



Determination

Case reference:	ADA4300
Objector:	A parent
Admission authority:	The Russell Education Trust for Turing House School, Twickenham
Date of decision:	27 August 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 the Russell Education Trust for Turing House School, Twickenham.

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 13 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 a parent (the objector), about the admission arrangements (the arrangements) for September 2025 for Turing House School (THS or the school).
2. The school is a secondary free school (a type of academy) for 11 to 19 year olds. The school is part of a multi-academy trust called the Russell Education Trust (RET or the

trust), the governing body of which (the trust board) acts as the admission authority for the school (the admission authority).

3. The local authority for the area in which the school is located is the London Borough of Richmond-upon-Thames (LBRT or the LA). The LA is a party to this objection. Other parties to the objection are the objector, the trust and the school.

4. The objector set out three concerns in the objection: that the change to oversubscription criterion 6a in September 2023 has not since proven to have rendered that criterion any less discriminatory than before it was changed; that the school did not consult properly on that change in any event; and that the school has not reviewed its arrangements annually such that it has not evaluated the impact of the change since its introduction.

5. The objection raises a concern about the arrangements being discriminatory. I asked the objector to qualify the nature of the discrimination. They confirmed that they could not identify any discrimination in respect of any groups with “protected characteristics” as defined in the Equality Act 2010 and confirmed my interpretation that the meaning of the objection is that the arrangements are ‘unfair’ or ‘cause disadvantage’.

Jurisdiction

6. The terms of the funding agreement between the trust and the Secretary of State for Education require that the admissions policy and arrangements for the school, as a type of academy, 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. It told me it had done so on 26 February 2024 in email correspondence between board members. The minutes of the trust board meeting in which the determination of the arrangements was formally recorded were dated 4 March 2024. This is after the deadline for determining arrangements, which was 28 February 2024. However, this does not affect the standing of the arrangements or my power to consider them or the objection about them.

7. The objector submitted their objection to these determined arrangements on 9 April 2024. The objector has asked to have their identity kept from the other parties and has met the requirement of Regulation 24 of the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 by providing details of his name and address to me.

8. I am satisfied the objection has been properly referred to me in accordance with section 88H of the Act and two of the three concerns raised (as set out in ‘The Objection’ section below) are within my jurisdiction.

9. I have determined that the part of the objection in which the objector expresses a concern that the school did not consult on the change to oversubscription criterion 6a is not within my jurisdiction. This is because my jurisdiction is only for the 2025/26 arrangements. The period the objector is concerned about (November 2022) relates to the consultation

period in the determination year for the 2024/25 arrangements. I will not therefore consider this aspect of the objection. However, I do note that the trust made the change to the school's arrangements after requesting a variation from the School Complaints and Compliance Unit (SCCU) of the Department for Education (DfE) – and that the request was agreed by the SCCU – which is permitted under paragraph 3.6 of the School Admissions Code (the Code).

10. The objector has also made suggestions as to how the arrangements for 2025/26 could be changed to make them, in their view, 'fairer'. As an adjudicator, my role is to consider Code compliance issues; it is not to give advice. My jurisdiction is to consider the arrangements as they are set out and not how they could be. I cannot, therefore, advise on any of the suggestions made.

11. I have also used my power under section 88I of the Act to consider the arrangements as a whole and to determine whether or not they conform with the requirements relating to admissions and, if not, in what ways they do not so conform. I will refer to these as 'Other Matters' and they are covered in the sections of the determination under that name.

Procedure

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

13. The documents 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 objector's form of objection dated 9 April 2024 and supporting documents;
- d. the responses of the trust and LA to the objection, along with supporting documents;
- e. a copy of the trust's master and school's supplementary funding agreements;
- f. a copy of the original free school application made by the trust;
- g. the LA's online composite prospectus for admissions to secondary schools;
- h. information available on the websites of the school, trust, LA, the DfE (particularly the 'Get Information About Schools' (GIAS) site) and Ofsted;
- i. the IoD 2019 (indices of deprivation in 2019) Interactive Dashboard website from the former Ministry of Housing, Communities and Local Government;
- j. Google Maps;
- k. the Map Developers' draw a circle tool website;

- l. responses from all parties in respect of my requests for information; and
- m. two previous determinations for the school (case reference numbers ADA3143 (2016) and ADA3875 (2021)).

14. I note here that, in respect of me having had sight of previous determinations for the school, those determinations do not set precedents. I have considered the arrangements on their merits against the requirements set out in legislation and the Code and in the light of the facts and circumstances as they are now. The objector makes specific reference to case reference number ADA3875, which I will refer to as the '2021 determination'.

The Objection

15. The objector expressed the following concerns that are within my jurisdiction:

- A. The change to the admission point under oversubscription criterion 6a (from the front gate in Hospital Bridge Road to a more central point at the 'Sun Stairs' door of the school's main building) has not had the effect of making the arrangements any less unfair to those who access the school from the Recreation Ground Gate (referred to as the 'back gate' by the school).
- B. The trust has not reviewed the school's arrangements annually and therefore cannot have evaluated the impact of the change to oversubscription criterion 6a since its introduction.

16. In respect of the two concerns, the objector did not reference any relevant paragraphs of the Code in the form of objection. I have identified that the following paragraphs are relevant:

- 14: "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."
- 15 b) (part): "Admission authorities **must** set ('determine') admission arrangements annually. [...]"
- 1.8 (part): "Admission authorities **must** ensure that their arrangements will not disadvantage unfairly, either directly or indirectly, a child from a particular social or racial group [...]"

17. About concern A., I make the following points:

- 17.1 The objector states that the arrangements in respect of oversubscription criterion 6a were not fair / caused disadvantage before the change of the AP, and that the change itself has not remedied that situation. I note that the objector has not stated that the change of AP has increased the level of disadvantage / unfairness they perceive, just that they perceive disadvantage /

unfairness to remain. In any event, my jurisdiction is only for the 2025 arrangements. I will therefore not be considering previous arrangements.

- 17.2 All admission arrangements create advantage for some applicants and disadvantage to others; indeed, that is their purpose. However, any disadvantage would have to be unfair to be contrary to the Code. To test the fairness of oversubscription criterion 6a, I will first consider whether that criterion is reasonable. Only if found to be reasonable will I then consider whether the arrangements operate fairly. I will say more about how I will go about testing ‘reasonableness’ and ‘fairness’ at the relevant point in the determination.

Other Matters

18. The aspects of the arrangements which I identified as not or possibly not conforming with the requirements relating to admissions have been set out in detail towards the end of this determination.

19. In summary, I note here that I raised the following matters in respect of the arrangements: the section of the arrangements dealing with Education Health and Care Plans (EHCPs) is incorrectly titled ‘Special Educational Needs’, which would be unclear for parents; the use of asterisks next to terms used in the arrangements, which are then not linked to any other part of the arrangements, being unclear for parents; there is a lack of information on how an applicant’s home address is defined when a child lives for part of the week with different parents after the breakdown of their relationship; an expectation that parents must request to be placed on the waiting list when that is not in line with the Code; a reference to the ‘permanent site’ of the school when the school has already moved to its permanent site would be unclear for parents; the explanation of the way those on the waiting list are prioritised is unclear for parents; and there being a lack of a clear explanation for parents wishing to apply for a place for their child(ren) out of their chronological age group.

