



Office of
the Schools
Adjudicator

Determination

Case reference: REF4388

Admission authority: The Trinity Multi-Academy Trust for Trinity Academy Grammar, Sowerby Bridge

Date of decision: 10 July 2024

Determination

I have considered the admission arrangements for September 2025 for Trinity Academy Grammar in accordance with section 88I(5) of the School Standards and Framework Act 1998 and find that there are matters in the arrangements that do not conform with the requirements for such arrangements. Those matters are 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.

Referral and Jurisdiction

1. The arrangements were determined under section 88C of the School Standards and Framework Act 1988 (the Act) by The Trinity Multi-Academy Trust (TTMAT or the trust) of Trinity Academy Grammar (TGA or the school), which is the admission authority for the school, on 5 February 2024. The 2025/26 arrangements were brought to my attention in the course of my consideration of an objection raised by the local authority (case reference number: ADA4385). That case was closed as the matter raised was out of my jurisdiction.
2. Having had sight of the school's arrangements, it appeared to me that they did not conform with the requirements relating to admissions. I have accordingly considered the arrangements for the school, as determined by TTMAT, in accordance with my jurisdiction under section 88I(5) of the Act.
3. The parties to this case are TTMAT, TGA and Calderdale Metropolitan Borough Council (CBMC or the local authority (LA)).

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:
 - 5.1. a copy of the school's arrangements for 2025/26;
 - 5.2. a copy of the TTMAT board's minutes, dated 5 February 2024, in which the TGA's arrangements were determined;
 - 5.3. the responses from the trust in respect of the matters raised; and
 - 5.4. the Department for Education's (DfE) 'Get Information About Schools' (GIAS) website.

Background

6. The school is a co-educational, non-selective secondary academy for 11 to 16 year olds in Sowerby Bridge. It is part of TTMAT, which is a multi-academy trust (which runs 11 academies including TGA). According to the GIAS website, the school has a number on roll of 918 and a capacity for 1050 pupils. The school was rated 'Good' at its last inspection in February 2023. The Published Admission Number (PAN) for the school is 210.
7. The school prioritises admission through a banding test designed to produce an intake that is representative of the full range of ability of applicants for places at the school. The test assesses applicants prior to the allocation of places who are then allocated to one of four ability bands. Then, in the event of oversubscription, after the admission of children with Education, Health and Care Plans (EHCPs) who name the school, places will be prioritised according to the school's oversubscription criteria within each band, summarised as follows:
 - 1 Looked after and previously looked after children.
 - 2 Children who attend seven named feeder primary and junior schools.
 - 3 Children who have siblings who currently attend and will still attend the school on the date of admission.
 - 4 Children of staff employed at the school.
 - 5 Other children.

Children are prioritised within each criterion by order of proximity to TAG.

Any child with an EHCP naming the school or who is (previously) looked after and who have not taken the banding test will be allocated to the most appropriate band on the basis

of an alternative appropriate assessment, such as a moderated teacher assessment. Any other children who have not taken the banding test are considered 'unbanded' and are prioritised for admission after all others who are banded.

8. The focus of this determination relates largely to issues I have raised with the school arising from lack of compliance with paragraph 14 of the Code. Paragraph 14 states:

"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."

9. Other paragraphs of the Code are identified where relevant.

Consideration of Case

10. The matters I raised with the school in respect of its arrangements are as detailed in this section.

Named feeder schools

11. Oversubscription criterion 2 names 'Akroydon Primary Academy' as a named feeder school. However, this is not the name of the school, which is 'Trinity Academy Akroydon' (part of the same trust as TGA). The arrangements in this regard are not clear for parents. (Paragraph 14).

Tie-breaker

12. Paragraph 1.8 of the Code states:

"Admission arrangements **must** include an effective, clear, and fair tie-breaker to decide between two applications that cannot otherwise be separated".

13. The arrangements do not include a tie-breaker, and so are not compliant with the Code.

Calculating home to school distance

14. In respect of the requirements regarding calculating home to school distance, paragraph 1.13 of the Code (in part) states:

"[...] This **must** include making clear how the 'home' address will be determined [...]. This should include provision for cases where parents have shared responsibility for a child following the breakdown of their relationship and the child lives for part of the week with each parent. [...]"

15. The 'Note' in the arrangements states:

“If there is joint custody for the child, then the address of the parent receiving the child benefit is used”.

16. The use of child benefit is not a reliable indicator of where a child actually lives for most of the time Monday to Friday during school terms. Although in most cases child benefit will be paid to the parent with whom the child lives most of the time, there are circumstances when it is not. This is because it is potentially payable to anyone, whether a parent or not, who contributed at least a prescribed minimum amount to the cost of supporting the child. Whilst it is payable to only one person, that need not be the person the child lives with most of the time or at all. Some families, where the income is high enough that the benefit becomes taxable may mean that child benefit is not claimed. In some circumstances, the benefit is simply not claimed at all. Its use, with no scope for other indicators to be used to establish the address of a child of parents who do not live together, is therefore unreasonable and unfair and not compliant with the Code.

Admission of children outside of their normal age group

17. In this part of the arrangements, the process that the school expects a parent to follow when applying for a place for their child(ren) out of their normal age group is not clear because the following information is not included:

- what form the application should take;
- to what body or person the application should be made;
- what body or person makes the decision; and
- how a parent knows what steps to follow.

18. This is in contravention of paragraph 2.18 of the Code which states:

“Admission authorities **must** make clear in their admission arrangements the process for requesting admission out of the normal age group.”

In-year admission

19. I note that the school has included a link to the local authority’s in-year admissions information. However:

- 19.1. the arrangements make no reference to this and this may mean parents cannot easily find the information or would not understand that the arrangements do not apply to in-year admission (paragraph 14);
- 19.2. there is no mention in the arrangements or on the website of the duty of the school to provide a hard copy of the information about in-year applications on request (paragraph 2.26); and

19.3. it was not clear how oversubscription criterion 3 would apply in the event of a family making an in-year application for a place, say, for an adoptive or half-sibling older than the sibling currently on roll who may have moved into the family home, given that the criterion reads: “The elder sibling must still be on roll at the academy when the younger child starts at the academy”. Whilst this applies for the normal admission round, it does not appear to be clear enough when applied to the prioritisation of children in the situation where parents apply in-year when there is a waiting list (paragraphs 14 and 2.15).

20. The trust has told me that it intends to address these matters which is welcomed. It has provided me with a copy of draft wording it intends to use to address the matters raised. However, as that wording is not in the currently determined arrangements, it is not within my jurisdiction and I have not looked at what has been suggested.

Summary of Findings

21. The arrangements include matters which are unclear and inaccurate. I have also identified that essential information is missing. The arrangements therefore do not meet the general requirement of clarity in paragraph 14 of the Code. Parents will not be able to look at the arrangements “and understand easily how places for that school will be allocated.” Neither do the arrangements comply with the requirements of the other paragraphs of the Code, which are detailed above.

Determination

22. I have considered the admission arrangements for September 2025 for Trinity Academy Grammar in accordance with section 88I(5) of the School Standards and Framework Act 1998 and find that there are matters in the arrangements that do not conform with the requirements for such arrangements. Those matters are set out in this determination.

23. 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: 10/07/2024

Signed:

Schools Adjudicator: Dr Robert Cawley