



Office of
the Schools
Adjudicator

Determination

Case reference: ADA4325

Objector: A member of the public

Admission authority: Flying High Trust for Rivendell Flying High Academy, Stoke Bardolph, Nottingham

Date of decision: 3 September 2024

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objection to the admission arrangements for September 2025 determined by the Flying High Trust for Rivendell Flying High Academy, Stoke Bardolph, Nottingham, in the local authority area of Nottinghamshire County Council.

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 this determination.

The referral

1. Under section 88H(2) of the School Standards and Framework Act 1998 (the Act), an objection has been referred to the adjudicator by a member of the public (the objector), about the admission arrangements (the arrangements) for Rivendell Flying High Academy (the school) for September 2025. The school is an academy free school for children aged three to eleven, and is a member of the Flying High Trust (the trust). The objection is to criterion two of the oversubscription criteria which gives priority to "children who live nearest to the academy as the crow flies and who attend the Rivendell Flying High Academy nursery at the time of application." The objection is that the inclusion of this criterion has led to the allocation of all available reception year (YR) places within this criterion, thereby

disadvantaging parents who have chosen not to use this nursery provision and effectively making attendance at the nursery a pre-condition of being admitted to the school.

2. The local authority (LA) for the area in which the school is located is Nottinghamshire County Council. The LA is a party to this objection. Other parties to the objection are the objector, the school and the trust.

Jurisdiction

3. The terms of the academy agreement between the 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 foundation and voluntary aided schools, and with equalities law. The trust is the admissions authority for the school and has delegated the authority to determine the admission arrangements to the local governing body (LGB) of the school. The arrangements were determined by the LGB on 26 June 2024.

4. The objector submitted their objection to these determined arrangements on 7 May 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 their name and address to me. I am satisfied the objection has been properly referred to me in accordance with section 88H of the Act and that 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

5. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).

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

- a. a copy of the minutes of the meeting of the LGB at which the 2025 arrangements were determined;
- b. a copy of the determined arrangements;
- c. the objector's form of objection dated 7 May 2024 and supporting documents;
- d. the trust's response to the objection and supporting documents;
- e. the LA's response to the objection and supporting documents;
- f. a map of the area identifying relevant schools;
- g. confirmation of when consultation on the arrangements last took place;
- h. The Department for Education (DfE) 2014 publication titled 'Free Schools: Common Issues';

- i. The DfE document 2014 titled 'The Free Schools Admissions Guidance';
- j. previous determinations ADA2560 Somers Park (paragraphs 23-34); ADA 2662 Chaddesley Corbett Endowed Primary School (paragraphs 19-25); ADA2661 Great Malvern Primary School (paragraphs 13-21); ADA4193 Holyoakes Field First School; and
- k. websites for the LA, school, trust and DfE including 'Get Information About Schools' (GIAS).

The Objection

7. The objection is to criterion two of the oversubscription criteria which gives priority to "children who live nearest to the academy as the crow flies and who attend the Rivendell Flying High Academy nursery at the time of application." The objection is that the inclusion of this criterion has led to the allocation of all available YR places within this criterion, thereby disadvantaging parents who have chosen not to use the nursery provision and effectively making attendance at the nursery a pre-condition of admission to the school.

8. The objector states that the arrangements have;

- a) breached paragraph 1.9e of the Code "due to the fact that nursery education is non statutory and it will disadvantage parents whom have decided not to use non-statutory provision";
- b) resulted in attendance at the Rivendell Flying High Nursery becoming "a pre-condition of attending the school"; and
- c) resulted in parents of the local area being "discriminated against and the places unlawfully allocated."

9. I have considered the following paragraphs of the Code in this determination. Paragraph 1.8 of the Code says:

"1.8 Oversubscription criteria **must** be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation. Admission authorities **must** ensure that their arrangements will not disadvantage unfairly, either directly or indirectly, a child from a particular social or racial group, or a child with a disability or special educational needs, and that other policies around school uniform or school trips do not discourage parents from applying for a place for their child. Admission arrangements **must** include an effective, clear, and fair tie-breaker to decide between two applications that cannot otherwise be separated.