Background

20. According to GIAS, the school is a non-selective and co-educational school without a religious character. Ofsted rated the school as ‘Good’ in October 2023. The published admission number (PAN) for Year 7 is 150.

21. The background to the school being opened through the Government’s free school programme is set out on the school’s website:

“The idea for establishing Turing House School was formed in 2011 by a small group of local parents. They saw local primary school communities breaking up as children transitioned towards secondary school, and recognised an increasing local need for more high quality co-educational, inclusive school places for families in south-west Twickenham and surrounding areas.

The founding parents approached the Russell Education Trust (RET), who had a strong track record of school leadership and support. A steering group was formed to develop the proposal and raise awareness within the community, enlisting the support of many hundreds of local families.

In 2013, the Department for Education provisionally approved the school proposal, and the Education and Skills Funding Agency (ESFA) began the difficult task of procuring a site. In 2015, following an extensive search and discussions with local stakeholders, plans were announced for our permanent school site in Hospital Bridge Road in Whitton. In the meantime, we were given the green light to open our school in temporary accommodation in Teddington, where our founding cohort of 100 Year 7 students started in September 2015. In 2018, we expanded to a second temporary site in Hampton. However, we were thrilled to finally move to our permanent home in Whitton in April 2022! [...]

We named our school Turing House in honour of the inspirational mathematician and scientist Alan Turing. After his key role in cracking the German Enigma Code during the Second World War, he moved to Hampton and worked at Teddington's National Physical Laboratory, where he began his ground breaking work developing the earliest modern computers. By honouring and celebrating his achievements we aim to reflect a culture of possibility in our school; a school where staff and students are inspired to aim high, think creatively and achieve their full potential."

22. The RET includes four other secondary free schools: Bristol Free School (graded 'Good' by Ofsted); Becket Keys Church of England Free School (Brentwood, graded 'Outstanding' by Ofsted); King's School (Hove, graded 'Good' by Ofsted); and St Andrew the Apostle Greek Orthodox School (North London Business Park, graded 'Good' by Ofsted).

23. The arrangements set out that children with EHCPs will be admitted first. Then, in times when oversubscribed, children will be prioritised according to the oversubscription criteria. These can be summarised as follows:

1. Looked after children or previously looked after children.
2. Children who have an exceptional medical or social need requiring their admission to the school rather than another.
3. Children whose parents have been granted 'Founders' Status' of the school by the Secretary of State (priority is given to applicants who are family members of the free school's founders).
4. Children having siblings on the roll of the school in any year group, including the sixth form, at the date of their application for admission.
5. Children of staff.
6. The remaining places are allocated as follows:

- a. Twenty per cent will be allocated to those applicants whose home address is closest to the 'Sun Stairs' door of the school building (defined as OS Grid Reference TQ 13480 73643).
- b. Eighty per cent will be allocated to those applicants whose home address is closest to the Nodal Admissions Point (NAP) for the school (defined as TQ 15356 71392).

In the event of two or more applications that cannot otherwise be separated by criteria 1-5, the vacant place will be allocated to the applicant whose home address is closest to 'Sun Stairs' door of the school building. Siblings from the same address who are in a tie-break situation for the same vacant place, will all be offered places. In other cases where applications cannot be separated by distance, an independent party will randomly allocate the place via the drawing of lots.

24. Prior to moving to its permanent site, the school had two NAPs. One NAP was the current nodal point under oversubscription criterion 6b which has remained unchanged since the school opened. This NAP is located in Somerset Gardens in Twickenham, near the border of Fulwell and Teddington Wards. Using Google Maps, I can see that the NAP is situated 1.81 miles (as the crow flies) or 2.1 miles (walking or driving) south-east of the school. The school explains the reason for the location of its NAP on its website, as:

"This location is within the area on the Middlesex side of Richmond Borough that Turing House was established to serve. It was chosen because it is the furthest point (2237m to be precise) from other local co-ed non-faith secondary schools. It therefore prioritises families who have least priority for other co-ed schools, and also helps to distribute our impact on other schools' admissions. [...]

Turing House governors are committed to striking an appropriate balance between serving demand near the school and the broader area of need that the school was established to serve. [...]

The Nodal Admissions Point was identified with Microsoft Excel Solver, using Linear Programming, an optimisation technique developed by a Russian contemporary of Alan Turing.

To put it simply, the algorithm tried many different British National Grid points within the polygon formed by the area's other co-ed secondaries, until it found the point that was furthest from all of them. We could have done the same thing by hand, with a map and a ruler, but it would have taken a very long time and would have been a lot less reliable! [...]

Our Nodal Admissions Point caters for local need in an area at risk of reduced access to co-ed Year 7 places. External applicants to Year 12 have a different range of choices, so the same rationale does not apply. Both admissions policies are reviewed annually by our Local Governing Body to ensure that they remain fair and reasonable."

25. In its response to my request for an explanation of how the NAP had been calculated, the trust provided the following information:

“The school’s current nodal admissions point was calculated for the school’s pre-opening consultation, which ran from December 2014, until January 2015, and was adopted for the September 2016 admissions policy. We no longer have the spreadsheet containing the original calculation, but we can re-create it if required to do so.

A different nodal point (further north, near Waldegrave Girls’ School) had been used for the school’s September 2015 founding cohort. That point had been defined in the school’s Free School Application. It was considered by some people to be too close to Twickenham School, one of two borough schools that were anticipated to be most impacted by the opening of Turing House. Also, the logic that was used to define it, using the simple intersection of four school locations (Teddington School, Hampton High, Twickenham School, Orleans Park), was expected to be undermined by the opening of a fifth school, The Richmond upon Thames School, in September 2017.

The Local Authority expressed reservations regarding the principle of using a nodal admissions point in its response to the school’s pre-opening consultation. However, the Associate Director of School Place Planning subsequently acknowledged its benefits to the Borough at the Planning Committee meeting for the school’s permanent site (July 10th, 2019).”

26. The second NAP, under oversubscription criterion 6a, was the notional entrance to what was then the planned (now the current) school site in Hospital Bridge Road. When the school moved to its current permanent location in 2022, the entrance in Hospital Bridge Road could no longer be a NAP (as a point on the school site cannot be such as is set out in the definition of a ‘Nodal Point’ in the Code) and so was treated from then as an ‘admission point’ (AP) under criterion 6a.

27. The change to oversubscription criterion 6a from September 2023 moved the AP from the entrance in Hospital Bridge Road to the ‘Sun Stairs’ door entrance to the school. This moved the AP 110 metres to the west-north-west (a straight line distance measured between UK grid reference TQ 13577 73596 (the Hospital Bridge Road entrance) and grid reference TQ 13480 73643 (the ‘Sun Stairs’ door entrance)). When at the Hospital Bridge Road entrance, the AP was 340 metres (straight line distance) east-north-east of the back gate entrance (TQ 13261 73463). Moving the AP to the ‘Sun Stairs’ door entrance reduced the distance between the back gate entrance to 280 metres (straight line distance) from the AP.

28. I asked the trust to explain the rationale for the change to the AP through its request for a variation to its arrangements from the SCCU in 2022. In its response, it told me:

“The request for a variation to our September 2023 admissions policy arose following the school’s April 2022 move to Hospital Bridge Road. It was proposed in September 2022, following observation of how students had been using the entrances, and

discussed between the school’s Admissions Link Governor, the RET CEO, the Headteacher, and the Chair of Governors. The RET CEO also discussed it with the local authority.

