remain the same, all feeder school applicants are highly likely to be offered places under either policy.”

23. It is disappointing that the trust twice failed to clearly answer the itemised questions put to them. Nevertheless, the trust does have a rationale for having adopted feeder schools and for its choice of those schools: this is a reflection of links between the Garforth Academy and the feeder schools, links which are greater with the schools that are part of the same trust. In the papers which formed part of the consultation process the trust stated:

“This change reflects the strong links that exist between East Garforth Primary Academy and Green Lane Primary Academy due to the commonality of approaches that are in place as a result of the shared Trust approach to both primary and secondary education. This includes linked curriculum planning to support the transition from KS2 to KS3 through a spiral reading and phonics curriculum, a progressive Marking and Feedback policy including the use of Demonstrate and Connect marking and a care, support, behaviour and guidance policy which underpins the same over arching values and ethos. This change in priority will ensure there is an established transition pathway for East Garforth Primary Academy and Green Lane Primary Academy students to continue to seamlessly follow these common principles and themes at secondary school.”

24. There is nothing inherently unreasonable about a secondary school naming primary schools with which it has working relationships as feeder schools. Neither is there anything inherently unreasonable in a trust naming feeder schools within the same trust if they provide a coherent explanation for so doing. There has been no suggestion that any of the feeder schools should not be named in the arrangements and I consider that reasonable grounds exist for selecting the feeder schools.

25. The objection did not present any grounds to support the assertion that the rationale of affording higher priority to applicants from the Delta primaries may be unreasonable, stating only that “there is still a strong enough link between all feeder schools for the admission authority to name all 6 as feeder schools, but the decision to place 4 lower down is because the partnership is being effectively disbanded and 4 of 6 school [sic] have not joined the MAT [multi academy trust]”.

26. The trust evidently agrees with the local authority on the above points; all six primary schools remain as feeder schools and the hierarchy that has been created is due to the Delta primaries being a part of the same trust as the school. I find that there is an objective basis for prioritising the Delta primary schools in that they are part of the same organisation, have stronger working relationships with the school than the other feeder schools and operate on the same underlying principles. The rationale of the trust for so doing could not be described as unreasonable in itself. In my view, the decision to prioritise the Delta primaries falls within the boundaries of rational decision-making having taken into account

all relevant factors, placing sufficient weight upon each of those factors and disregarding any irrelevant factors. For this reason and the reasons given above I do not uphold this aspect of the objection.

27. I now turn my attention to the assertion that the lower prioritisation of applicants from the four non-Delta feeder schools may be in contravention of paragraph 2.9c of the Code. The reasons for this assertion were given by the objector as follows

“based on the 2 schools placed higher being in the MAT, we are concerned the two-tier feeder school criteria may contravene paragraph 2.9 c) which states... Admission Authorities must not refuse to admit a child solely because: ... c) they followed a different curriculum at their previous school.”

28. All admission authorities must, by law, set oversubscription criteria which, by their very nature, prioritise some applicants over others. Indeed, this is the very purpose of such criteria. However, affording high priority to some applicants is not the same as refusing to admit applicants to whom that priority does not apply. For example, admission arrangements which give priority to children from a specific catchment area do not prevent those residing outside of that area from making an application or from being admitted if sufficient places are available.

29. It is true that the trust has cited curriculum as a reason for giving higher priority to applicants from the Delta primaries; this is part of its rationale for the prioritisation of feeder schools. The Code prevents admission authorities from refusing to admit a child who has followed a different curriculum at their previous school; it does not prevent admission authorities from prioritising feeder schools based on common approaches or joint curricula.

30. I have seen no evidence that the arrangements prevent children from the non-Delta primaries being admitted or that their admittance is dependent upon the curriculum they have studied. Indeed, the local authority stated in its response to consultation that, whether the hierarchy of feeder schools remains or whether all six schools are given equal priority, “based on data for the last 3 years, if the preference patterns remain the same, all feeder school applicants are highly likely to be offered place”. For this reason, and the reasons given above, I do not uphold this aspect of the objection.

Other Matters

31. Having considered the arrangements as a whole it appeared to me that several matters may not conform with the requirements of the Code and so I brought them to the attention of the trust, who provided a full response detailing how they intended to rectify each matter. I have listed these matters below setting out the relevant paragraphs of the Code. For the sake of completeness I have included the trust’s response, noting that the trust is required to revise the arrangements to address the matters I have identified.