10. Paragraph 1.41 of the Code says:

"Admission authorities may give priority in their oversubscription criteria to children eligible for the early years pupil premium, the pupil premium and also children eligible for the service premium. Admission authorities should clearly define in their arrangements the categories of eligible premium recipients to be prioritised."

Paragraph 1.42 says:

“Admission authorities may give priority in their oversubscription criteria to children eligible for the early years pupil premium, the pupil premium, or the service premium who:

- a) are in a nursery class which is part of the school; or
- b) attend a nursery that is established and run by the school. The nursery **must** be named in the admission arrangements and its selection **must** be transparent and made on reasonable grounds”.

11. Paragraph 1.9e) of the Code, as cited by the objector, says that admission authorities **must not**:

“give priority to children on the basis of any practical or financial support parents may give to the school or any associated organisation, including any religious authority. The exception to this is where parents pay optional nursery fees to the school or school-run nursery for additional hours on top of their 15-hour funded early education, where children from the school nursery class or school-run nursery are given priority for admission to Reception.”

12. The final paragraph of the Code that I have considered in relation to this objection is 1.9a), which states that admission arrangements **must not**:

“ place any conditions on the consideration of any application other than those in the oversubscription criteria published in their admission arrangements.”

Other Matters

13. The following matters in the arrangements do not conform with the requirements of the Code in the following ways:

14. The admission authority for the school is not stated clearly in the arrangements (paragraph 14 of the Code).

15. The arrangements refer to the published admission number (PAN) for other year groups than the relevant group (paragraph 1.4 of the Code).

16. There is no numbering for the definition notes (paragraph 14 of the Code).

17. The information on waiting lists is contradictory and unclear (paragraphs 14 and 2.15 of the Code).

18. There is a lack of clarity as to the point at which the sibling criterion will apply, be it at the point of application or admission (paragraph 1.8 of the Code).

Background

19. The school is a new academy free school that opened in September 2022, sponsored by the Flying High Academy Trust. The school provides education for children from age three to eleven and includes a nursery. The school was built to serve new housing in the Gedling area of Nottinghamshire. It has a PAN of 30 for YR. The school has not been inspected by Ofsted since opening so does not have a current rating. The nursery can take 26 children per session and takes children from the beginning of the term after their third birthday.

20. The oversubscription criteria for September 2025 are as follows:

- 1) “Looked after children and children who were previously looked after but immediately after being looked after became subject to adoption, a child arrangements order, or special guardianship order.
- 2) Children by distance from the academy, with priority for admission given to children who live nearest to the academy as the crow flies and who attend Rivendell Flying High Academy nursery at the time of application. Distances are measured using Nottinghamshire County Council’s computerised distance measuring software. Distances are measured from the main administrative point at the school campus to an address point (using Eastings and Northings as defined by Ordnance Survey) to child’s home address.
- 3) Children by distance from the academy, with priority for admission given to children who live nearest to the academy as the crow flies and who, at the time of admission, will have a sibling attending the school. Distances are measured in line with criteria 2 above.
- 4) Children by distance from the academy, with priority for admission given to children who live nearest to the academy. Distances are measured using Nottinghamshire County Council’s computerised distance measuring software. Distances are measured from the main administrative point at the school campus to an address point (using Eastings and Northings as defined by Ordnance Survey) to child’s home address.”

21. The admissions arrangements were first determined in June 2021 prior to the opening of the school in September 2022. There has been no consultation on any changes to the arrangements since that date, therefore I note that the oversubscription criteria for 2023 and 2024 were the same as those determined for 2025.

22. I note also that neither the trust nor the school appeared to have conducted an annual determination of the admission arrangements as required in the Code at paragraph 1.49. Annual determination of the arrangements must be conducted by 28 February in the determination year even if there have been no changes to the arrangements. I brought this to the attention of the trust and the school as a matter of urgency which resulted in the 2025 arrangements being determined on 26 June 2024. An adjudicator can only consider

arrangements that have been legally determined and so I was unable to consider the case before proof of this determination had been received.