The rationale [for] the variation request [...] was aimed at meeting the requirement for reasonableness in section 1.13 of the Admissions Code.

Pending DfE approval, the draft variation was formally considered and approved by the school’s Local Governing Body at its October 2022 meeting, and subsequently considered and approved by the RET board. The appropriate bodies were notified as required by 3.6 of the admissions code and amplified by footnote 72. In addition, the proposal was flagged to potential 2023 applicants via a notification on the school website and at the school’s October 2023 open evening and open morning events.

The variation was formally approved by the DfE on 4th November 2022, via email [...].

The variation made the arrangements more reasonable for children living closest to the rear gate because their home-school distance would otherwise have been measured to the front gate, which they didn’t routinely use. Instead, all applicants now have their distance measured to a school entrance that is commonly accessed by children using both gates.”

29. The trust provided me with the number of children in each year group in the school (as of May 2024) with the PAN for each year group (at the year of entry). I have put that data into Table 1.

Table 1: Number of children in each year group (as of May 2024) and the PAN for each year group (at the year of entry)

Year group	7	8	9	10	11	12	13	TOTAL
Number of children	168	165	165	166	125	83	68	980
PAN	150	150	150	150	125	30 ¹	30 ¹	

Key:

¹ external PAN

30. About the figures in Table 1, the trust told me in its response that:

“When the school opened in 2015, it had a single cohort of 100 Year 7 students. It expanded by one cohort each year until September 2021, when its founding cohort reached Year 13. Since then, the school has had students in all secondary and sixth form year groups.

Between September 2015 and April 2022, the school operated from two temporary sites: an ex-office building in Teddington and, from September 2018, an ex-special

school in Hampton. The Education and Skills Funding Agency (ESFA) was responsible for funding the adaptations and extensions required to teach students in temporary accommodation. As they tightly controlled spending on temporary sites, their agreement was needed each year on the number of pupils the school could take into its incoming Year 7, as they funded the necessary modifications each summer before the new students arrived. This meant that the school's Published Admission Number (PAN) was tightly restricted for its first 5 years. It was only permitted to reach 150 (the number set out in its original funding agreement) from September 2020, after the planning permission was approved for its permanent site in Hospital Bridge Road, Whitton.

The whole school moved to Hospital Bridge Road in April 2022. The purpose-built site was designed for a maximum of 1050 students. Its original planning consent permitted 750 places in the Secondary phase (Years 7-11) and 300 Sixth Form places (Years 12-13), but in July 2022 the school submitted an application for this to be varied to 830 Secondary phase places and 220 Sixth Form places. Consideration of the application was delayed due to capacity issues in Richmond's planning department and dependencies on other planning conditions, but it was approved on 29th May 2024.

In anticipation of planning consent being granted, Turing House increased its Year 7 offers to 165 (15 more than its PAN of 150) for September 2022, 2023, and 2024. It did this in line with the second sentence of School Admissions Code clause 1.4: "If, at any time following determination of the PAN, an admission authority decides that it is able to admit above its PAN, it **must** notify the local authority in good time to allow the local authority to deliver its co-ordination responsibilities effectively." The admissions authority expects to formally increase its Year 7 PAN to 165 now that the planning variation is confirmed.

In June 2023, due to the budgetary pressures that schools are experiencing nationally, and capacity on the new site, the Turing House admissions authority decided to also increase the admission number for its September 2020 and 2021 cohorts (current year-groups 10 and 9) from 150 to 165. Both year groups had waiting lists, from which offers were made to fill the new spaces."

28. The LA told me that the school is oversubscribed:

"As of 3 June 2024, there are currently 232 children on the waiting list for Turing House School. All of the in-borough children on the waiting list have received an offer for another school.

120 of these children on the waiting list for Turing House school are also on the waiting list for one or more other preferred schools."

Consideration of Case

29. I will consider, in turn, each of the two concerns raised by the objector that are within my jurisdiction.

A. The change to the admission point under oversubscription criterion 6a (from the front gate in Hospital Bridge Road to a more central point at the 'Sun Stairs' door of the school's main building) has not had the effect of making the arrangements any less unfair to those who access the school from the Recreation Ground Gate (referred to as the 'back gate' by the school).

30. About this concern, the objector said:

“The school updated the criteria 6a above on 4 November 2022 [...]

The email [from the school to the objector] on 11 March 2024 [...] states: “After the April 2022 move, our governing body considered that it had an obligation to move the Hospital Bridge Road gate point for September 2023 admissions on the grounds that the policy might otherwise be deemed unfair to students travelling to school via the back gate.

Clearly this objective has not been achieved in view of the admission pattern for both Y72023 [Year 7 entry in 2023] and Y72024 [Year 7 entry in 2024]. The change to the on-site admission point under criteria 6a does not achieve its stated objectives of being fair; “to be fair to students accessing the site via both gates” since no students (excluding siblings) on offer date gained an entry into Y7 2023 or Y7 2024 who were living in Woodlawn Estate (south of Powder Mill Lane) [...].

My objection is that ‘Sun Stairs’ is not a central point at the school site but of the main building which is nearer the front gate and is discriminatory and/or unfair to students travelling to school via the back gate. The ‘Sun Stairs’ point favours students living nearer the front gate opposite Hospital Bridge Road compared to the rear gate on Heathfield Recreational Ground.

The difference in distance to ‘Sun Stairs’ between Hospital Bridge Road Gate and Recreational Ground Gate is approximately 300m, which makes a material difference under criteria 6a. The cut-off points under criteria 6a on 1 March 2023 and 1 March 2024 was 636m and 715m for Y72023 and Y72024 respectively.”

31. When considering the disadvantage that the objector asserts is caused by the AP used in oversubscription criterion 6a, I will consider the reasonableness and fairness of this aspect of the school's arrangements. I will adopt a two-stage approach: first, I will assess whether the AP is reasonable. If I find that it is unreasonable, the AP would be non-compliant with the Code and I would not need to proceed to the second stage. If the AP is found to be reasonable, I will go on to look whether the effect of the AP on admissions is fair.

32. The Code uses the term 'reasonable' but does not define it. An everyday definition is of having sound judgement; being sensible and rational. It is the requirement of public bodies, including admission authorities, that they must act reasonably in adopting any policy or making any decision. The test I will apply to reach a conclusion on this aspect of the objection, therefore, is whether the AP used in oversubscription criterion 6a is one which a reasonable admission authority acting rationally and taking into account all relevant factors and no irrelevant factors would choose (the 'reasonableness test'). This is an objective test. It will be necessary to consider the rationale for adopting it (Part 1 of the test) and the effect of its practical operation (Part 2). Part 1 follows.

33. I note that the original free school application included the fact that the AP would be part of the admission arrangements for the school from its opening:

"The other percentage (to be decided, but 0% in 2014) of remaining places will be allocated to children living closest to the school, measured by the shortest route by road or maintained footpath, accompanied as necessary, from the middle (the "seed-point") of their home, out of the front entrance, to the nearest pedestrian school gate used by the relevant year-group."

(Underlining is my emphasis).