32. Paragraph 14 of the Code states that: “In drawing up their admission arrangements, admission authorities **must** ensure that the practices and the criteria used to decide the allocation of school places are fair, clear, and objective. Parents should be able to look at a

set of arrangements and understand easily how places for that school will be allocated.” That paragraph of the Code is relevant to the matters set out below unless otherwise specified.

33. The arrangements prioritise, for entry to both Year 7 and Year 12, looked after and previously looked after children as required by paragraph 1.7 of the Code. However, the arrangements are not fully compliant with the Code in that the definitions of such children differ from those in the Code. The trust has told me that it will amend its wording accordingly.

34. The arrangements state:

“If you are making an application under the priority for a previously looked after child, you will need to submit evidence of your child’s previously looked after status to the Admissions Team at Leeds City Council, with a copy of the court order and evidence of being in local care so the Local Authority can verify this priority.

35. The reference to “local care” is unclear. The trust told me that this was intended to refer to local authority care and the wording will be updated to “state care”.

36. The arrangements state, “Parents of children in Year 6 can apply for a place in the Academy online via the local authority’s website or on the authority’s Common Application Form (CAF).” As no further information is given regarding how or where to obtain the CAF the arrangements fail to provide the clarity for parents that is required by the Code. I note that the trust intends to add a weblink to rectify this matter.

37. The third oversubscription criterion prioritises “Children with older brothers or sisters who will be on roll in Years 7-13 at Garforth Academy at the start of the academic year 2025-26.” As the circumstances in which an applicant to Year 7 would have an older sibling on roll in Year 7 are not clear this may be confusing to parents. The trust has clarified that this criterion should refer to Years 8-13 and it will revise the arrangements in this respect.

38. The oversubscription criteria include prioritisation of applicants on the basis of those residing within the catchment area of the school. The arrangements include a map to support this criterion but it is not possible to distinguish which streets or properties are or are not within the catchment area. The arrangements therefore fail to comply with paragraph 1.14 of the Code. That paragraph of the Code states that:

“Catchment areas **must** be designed so that they are reasonable and clearly defined. Catchment areas do not prevent parents who live outside the catchment of a particular school from expressing a preference for the school”.

39. In respect of this point the trust stated:

“In addition to the map provided by Leeds city council, we propose to include a link to the Leeds City Council address lookup tool. This is accessible from the council website at Before you apply (leeds.gov.uk). A parent can search for a specific school

year then enter their Leeds address and the lookup shows if the address falls into any Leeds school catchment area.”

40. The local authority also provided a comment on this point, stating:

“The local authority supports all Leeds school who use catchment areas in their admission policy by providing an address lookup tool. This is accessible from. . . our website. . . A parent can search for a specific school year then enter their Leeds address and the lookup shows if the address falls into any Leeds school catchment area.”

41. The trust and the local authority need to understand the requirements of the Code in respect of catchment areas being clearly defined. It is useful here to refer to the OSA annual report for 2023 which addressed this matter in paragraph 18 as follows:

“I have covered catchment areas in past reports but wish to draw attention this year to a particular matter. We have seen admission arrangements which refer to “interactive catchment maps”. These are typically located on local authority websites and allow parents and others to establish which school catchment area or areas a particular address falls into. They are very useful tools and I am sure of great use to parents who are considering which schools to express a preference for. However, they are not on their own enough to satisfy the requirement in paragraph 1.14 of the Code that catchment areas be “clearly defined.” Being able to establish that an address is within the catchment area of a school does not define that catchment area of that school anymore than does establishing that an address is within West Sussex define the county boundaries of West Sussex. Where a catchment area is part of a school’s admission arrangements, that catchment area must be defined clearly – by means of a map which shows its boundaries clearly or by some other means such as a definitive list of road names or post codes.”

42. The arrangements do not clearly define the catchment area of the school and so must be revised.

43. Under the heading “Appeals procedure” the arrangements state, “Information on the timetable for the appeals process is on our website”. A weblink is provided but this does not link to any information regarding the appeals process; the arrangements therefore lack the clarity required by the Code. The trust has assured me that it will update this link.