23. The school's website has the following information in relation to admission to the nursery:

"Children can join Nursery at the beginning of the term after their 3rd birthday if there are spaces available, priority will be given to children who are able to start in September then January and April respectively. We offer 30 hour or 15 hours sessions, the Nursery has space for 26 children in any session.

Once you have decided that you would like your child to attend our Nursery you will be asked to complete a registration form giving us yours and your child's details. This is so that we can contact you regarding your child's place and keep you up to date with transition dates closer to the time. It is vital that you inform us of any change of details. On this form there is also an opportunity for you to inform us of any Special Educational Needs or Medical Conditions that your child may have. The reason that we ask for this information is so that we can ensure that we contact any other relevant services to support us with your child's transition."

The nursery is open from 8.45am to 3.15pm during term time.

24. The school website gives the following information about wraparound care:

"We offer a Wrap around Care provision for all pupils in the school, including Nursery which runs from **7.30am – 8.45am** (the start of the school day) and from **3.15pm until 6pm**.

The cost of this will be **£5.25** for the morning session and **£9.00** for the after-school session."

Consideration of Case

25. The objection essentially raises the following questions:

- Is attendance at the school nursery a prerequisite for admission to YR?
- Is it fair to give priority to applicants who attend the school nursery?
- Whether the school can lawfully give priority to applicants in the nursery other than those eligible for pupil premium.
- Whether the school's nursery only being open during term time is causing disadvantage to local parents, for example those who have a need for more flexible nursery provision. Such parents may need to arrange for their children to attend a nursery elsewhere, thereby disadvantaging them when it comes to being considered for a place at the school. The provision may also disadvantage parents who choose not to send their children to a nursery.

26. There is guidance published by the DfE in 2014, 'Free Schools: Common Issues', which has some relevance here. I have referred this to the parties. The guidance says:

"Prioritising children in a school's nursery for admission

26. It is possible to give priority in reception to children attending a nursery but you need to be aware that where the nursery and the reception class have the same, or a similar, number of places, and the majority of children tend to transfer from the nursery to the school, this could breach the Admissions Code, as attendance of the nursery would be a pre-condition of admission to the school. This is set out in paragraph 1.9a) of the Code.

27. You should also ensure that giving such a priority is fair to local parents who choose not to send their children to nursery. As a rule of thumb, such arrangements are likely to be unfair – and be vulnerable to an objection to the Schools Adjudicator – if very few or no places are available to other parents once those attending the nursery have been admitted to reception. If a majority of places are available to parents who have not sent their children to the nursery, the arrangements are likely to be less vulnerable to objection. Anyone can object to a school's admission arrangements and so it is important that you understand local parents' views on giving priority to nursery children before adopting it as an oversubscription criterion, and keep the policy under review...

28. Fee-paying nurseries cannot be named as a feed institution, as this would contravene paragraph 1.9e) of the Code which prohibits giving priority for admission on the basis of any financial support that parents give the school or an associated organisation. It is possible to give priority to those paying fees for their child's nursery provision only where any fee is for additional provision above the 'free' 15-hour funded early education offer;

29. Within any priority given to nursery children schools may prioritise those children attending the nursery who are eligible for the early years pupil premium, the pupil premium or the service premium above other children attending the nursery (paragraph 1.39b of the Code)."

27. I note that the Free Schools Admissions Guidance document also published in 2014 says something similar, namely:

"24.4 Children in a nursery which is part of the school or established and run by the school may be given priority for admission to reception. However, this is not without qualification.

24.4.1 Such priority must be fair in the local context. Schools should ensure those choosing not to send their children to the nursery do not find it harder to obtain a reception place than those attending the nursery. In this context, whether nursery priority is fair will depend on the location of the school, the availability of reception

places in the area and the number of places offered, without any reference to whether the child has attended the nursery (14 and 1.8 of the Code).

24.4.2 Those paying fees for their child's nursery provision may not be prioritised except where any fee is for additional provision above the 'free' 15-hour funded early education offer (1.9(e) of the Code).