34. The outcome of the trust's consultation into whether it should enter into a Supplemental Funding Agreement with the Secretary of State to establish the school in 2015, is still available on its website. One of the consultation questions was: "We intend to retain an admission point in the original area of demand for the school [the NAP] and also admit a proportion of students from the location of the school [the AP]. Should we do this?" Out of the 161 responses, 138 said 'yes', 13 said 'no' and 10 responded 'don't know'. Eighty-six per cent of those responding to the consultation agreed that the school should not only retain the NAP, but also the AP.

35. I have already set out the reasons given by the trust for adopting the AP in the school's arrangements, which I will summarise here. When the school was opened, it was not originally sited in its final location. The AP was then a NAP, and prioritised admission for a small proportion of children who would be local to the school when it moved to its permanent site. Upon moving to its permanent site, the NAP under oversubscription criterion 6a changed to an AP. The AP continues to provide priority for only 20 per cent of admissions under criterion 6 for children living more locally to the school, whilst criterion 6b continues to prioritise a larger proportion of admission (80 per cent) from the location which the school was originally set up to serve (focussed on the NAP). I have also already set out the rationale for the change to the AP in September 2023. In summary, the trust told me it was an attempt to make admission fairer under criterion 6a as it moved the AP closer to the school's back gate entrance which it was found was used more routinely by those children living near that area of the school site.

36. About this concern, the LA told me that:

“Turing House was established to meet demand for school places in the West Twickenham, South Twickenham and North Teddington areas and that intention remains the same. The school was not able to secure a permanent site closer to this part of the borough. As a consequence of the school’s permanent site being located in Whitton, and the allocation of 20% of places having priority based on distance to that site (Band 2), the children living in the Heathfield and Whitton wards have an added option in their local area for a school that they would have been unlikely to have got a place at if an alternative site closer to (or within) West Twickenham, South Twickenham or North Teddington had been secured.

Until the school moved to its permanent site in April 2022, the nodal point for the permanent site was measured to the permanent site. The new site had an additional entrance to the rear of the property, and the school decided to relocate the existing nodal point to be more fair to the children living to the west of the site who would typically use the rear entrance. They requested a variation to the determined 2023/24 admission arrangements and identified a more central position on the school’s main building (the Sun Stairs door), based on the doors typically used by pupils.

It is our position that the location of the point is clearly explained and made on reasonable grounds as required by the School Admissions Code (para. 1.13). The school has taken measures to explain the reasoning behind their admission arrangements on their website, and it is my understanding that they are also explained at the open events for prospective parents.”

37. In respect of Part 1 of the ‘reasonableness test’, I find that the trust has been transparent about the rationale for adopting the AP under oversubscription criterion 6a. The trust made clear its plan to include an AP in its admission arrangements in the original free school application and asked for views about such in the consultation conducted in 2015. The school has set out its reasons for the change in the AP in September 2023, and the LA has not raised any concerns; indeed, it is supportive of the AP being part of the arrangements and the change made to its location. I determine that the trust has been open about and provided a rational, and therefore reasonable, justification for the AP, and for the subsequent change to its location as implemented in the school’s arrangements since September 2023.

38. Turning now to Part 2 of the test of reasonableness, I intend to look at the effect of the practical operation of the arrangements in respect of the concern raised by the objector and in the context of my findings in Part 1 of the test.

39. As I outlined earlier, the objector is of the view that the AP, regardless of the change to its location in September 2023, has had the effect of causing disadvantage to children living in the Woodlawn Estate (south of Powder Mill Lane). I note here that the objector has indicated in the documents submitted with the form of objection, that the Woodlawn Estate is an area of housing located to the south of the school. This area is bounded to the west by the A314, in the east by Hospital Bridge Road, to the north by Powder Mill Lane and to the

south by Ellerman Avenue and the River Crane. The children from this area are more likely to use the back gate entrance on their journeys to and from the school. I have taken this area to be the 'social group' that the objector identifies is disadvantaged unfairly under paragraph 1.8 of the Code. For the avoidance of doubt, the objector did not identify any disadvantaged racial group on the form of objection.

40. The objector provided only the following evidence in respect of this part of the objection:

- A copy of the September 2023 Admissions Map from the school's website showing the postcodes from which children were admitted to the school in that year under oversubscription criteria 6a and 6b or who were added to the school's waiting list. The objector circled the Woodlawn Estate area to show that every application from addresses in that area did not get offered a place at the school in 2023.
- Data showing the furthest distance of the address of the last child admitted to the school under both criteria 6a and 6b between 2020 and 2024 (as shown in Table 2).

41. In the absence of detailed evidence from the objector, I have looked at other data the school provides on its website. I have put the school's admission data for 2020 to 2024 into Table 2.

Table 2: Admission data for the school from 2020 to 2024

	2020	2021	2022	2023	2024
Total number of applications	794	847	898	1002	1059
PAN	150	150	150	150	150
Total number of places offered on 1 March (National Offer Day (NOD))	150	150	165	165	165
Offers to students with an EHCP	1	2	8	6	8
Offers for looked-after and previously looked-after children (criterion 1)	1	3	1	2	1
Offers for family, social, medical reasons (criterion 2)	1	1	1	0	0
Offers for founders' children (criterion 3)	0	0	0	0	0
Offers for siblings (criterion 4)	29	41	45	42	51
Offers for children of staff (criterion 5)	0	1	1	3	1
Offers based on distance from home to the school entrance (criterion 6a)	24	20	22	22	21

	2020	2021	2022	2023	2024
Offers based on distance from home to the NAP (criterion 6b)	94	82	87	90	83
Number of appeals heard	1	2	4	13	14
Number of successful appeals	0	2	0	0	1
Furthest distance from home to school offered under criterion 6a on a March (and 31 August) ²	1476m (1556m)	1019m (1019m)	849m (1233m)	636m (698m)	715m
Furthest distance from home to the NAP offered under criteria 6b on 1 March (and 31 August)²	2849m (4414m)	2245m (3088m)	2633m (3829m)	2285m (2469m)	2293m
Is there a waiting list?	Yes	Yes	Yes	Yes	Yes

Key:

² Figures in brackets give the corresponding cut-off distances by 31 August. Due to waiting list movement, cut-off distances for all schools usually increase between NOD in March and the start of the school year in September.

42. The data in Table 2 clearly show that applications for places have increased over the five-year period. As the school has become more popular, the number of appeals has increased. I can see that the number of children admitted to the school under oversubscription criteria 1, 2 and 5 has been small and no child of a school founder has been admitted at all during this period under criterion 3. Under criterion 4, the number of siblings admitted has increased. Despite the school admitting over PAN in the last three years, the numbers admitted under criteria 6a and 6b have decreased slightly over the five-year period; albeit only very slightly for criterion 6a. It is likely that the reduction in admissions under criteria 6a and 6b can be attributed to the increasing numbers of siblings admitted under criterion 4.

43. Table 2 includes data showing the furthest distance of the last child admitted under criterion 6a for the last five years, which was also highlighted by the objector as evidence of the disadvantage caused to applicants from the Woodlawn Estate by that criterion. I can see that the furthest distance in 2023 had reduced to less than half what it was in 2020. However, the trust told me that this was recognised by the school and led to the application to the SCCU to change the location of the AP used for oversubscription criterion 6a in November 2022. I can see that since that change was made, the furthest distance of the last child offered a place in September 2024 has increased.