44. The school website includes a link to an “Admissions annexe”, which is a supplementary information form for applicants who were previously looked after. As this form is not mentioned in the arrangements it is not clear when or whether this form should be used. The Trust has clarified that this form is not part of the arrangements and will be removed from the school website.

45. The arrangements for entry to the sixth form include the following:

“There will be 250 places available in Year 12 at Garforth Academy 6th Form in September 2025. A minimum of 20 of the 250 places will be available for external applicants. Students should note that each course also has its own specific minimum entry requirement...

Where there are more applications than places available, students who meet the 6th Form course entry criteria will be offered places in the order of priority listed below:

1. Looked after children (LAC) and previously looked after children.
2. Students on roll in Year 11 at Garforth Academy applying for a place in Year 12 for the following September.
3. Students living nearest to the Academy who meet course entry requirements....

External applications to the 6th form must meet the same minimum course entry requirements as the internal students. Places will be offered to external students as long as the maximum number of places on a course is not exceeded. In the event of a course being oversubscribed then places will be allocated in accordance with the oversubscription criteria”

46. Paragraph 2.6 of the Code deals with applications for places at sixth form and states, as far as is relevant here:

“Children and their parents applying for sixth form places may use the CAF, although if they are already on the roll, they are not required to do so in order to transfer into year 12. Admission authorities can, however, set academic entry criteria for their sixth forms, which **must** be the same for both external and internal places.”

47. The Code sets out the requirements of admission authorities regarding PANs, including in the following paragraphs:

15d: “If a school is undersubscribed, any parent that applies **must** be offered a place.”

1.2: “As part of determining their admission arrangements, all admission authorities **must** set an admission number for each ‘relevant age group’”.

44. The arrangements for entry to the sixth form do not comply with the Code in that:

- i) In stating that all applicants must meet “course entry requirements” and including this in the oversubscription criteria, the arrangements imply that an applicant will not be eligible for admission to Year 12 if they do not fulfil the requirements of the specific courses they would prefer to study. Although an admission authority retains the right to stipulate requirements for individual courses that is not the same as saying that the applicant cannot be admitted into the sixth form. If an applicant meets any academic entry criteria for the sixth form (which are allowed by the Code) and, in the case of an external applicant, there is a place available within the PAN, then that applicant must be offered a place whether or not that is to study their preferred courses. The trust has told me that they intend to clarify the distinction between admission to Year 12 subject to meeting the entry

requirements and the study of preferred courses.

- ii) The arrangements include internal applicants in the oversubscription criteria. It is not clear that all internal applicants (who meet any academic entry criteria for the sixth form) will be offered a place as is required by the Code. In respect of this the trust stated that they wish to “add a sentence to the oversubscription criteria clarifying that all internal applicants who meet the academic entry criteria for the sixth form will be offered a place, up to the PAN less the twenty places reserved for external applicants.” I must be clear that the PAN applies only to external applicants and does not affect those already at the school in any way. If children at the school wish to continue into the sixth form and meet the academic entry requirements for so doing then they must be offered a place, irrespective of the number involved.
- iii) The arrangements state that “Places will be offered to external students as long as the maximum number of places on a course is not exceeded.” The Code does not allow admission authorities to deny entry to the sixth form on the basis of the availability of a particular course. The trust has assured me that they will clarify the distinction between admission to Year 12 and the study of preferred courses.
- iv) The arrangements state, “Students are asked to apply formally through our website” and a weblink is provided. However, as the relevant webpage does not allow for applications to be made or provide any information regarding this it is not clear how applications should be made. The trust has stated that it will update the school website to provide a link to the application form.
- v) The arrangements refer to “national offer day”. As there is not a national offer day for Year 12 admissions this is unclear; the trust intends to remove this reference.

Determination

45. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements for September 2025 determined by Delta Academies Trust for Garforth Academy, which is in the local authority area of Leeds.

46. 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.

47. By virtue of section 88K(2) the adjudicator’s decision is binding on the admission authority.

48. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of the date of the determination unless an alternative timescale is specified by the adjudicator. In this case I determine that the arrangements must be revised by 9 September 2024.

Dated: 31 July 2024

Signed:

Schools Adjudicator: Jennifer Gamble