24.4.1 When prioritising children in a nursery (in the circumstances set out in 24.4) schools may prioritise those children attending the nursery who are eligible for the early years pupil premium, the pupil premium or the service premium above other children attending the nursery (paragraph 1.39b) of the Code."

28. I am mindful of the conclusions reached by adjudicators in the previous determinations referred to in paragraph 5h). I have read those determinations and agree with their conclusions. However, a finding of unfairness in the context of one set of admission arrangements will not bind an adjudicator considering a different set of arrangements to reach an inevitable conclusion that they are unfair because they contain the same provision. The question of fairness is fact specific, and any finding by an adjudicator will depend upon the context and the effect of an oversubscription criterion upon the group of children to whom it is applied. For example, if in school A the number of children on roll at the nursery exceeds the PAN for entry to YR, the effect of giving priority to the nursery children will be different to the situation where (for example) school B has ten children in the nursery and the PAN for YR is 90. My role is to consider the question of fairness based upon the evidence provided in relation to this particular school and for admission to YR in 2025.

The objector's arguments

29. The oversubscription criterion which gives priority to children attending the nursery has been in place since the school opened in September 2022. The objector states:

"I believe the school has not followed the admission code for the following reasons:

- Of the 30 spaces available, all places were allocated to children attending the nursery of Rivendell flying high academy [2023-2024 year of allocation].
- The PAN for Reception is 30 and all 30 places were allocated via the nursery criterion 2/3 [2023-2024 year of allocation].
- Whilst this is part of their criterion, I believe it is a breach of the code section 1.9e due to the fact that nursery education i[s] non-statutory and it will disadvantage parents whom have decided not to use non-statutory provision.
- The school has given priority to nursery attending pupils which would indicate this is a pre-condition of attending the school.
- The nursery does not open via school holidays as others do, which may disadvantage parents in the area.

- This year 2024/2025, the nursery places available are 26. For the year 2023/2024, it appears there were 30 spaces which means that parents of the local area are discriminated against and the places unlawfully allocated.”

I shall deal with each of the four issues identified at paragraph 24 in turn.

Is attendance at the nursery a prerequisite for admission to YR?

30. In the school’s first year of opening (2022) it was undersubscribed, so all those seeking a place at the school were successful.

31. In 2023, there were 38 first preferences for the school, with only 30 places available.

32. The objector stated that all 30 available places for 2023 were allocated ‘under the nursery criterion 2/3’. Criterion two relates to attendance at the nursery, while criterion three relates to those applicants who have a sibling at the school at the time of admission.

33. Following correspondence with the school, they have confirmed that for 2023, the 30 places were allocated as follows:

Table 1: Allocation of places for the 2023-24 year of entry

Year of Entry	PAN	Criterion under which places were offered
2023 – 2024	30	23 Nursery children by distance 1 Sibling by distance 6 Other children by distance

34. These figures indicate that there were, therefore, eight first preferences for the school which were not successful in gaining a place. This shows that the objector’s statement that all 30 places for 2023 were allocated under the nursery criterion two was not accurate, though clearly the majority of places were allocated under this criterion.

35. For 2024, the PAN has remained at 30 and there were 35 first preferences. The school has confirmed that, as of July 2024, there were 37 children registered across the two years of nursery provision.

36. The allocation of places for 2024 is shown below in Table 2:

Year of Entry	PAN	Criterion under which places were offered
2024 – 2025	30	29 Nursery children by distance

		1 Sibling by distance
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37. This shows that an even higher majority of first preference applications were allocated under criterion two, with only one allocated under criterion three. Five first preference applications for the school were unsuccessful.

38. The facts of this case are that the school has a PAN of 30. There are 37 children on roll in the nursery with the potential for this number to be as high as 52 if the nursery runs two sessions per day and each child attends for only a half day. It's almost beyond doubt that attendance at the nursery is a pre-condition for entry to the school. Only one non-nursery child has been offered a place for September 2024. If the parents of all the children at the nursery applied for places at the school, no other children would be admitted.

39. I therefore uphold this element of the objection

Is it fair to give priority to applicants who attend the nursery?

40. Fairness is specific to the individual circumstances of a case. In this instance, the school was built specifically to serve a new community and says both on its website and in its admission arrangements that it is 'at the heart of this new community.'