44. As well as the September 2023 Admissions Map provided by the objector, the school's website has links to admission maps for 2019 to 2022 (September admission). There will not yet be a version for 2024. I have looked at all of these maps and put the data from them into Table 3:

Table 3: Data from September admissions maps (2019 to 2023) pertaining to the Woodlawn Estate area

Year	Number of postcodes from which there were applicants	Number of postcodes from which there were admissions under criterion 6a	Percentage admitted under criterion 6a	Number of postcodes from which there were admissions under criterion 6b	Number of postcodes on waiting list
2019	7	0	0	0	7
2020	6	6	100	0	0
2021	6	3	50	0	3
2022	3	2	67	1	0
2023	14	0	0	0	14

45. There does not appear to be a pattern to the per postcode admission to the school over this period. The number of postcodes in the Woodlawn Estate from which there are applications ranges from 3 to 14 and the number admitted ranges from 0 to 100 per cent. Additionally, it would be statistically unreliable to attempt to discern any patterns to the admission to the school from postcodes in this area since the school moved to its permanent site (in 2022). However, the data for 2023 illustrate the issue raised by the objector, that after the change to the AP for admission in September 2023, the number admitted to the school under criterion 6a from postcodes in Woodlawn Estate has dropped.

46. Whilst the objector is of the view that the data for 2023 proves that oversubscription criterion has created disadvantage, the trust told me that there were other reasons for those living in the Woodlawn Estate not being offered places:

“The school’s application numbers for September 2023 and 2024 increased relative to previous years, and there was a corresponding reduction in maximum offer distances. This is likely to be due to a local increase in the number of children transferring from local primary schools, as well as to the relative stability of our new location.

One effect of the increased volume of applications between September 2022 and September 2023 was a reduction of distance offers to children living in the area south of Heathfield Recreation Ground. This reduction was not due to the admissions policy variation. If the policy had not been varied then the outcome would have been similar, due to the high number of applications from families living very close to the front gate.”

47. The Map Developers’ draw a circle website tool allows a user to input a postcode and a distance from it. The tool then draws a circle, the radius of which is the distance input, onto a Google map. In the absence of an admission map for the school for 2024, I have used this tool to plot the data of the furthest distance of the last child offered a place under oversubscription criterion 6a for 2024 (715m – as in Table 2) to see whether that includes any or all of the Woodlawn Estate area. It is clear from doing so that the circle covers over half of the area, excluding the south-westerly part of the estate furthest from the school.

Given that the same circle plotted for the furthest distance admitted for 2023 (at 636m for 1 March to give a direct comparison with the 2024 data) would have covered only a much smaller area of the estate just south of Powder Mill Lane, it indicates that the change the trust has made to the location of the AP under oversubscription criterion 6a appears to be having an impact on increasing the potential for applicants from this area being offered a place at the school. It is too early to tell whether this will have any long-term impact on increasing admission from the Woodlawn Estate area.

48. In concluding the ‘reasonableness test’, I do not see evidence in the data I have presented that the concern raised will affect the practical operation of the arrangements in the way that the objector asserts. Paragraph 1.10 of the Code allows an admission authority to, “decide which criteria would be most suitable to the school according to the local circumstances”. In my view, the school has given priority under oversubscription criterion 6a to children who live more locally than it was set up to serve (that purpose being represented by the larger proportion of its intake being admitted from closer to the NAP under oversubscription criterion 6b). It has also prioritised those children for admission above those the school was set up to serve. After considering the rationale and practical operation of the arrangements, I conclude that oversubscription criterion 6a (and the change the trust made to the AP which prioritises admission under that criterion in September 2023) meet the reasonableness test and therefore conform to those parts of paragraph 1.8 of the Code which require the oversubscription criteria of the arrangements to be reasonable.

49. I have found the arrangements, by way of oversubscription criterion 6a, to be reasonable, and therefore now go on to consider the second stage – the fairness of this part of the arrangements. Fairness is a concept, not unlike being ‘reasonable’, that is used in the Code but is not defined. Fairness can be described as a ‘protean concept’, in that it cannot be defined in universal terms, but its requirements will depend on the circumstances. Fairness is focussed on the effect of the arrangements on any relevant group. I re-stress here that oversubscription criteria create advantage for some applicants and disadvantage to others. In relation to admission arrangements, fairness is often best evaluated by undertaking a balancing exercise, weighing the advantage said to accrue to children who would be offered places (or afforded a high priority for places) at the school in consequence of the arrangements, against any disadvantage caused to any other relevant group of children who would not be offered places (or would not be afforded a high priority for places). Unfairness can be found when the disadvantage is considered to outweigh the advantage. In this context, the disadvantage to assess is to those applicants from the Woodlawn Estate area of Heathfield ward who might not get a place at the school under oversubscription criterion 6a. I will assess fairness in terms of the scale of the disadvantage to those applicants to the school from the Woodlawn Estate area, the options – in terms of other schools – available for parents of children from that area, whether the arrangements disadvantage those from lower socio-economic groups and whether the change affects the LA’s ability to fulfil its duty to provide a sufficiency of school places in the area.

50. I pause here to take the opportunity to explain something about the data that I will consider in the test of fairness. The objector has made assertions about the impact of

oversubscription criterion 6a, without much in the way of substantive supporting evidence. However, there is considerable relevant data on a number of publicly available websites. In order to assess the assertions made by the objection, I have myself accessed these websites since my function as an adjudicator is an inquisitorial one. I have then shared that information with all parties and invited any comments that they wish to make about that data. The LA and the trust confirmed that they wished to make no comment about the data. The objector did comment, and I have included that at the relevant point below.

51. The data used to test for reasonableness can also be employed in the test for fairness. Although data considered earlier show that it has not always been the case that applicants from postcodes in the Woodlawn Estate area are offered places, there are other considerations: oversubscription criterion 6a is not the only one of the oversubscription criterion that children can be offered places under (for example, siblings can be offered places under criterion 4); there have been years where some or all of those applying from that area have been offered places; and the scale of the disadvantage is reduced by the number applying from the Woodlawn Estate area being only a small proportion of the overall number of applicants for places at the school.

52. The Woodlawn Estate is situated in London, the largest city in the country. THS, therefore, is unlikely to be the only choice for parents in the area. According to the DfE's GIAS website, there are 22 other secondary schools within three miles of THS's postcode. I have put those schools, along with their relevant characteristics, into Table 4.

Table 4: Secondary schools within three miles of the school's postcode with relevant characteristics

School Name	Distance from school (miles)	Local authority	Gender of entry	Selection?	Religious character	Ofsted
Twickenham School	0.51	LBRT	Mixed	No	None	Good
The Heathland School	0.59	Hounslow	Mixed	No	None	Outstanding
Waldegrave School	1.12	LBRT	Mixed	No	None	Outstanding
St Mark's Catholic School	1.28	Hounslow	Mixed	No	Roman Catholic	Outstanding
The Richmond upon Thames School	1.28	LBRT	Mixed	No	None	Good
Springwest Academy	1.38	Hounslow	Mixed	No	None	Good
Logic Studio School	1.38	Hounslow	Mixed	No	None	Good

School Name	Distance from school (miles)	Local authority	Gender of entry	Selection?	Religious character	Ofsted
Hampton High	1.46	LBRT	Mixed	No	None	Good
Kingsley Academy	1.53	Hounslow	Mixed	No	None	Good
St Richard Reynolds Catholic High School	1.57	LBRT	Mixed	No	Roman Catholic	Outstanding
Reach Academy Feltham	1.83	Hounslow	Mixed	No	None	Outstanding
Lampton Academy	1.88	Hounslow	Mixed	No	None	Outstanding
Orleans Park School	2.16	LBRT	Mixed	No	None	Outstanding
Gumley House RC Convent School, FCJ	2.18	Hounslow	Girls	No	Roman Catholic	Good
Rivers Academy West London	2.18	Hounslow	Mixed	No	None	Good
Space Studio West London	2.18	Hounslow	Mixed	No	None	Good
Heston Community School	2.34	Hounslow	Mixed	No	None	Good
Isleworth and Syon School for Boys	2.45	Hounslow	Boys	No	None	Good
Grey Court School	2.63	LBRT	Mixed	No	None	Outstanding
The Green School for Boys	2.8	Hounslow	Boys	No	Church of England	Good
The Green School for Girls	2.81	Hounslow	Girls	No	Church of England	Good
Nishkam School West London	2.94	Hounslow	Mixed	No	Sikh	Outstanding

53. Table 4 shows that 15 of the schools share the same characteristics as THS (mixed, non-selective and without a religious character). All of those schools have been rated as 'Good' or 'Outstanding' by Ofsted. The LA told me that there were schools close to the Woodlawn Estate area that were not oversubscribed on NOD in March 2024 and have not been oversubscribed in recent years (for example Twickenham School and Springwest Academy). The LA did not raise any issues, in its response to me about the objection, in respect of any child in that area not being able to find a school place. It is clear to me that any disadvantage that oversubscription criterion 6a might cause to parents in the Woodlawn Estate area applying for places for their children at THS is mitigated by the wide choice of secondary schools (all with comparable or better Ofsted grades) in close proximity, some of which had places available at NOD in March 2024 (parents are able to indicate up to six preferences for schools on their application form). If current patterns persist, this is also likely to be the case for 2025.

54. Paragraph 1.8 of the Code requires that "Admission authorities **must** ensure that their arrangements will not disadvantage unfairly, either directly or indirectly, a child from a particular social or racial group [...]". In the 2021 determination, the adjudicator considering a similar objection to the school's arrangements determined that:

"I do not consider that the arrangements for Turing House School for admission in 2022 will create a substantial disadvantage for children living in Heathfield and Whitton wards. Therefore, no unfairness is caused and paragraph 1.8 of the Code is not breached. The arrangements are atypical. The use of nodal points is quite rare – although it is expressly contemplated in paragraph 1.13 of the Code. It is the case that where nodal points are used, the reasons include the need to establish an additional school to serve an area when there is no suitable site in that area itself, as was the case here. It may be that the arrangements could be improved upon, but my responsibility is solely to determine if they comply with the Code and the law relating to admissions. In this respect, that is, the distance criterion, I determine that they do and I do not uphold the objection on this ground."

55. About this, the LA told me:

"The question of whether the school's admissions arrangements unfairly disadvantage children from a particular social or racial group was considered by the Adjudicator during 2021 and the relevant objection was not upheld. Since that time, there have been no developments that would cause us to anticipate a change to that determination."

56. I pause to note that the objector's view – that oversubscription criterion 6a caused disadvantage and unfairness before the change to the AP in September 2023 – was not borne out at the time the 2021 determination was made.

57. I restate here that previous determinations do not set precedents. I have therefore taken the opportunity to look at whether oversubscription criterion 6a could be unfair to those in the Woodfarm Estate area and to those in lower socio-economic groups using data from the IoD 2019. The IoD 2019 data uses Lower-Layer Super Output Areas (LSOAs –

standard statistical geographical areas of England designed to be of a similar population size, with an average of approximately 1,500 residents or 650 households), organised by deciles (deciles are calculated by ranking the 32,844 LSOAs in England from most deprived to least deprived and dividing them into 10 equal groups, where '1' is the 10 per cent most deprived and '10' is the 10 per cent least deprived).

58. According to the IoD 2019 data, the Woodlawn Estate area can be found in LSOA 013F within the Heathfield ward of the LBRT. There are 115 LSOAs in LBRT. 013F was ranked 25,984 out of the 32,844 deciles in 2019, making it amongst the 30 per cent least deprived neighbourhoods in the country. It could not, therefore, be considered to be an area of deprivation. THS itself is located in LSOA 013C, classified in 2019 as amongst the 50 per cent most deprived neighbourhoods in the country. I note that there is housing in this area, which is in closer proximity to the school than that located in the Woodlawn Estate area. Any applications from that housing would be prioritised above those from the Woodlawn Estate area under oversubscription criterion 6a. When looking at the admission maps for 2019 to 2023, I can see that children from postcodes in LSOA 013C have been admitted every one of those years. It was also the case that admission has been afforded to children living in a deprived area near the school. Immediately south of LSOA 013F is LSOA 026A in Hounslow. This area was in the 20 per cent most deprived neighbourhoods in the country in 2019. Children were admitted from postcodes in this area in 2020 and 2022.

59. I also sought an understanding of profile of the school population, to see if this is indicative, more broadly, of the school's arrangements causing disadvantage and unfairness. To do this I looked at ward-level data. On the school's website, a diagram is provided which breaks down the number of children in the school in May 2023 by their home ward / borough location. There were 833 children in the school at that time. I have put that data into Table 5, along with the LSOAs in those areas and the corresponding decile (in brackets). It is important to note that this is the entire school population who were admitted over a five-year period (2018 to 2022) under the entirety of the oversubscription criteria and not just criterion 6a.

Table 5: Number of children in the school in May 2023 by home ward location

Ward name	Number of children	% of total	LSOAs (deciles) ³	Total Deciles ⁸	Average of Deciles ⁸
Fulwell and Hampton Hill	168	20.2	015C (5) 015F (7) 018A (10) 018B (9) 019A (9) 019B (10) 019C (8) 019D (8)	66	8.25
West Twickenham	128	15.4	015A (9) 015B (10)	58	8.29

Ward name	Number of children	% of total	LSOAs (deciles) ³	Total Deciles ⁸	Average of Deciles ⁸
Hampton North	55	6.6	020A (9) 020B (3) 020C (8) 020D (8) 020E (2) 020F (6)	36	6.00
Hampton	50	6.0	023A (10) 023B (9) 023C (10) 023D (10) 023E (4) 023F (9)	52	8.67
South Twickenham	35	4.2	014A (9) 014B (10) 016A (9) 016B (10) 016C (10) 016D (9)	57 ⁹	9.5 ⁹
Hampton Wick and South Teddington	20	2.4	022A (9) 022B (10) 022C (7) 022D (9) 022E (9) 022F (7)	51	8.50
Richmond Borough (East) ⁵	17	2.0	East Sheen: 005A (10) 005B (9) 005C (9) 005D (9) 012A (10) 012B (9)	56	9.33
			Ham, Petersham and Richmond Riverside: 008A (10) 012C (7) 012D (8) 017A (9) 017B (3) 017C (7)	44	7.33
Spelthorne Borough ⁶	6	0.7	Sunbury East: Spelthorne 010A (10)	51	8.50

Ward name	Number of children	% of total	LSOAs (deciles) ³	Total Deciles ⁸	Average of Deciles ⁸
			Spelthorne 010B (10) Spelthorne 010C (7) Spelthorne 010D (10) Spelthorne 011A (6) Spelthorne 011D (8)		
Twickenham Riverside	4	0.5	009A (10) 009B (9) 009C (10) 009D (9) 014C (9) 014D (9)	56	9.33
St Margaret's and North Twickenham	4	0.5	011A (7) 011B (10) 011C (10) 007A (10) 007B (10) 007C (10) 007D (9)	66	9.43
Elmbridge Borough ⁷	4	0.5	Molesey East: Elmbridge 001C (6) Elmbridge 001D (8) Elmbridge 002A (10) Elmbridge 002B (10) Elmbridge 002D (10) Elmbridge 003B (8)	52	8.67
			Thames Ditton: Elmbridge 002A (10) Elmbridge 002C (10) Elmbridge 005A (10) Elmbridge 005B (10) Elmbridge 005C (10) Elmbridge 005D (10)	60	10.00
			Long Ditton: Elmbridge 006A (9) Elmbridge 006B (10) Elmbridge 006C (10) Elmbridge 006D (8) Elmbridge 009B (10)	47	9.40
Other	2	0.2			

Key:

³ As ward boundaries and LSOAs do not have to match, there are parts of LSOAs in this list. It is not possible to add LSOAs for those resident in the 'Other' category.