41. In considering the question of fairness, the starting point is that a child should be able to attend a primary school within a reasonable distance of his or her home. Oversubscription criteria are designed to prioritise the admission of some children over others and therefore, by their essence, will disadvantage some children. The Code is only breached when such disadvantage is also unfair. Unfairness can be said to arise when the disadvantage to some outweighs the advantage to others.

42. There is further DfE guidance which sets out the parameters for determining whether giving priority for admission to YR for children in the nursery is fair. A determination on the issue of fairness in these circumstances can be arrived at by posing a series of questions. Taking each in order:

- a) **Is the number of places available in the nursery the same or similar to the PAN for Reception, such that it could be said that attendance at the nursery is a pre-requisite for admission to the school?**

The nursery has 26 places per session (morning and afternoon) and had 37 children on roll in July 2024. The PAN for the school is 30. The answer to this question is, therefore, yes. There is little chance that a child not attending the nursery will get a place at the school. If the parents of all children attending the nursery apply for a place in YR, there is no chance. The data referred to in paragraph in paragraphs 29 and 30 confirm this.

- b) **Are parents effectively being denied the choice not to send their children to nursery?**

The answer to this question is yes. While parents will always have a choice as to whether to effectively improve the chance of their child being allocated a place at a particular school, for example by moving closer to a school, in this instance, almost the only way of gaining a place at the school is for your child to attend the nursery. Given that there are more children on roll at the nursery than places available in YR, even this may not guarantee a place. The data shows that in 2024, only one child who did not attend the nursery was allocated a place at the school and they live only 328 metres from the school. Parents who work full-time may not be able to send their children to the school nursery because it doesn't offer the hours that they need, even with the wraparound care. Term-time only provision also may not meet their needs but, by not enrolling their child in the nursery, they are losing any chance of their child gaining a place in YR under the current arrangements.

c) Are the arrangements for admission to the nursery compliant with the Code?

They are not. The requirements relating to admissions to schools do not apply to nurseries. This means that the school can set arrangements for the nursery that would not be permitted for admission to YR and it can also change those arrangements without following the procedures laid down in the Code and other relevant legislation for changes to school admission arrangements.

Where priority for admission to YR is given on the basis of attendance at a nursery, it is appropriate to consider whether the nursery arrangements would satisfy the Code. This is because, if they do not, children may, through their attendance at the nursery, gain places at a school on the basis of arrangements that would not be lawful for YR admissions to that school. This would undermine the Code and be unfair to other children.

The arrangements for the nursery are based upon age, which could not be used to determine priority in arrangements for admission to a school. Although the arrangements for admission to the nursery are not bound by admissions legislation or the Code, attendance at the nursery will now affect the prospects of gaining a place at the school. This, therefore, leads to an outcome where children who have been offered a place at the nursery on the basis of age (although the nursery admission arrangements are unclear even on age), which is unlawful under the Code for admissions to YR, will have higher priority than any other children except looked after or previously looked after children.

d) Is the nursery fee paying?

The nursery offers 15 or 30 hours of provision for children aged three and four. Given that the nursery only accepts children in the term after their third birthday, all hours offered will be free to the parent under the government free childcare scheme, so the answer to this question is no.

43. The school has a PAN of 30 and the nursery can accommodate 26 children per session, with 37 on roll as of July 2024. In 2024, 29 of the 30 places were allocated under criterion two, to children who were attending the school nursery at the time of application. Parents wishing to gain a place at the school in YR can effectively only do so by enrolling their child at the school nursery. The admission arrangements for the nursery are based solely on age, a criterion not allowed by the Code. The inclusion of criterion two, therefore, effectively gives priority for admission to YR on the basis of age.

44. I conclude that the inclusion of criterion two causes unfair disadvantage to any child not attending the school nursery. The criterion is unfair contrary to the requirement in paragraph 1.8 of the Code and the arrangements must be revised.

45. I uphold the objection to the inclusion of criterion two within the school's oversubscription criteria.

Can the school lawfully give priority to applicants in the nursery other than those eligible for pupil premium?