⁴ It is assumed for the purposes of this exercise that the school draws only from those boroughs in Hounslow which border the boundary with Heathfield ward in the LBRT (in which THS is located). The Hounslow wards touching Heathfield ward are: Hounslow Heath and Hanworth Village wards.

⁵ I have included LSOAs from the following east-Richmond wards: East Sheen; and Ham, Petersham and Richmond Riverside.

⁶ It is assumed for the purposes of this exercise that the school draws only from those boroughs in Spelthorne touching the boundary with the LBRT. The only ward in Spelthorne which touches the boundary of the LBRT is Sunbury East.

⁷ It is assumed for the purposes of this exercise that the school draws only from those boroughs in Elmbridge touching the boundary with the LBRT. The only wards in Elmbridge which touch the boundary of the LBRT are: Molesey East, Thames Ditton and Long Ditton.

⁸ The data in the final columns in this table were provided by the objector in response to my request for any comments on such. Upon checking the data provided, I have had to make a number of corrections, where indicated by ⁹.

60. Along with the data in the last columns of Table 5 (⁸), the objector stated that:

"I consider that Heathfield ward and, to a lesser extent, Whitton ward have higher levels of social deprivation [...] than most of the other areas served by the school (within Richmond Upon Thames), the pupils living in these wards have been disadvantaged by the arrangements. Looking at the pattern of admissions for September 2023 & September 2024, the furthest distance of the home address from the permanent site of the school of a child allocated a place under criterion 6 a) was 636m/715m metres, respectively. The furthest distance of the home address from the nodal point (criterion 6 b)) of a child allocated a place at the school was 2,285m/2,293 metres in September 2023 and September 2024, respectively. Children living in Heathfield ward are at a disadvantage in obtaining a place at the school compared to children living closer to the nodal point in Somerset Gardens."

61. In this response, the objector has provided little more than a repetition of the points already made in the form of objection. It is already known that Heathfield ward (in which the Woodlawn Estate is situated) has higher levels of social deprivation than most of the other areas of LBRT from which it admits. However, the average decile score, as provided by the objector, shows that the ward as a whole is, albeit only just, in the 'upper decile range' (of 6 to 10). It also cannot be ignored, for the convenience of the point the objector wishes to make, that the school is admitting children from areas of Hounslow that are in the 'lower decile range' (of 1 to 5). This demonstrates that the school's arrangements are not disadvantaging children from deprived areas per se.

62. There are 115 LSOAs covering the LBRT area. In May 2023, the school's population lived in 69 of those LSOAs. I have worked out the proportion of each of the 10 deciles there are in the LSOAs in the LBRT and those in which the school population lived in May 2023. The data show that the profile of the school population at that time mirrored the level of affluence in the LBRT (with 88.4 per cent of the school population living in LSOAs being in the upper decile range (compared to 88.7 of all LSOAs in the LBRT) and 11.7 per cent of the school population living in LSOAs being in the lower decile range (compared to 11.3 of all LSOAs in the LBRT)).

Table 6: The number of the occurrence of each of the ten deciles in LSOAs in the LBRT compared to the deciles of the LSOAs where the children at the school lived in the LBRT in May 2023

Decile	Number of the occurrence of each of the 10 deciles of the LSOAs in the LBRT	Percentage of total	School population living in the LBRT in May 2023	Percentage of total
10	33	28.7	21	30.4
9	42	36.5	22	31.9
8	9	7.8	7	10.1
7	14	12.2	8	11.6
6	4	3.5	3	4.3
5	7	6.1	4	5.8
4	3	2.6	2	2.9
3	2	1.7	1	1.4
2	1	0.9	1	1.4
1	0	0.0	0	0.0

63. Table 7 shows the profile of the entire school population when the deciles from the LSOAs in Elmbridge, Spelthorne and Hounslow are added to those from the LBRT listed in Table 5 are taken into account.

Table 7: The number of the occurrence of each of the ten deciles in LSOAs in which all children lived who were part of the school population in May 2023

Decile	Total school population in May 2023	Percentage of total
10	39	32.8
9	28	23.5
8	12	10.1
7	11	9.2
6	5	4.2
5	10	8.4

Decile	Total school population in May 2023	Percentage of total
4	4	3.4
3	7	5.9
2	3	2.5
1	0	0.0

64. The data in Table 7 should be viewed in the context that: it has not been possible to include the LSOAs for two of the 833 children (as where they lived was only recorded as ‘other’³); and I have had to make some assumptions about the wards in which children lived in May 2023 in Elmbridge, Spelthorne and Hounslow^{4 6 7}). That aside, the data show that the percentage of children in the school population in May 2023 was made up of 79.8 percent of those living in LSOAs in the upper decile range and 20.2 per cent in the lower decile range. For a school originally set up to serve a gap in provision in a specific area of the LBRT, it has clearly attracted children from much further afield and a higher proportion from areas of the lowest levels of affluence when compared to the profile of affluence in the LBRT (shown in Table 6). I do not consider that the school’s admission arrangements cause disadvantage to groups from areas of higher deprivation.

65. When the LA was asked for its view on whether oversubscription criterion 6a gave it concern in respect of its ability to fulfil its duty to provide a sufficiency of places in its area, it told me:

“While the demand for secondary school places in the London Borough of Richmond remains high, the LA does not have any concerns that the points raised by the objector will frustrate the statutory duty to provide sufficiency of places as the objection is not to the 20% proportion of children having priority to the permanent site based on distance.

The catchment area for the children allocated a place at the school under this criterion has remained under one kilometre for the last three normal admissions rounds. The relocation of the current single nodal point to a different point within the site, or the introduction of nodal points for each entrance to the site, has the potential to shift more admissions to the west of the school, but the overall number of admissions under this criterion will remain the same. The impact will be relatively neutral with children living in the Heathfield/Whitton locality generally able to access other OFSTED rated Good or Outstanding schools within or close to the area. This includes Twickenham School and The Richmond upon Thames School within Richmond Borough, and The Heathland School in Hounslow Borough [...]”.

66. The balancing exercise shows that there is evidence of there having been disadvantage in some years to those applying from the Woodlawn Estate area by the prioritisation of admission under oversubscription criterion 6a. However, I do not see that as anything more than the disadvantage that would ordinarily be afforded by the arrangements. Indeed, in some years, some or all of the children applying from this area have been offered places at THS. The Woodlawn Estate is in an area which is in the upper

decile range and cannot be considered to be deprived. In any event, any disadvantage is mitigated by there being a substantial number of other Ofsted-graded 'Good' or 'Outstanding' schools with the same characteristics as THS and within three miles of its postcode.

67. I have found that the arrangements for 2025 are reasonable and are not causing any unfairness to any identifiable social group.

68. For these reasons, I do not find that oversubscription criterion 6a (or the change to it in September 2023), in the way the objector asserts, to be unfair. I, therefore, do not uphold this part of the objection.

B. The trust has not reviewed the school's arrangements annually and therefore cannot have evaluated the impact of the change to oversubscription criterion 6a since its introduction.

69. Paragraph 15 b) of the Code sets out the requirement that admissions authorities review their arrangements annually.

70. The objector told me that the 2021 determination stated:

"The trust says that it is committed to reviewing the arrangements annually. In my view, this is wise. Richmond and Hounslow LAs, which both expressed support for the current arrangements, will have important data and other perspectives to bring to such reviews. Any change to the arrangements will, of course, have implications not only for children living in the vicinity of the permanent site, but also for those whose addresses are closer to the nodal point."

71. The objector further told me that the trust could not possibly be reviewing the school's arrangements annually, on the basis that:

"If they had reviewed the policy, they should have concluded that the criteria [sic] 6a 'Sun Stairs' did not achieve their stated objectives and proactively work on this to rectify the situation."

72. In its response, the trust told me that, in respect of the 2025/26 arrangements:

"[...]"

2. The objector is incorrect in their assumption that the board did not consider the Turing House admissions arrangements as required by the code:

- a. All proposed arrangements were provided went to the Board meeting on 11 December
- b. The board minuted its agreement to them at that meeting [...]

- c. For clarity, the minute notes approval of changes. The changes were only a tie break clarification resulting for an extremely unusual circumstance that arose. [...]
- d. The board formally determined them at the end of February in email correspondence on 26 February which included copies of all the policies (already seen and considered at the December meeting)
- e. At the delayed meeting on 4 March they noted that they had done so – a paper explaining the process that had been undertaken was provided to the board [...]

73. The LA confirmed that it had received a copy of the reviewed and determined arrangements on 13 March 2024 and that these were also published on the school's website. In response to my request as to whether this has been its experience annually, the LA confirmed that:

“The Governing Body of Turing House School has routinely provided the local authority with a copy of their determined admission arrangements by 15 March in the determination year, as required by the School Admissions Code (para. 1.50).”

74. It appears to me that the change the trust made to oversubscription criterion 6a in the school's arrangements from September 2023 is evidence in and of itself that the school is reviewing its arrangements annually. In order for it to have considered there to be the need for the change it stands to reason that the trust would have had to have reviewed the evidence of the need to move the AP in the school's arrangements to the 'Sun Stairs' door from the Hospital Bridge Road entrance point.

75. In my view, whilst the trust is required to review the school's arrangements annually, it is too early to evaluate the effect of the change to oversubscription criterion 6a. It appears only with the offers made for entry in September 2024 that the change appears to be having an impact of reversing the reduction in the furthest distance of the last child admitted under that criterion. The trust will need to continue to monitor that annually for the next few years to make a full assessment of whether there will be a need to make any further changes to that criterion.

76. I cannot find evidence that the trust has not reviewed the school's arrangements annually. I, therefore, do not uphold this part of the objection.

Other Matters

77. Having considered the arrangements as a whole it appeared to me that the following matters do not conform with the requirements of the Code and so I brought them to the attention of the trust. These matters are (paragraphs of the Code are indicated where relevant):

- The section entitled “Special Educational Needs” [and Disability] (SEND) provides information about the admission with children with Education and Health Care

Plans (EHCPs). Whilst the SEND Code of Practice does cover the admission of children with EHCPs, SEND incorporates a wider group of children's needs than EHCPs. The title is unclear for parents, therefore, in that parents with a child with an identified SEND issue, but who does not have an EHCP, may believe that that information relates to their child when it does not. (Paragraph 14)

- A number of key phrases used in the oversubscription criteria include an '*'. There is no corresponding '*' anywhere in the arrangements and no explanation of why there is an '*' next to those phrases. Whilst there are later definitions of those key phrases, there is no explanation as to the use of the asterisk. The use of the '*' is therefore unclear for parents. (Paragraph 14)
- The section entitled 'Home Address' does not "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". (Paragraph 1.13).
- Under the section entitled 'Offers of Places', it is stated that: "[...] the school is oversubscribed, parents may request that their child is placed on the school's waiting list." Parents are not required to request to be placed on a school's waiting list. However, it is permissible for the school to ask parents to confirm if they wish their child(ren) to stay on the waiting list (as is stated later in the arrangements in the 'Waiting List' section). (Paragraph 2.15)
- Under the 'Waiting List' section:
 - 77.1 It is stated that those on the waiting list under Band 2, "Band 2 will be ranked by distance to the planned permanent site of the school [...]". As the school is already on its permanent site, this is not clear for parents. (Paragraph 14)
 - 77.2 It is stated that:

"Where places become vacant, they will be allocated to children on the Waiting List in accordance with the oversubscription criteria. If there are applicants in Band 1 of the Waiting List, then they will have priority. Otherwise, a place which was originally offered to Band 2 or Band 3 will be re-offered to the highest-ranking applicant in the same Band. If the place was originally offered to Band 1 then it will be allocated to Band 2 or Band 3 as appropriate so that, overtime, a ratio of 1:4 is maintained between these bands". (Underlining is my emphasis)

It is not clear for parents whether the 1:4 ratio in the underlined sentence is referring to the ratio of Band 1 to Band 2 / 3 or to the 20:80 ratio of Bands 2 and 3 (where those bands refer to oversubscription criteria 6a and 6b). (Paragraph 14)

- Under the section entitled: “Children educated outside their chronological age group”, the process that the school expects a parent to follow when the parent is applying for a place for their child(ren) out of their normal age group (paragraph 2.18) is not clear in the following ways:

- 77.1 what form the application should take;
- 77.2 to what body or person the application should be made;
- 77.3 what body or person makes the decision; and
- 77.4 how a parent knows what steps to follow. (Paragraph 14)

78. The school has told me that it will address these matters, as permitted by paragraph 3.6 of the Code, which is welcomed. The Code requires that the arrangements be amended to address the points I have raised within the timescale set out in this determination.

Summary of Findings

79. The objector raised three concerns about the school’s arrangements. I had jurisdiction only for two of those concerns. In considering those two concerns, I found that oversubscription criterion 6a is reasonable and no unfairness is caused by its application. There is no evidence that the trust has not been reviewing the school’s arrangements annually as required by paragraph 15 b) of the Code. I, therefore, do not uphold the objection.

80. I have found other matters in respect of the school’s arrangements which I have detailed in the ‘Other Matters’ section. The trust has said it will address them and it must do so in the timescale set out in this determination.

Determination

81. 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 the Russell Education Trust for Turing House School, Twickenham.

82. 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.

83. 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 13 September 2024.*

* So that the revised arrangements will be available to parents for the secondary admission process for 2025 starting in September 2024.

Dated: 27 August 2024

Signed:

Schools Adjudicator: Dr Robert Cawley