46. Although giving priority to children attending the nursery of a school is not mentioned in the Code as an oversubscription criterion which is expressly permitted (other than in the case of children attending the nursery who are eligible for the early years or pupil premium), the DfE Guidance sends a clear signal that such priority is permissible provided it operates fairly. I have applied the tests set out in the DfE guidance to the facts of this case in paragraphs 42 (a-d) above, and my conclusion is that giving priority to children attending the nursery (whilst permissible in some instances) is unfair in the context of this school. It is therefore also unlawful.

Is there a breach of paragraph 1.9e) of the Code?

47. This paragraph prohibits priority for admission being given on the basis of any practical or financial support parents may give to the school. However, there is an express exception which provides that this prohibition does not apply where parents pay optional nursery fees for additional hours on top of their 15-hour funded early education. Since the trust is not charging for places at the nursery other than as permitted under paragraph 1.9e), I find that there is no breach.

Does the school's nursery only being open during term time cause disadvantage to parents whose need for more flexible nursery provision means that their children attend nursery elsewhere, thereby disadvantaging them when it comes to being considered for a place at the school?

48. It is not within my jurisdiction to comment on the school's decision to open their nursery during term-time only. However, their decision to place attendance at the nursery at criterion two of their oversubscription criteria is pertinent to this determination.

49. The provision of a nursery at the school is clearly beneficial for those parents seeking term-time only nursery provision, but there are parents who may need provision all

year round. It is, therefore, reasonable to conclude that there will be parents within the Gedling development who have to use alternative nursery provision in order to meet their needs. Equally, there may well be parents who choose not to send their child to nursery for any number of reasons. Parents who fall into either of these categories, even if they live close to the school, have a very low chance of their child gaining a place at the school.

50. It is reasonable to conclude that those parents who do not send their children to the nursery, for whatever reason, will be unlikely to gain a place at the school for their child and are significantly disadvantaged by the inclusion of the current criterion two. Indeed, the data demonstrates that having the criterion of nursery attendance at criterion two effectively makes it almost impossible to gain a place at the school under any other criteria. It is arguable that the disadvantage to all children other than those that attend the nursery is unfair as demonstrated above (paragraphs 33 to 38). I therefore uphold the objection.

Other matters

51. The arrangements state that: “The school has an admission number of 30 for Reception. The school will accordingly admit this number of pupils for each year group.” The PAN applies only to the relevant year group, in this instance YR (paragraph 1.4 of the Code). It is incorrect and therefore misleading for the arrangements to state that the PAN applies to any year group other than YR.

52. The explanatory notes within the arrangements are referred to by number but, in fact, are not numbered. This is consequently unclear for parents as required by paragraph 14 of the Code.

53. Within the section on waiting lists, the arrangements state that ‘a waiting list will operate until the end of the first term of the academic year.’ This is not clear as it should state 31 December as the prescribed date (as referred to earlier within the arrangements). The arrangements are also inconsistent because, under the ‘late applications’ heading, it states that “If, following consideration of all applicants the school is oversubscribed, the child’s name will be placed on a waiting list until 31 May 2026 and parents given the right to appeal.” Paragraph 2.15 of the Code states that waiting lists must be held until ‘at least 31 December’. It is for the admission authority to decide if it wishes to hold the waiting lists for longer, but the arrangements must be consistent so that they are clear for parents as to how long the waiting list will remain open, as clarity is required by the Code at paragraph 14.

54. Under the note relating to siblings, the arrangements say that the sibling definition will apply to those who “will be living at the same address at the date of their **application** for a place.” Under criterion 3 of the oversubscription criteria however, it says “Children by distance from the academy, with priority for admission given to children who live nearest to the academy as the crow flies and who, at the time of **admission**, will have a sibling attending the school”. I have used bold print to highlight the difference as this can be a material one when considering applications. Either stipulation can be used, but the

arrangements must be consistent in order to be clear for parents and thus compliant with the Code at paragraph 14.

55. The school has made some revisions to the arrangements based on our correspondence. I am grateful for their cooperation thus far and draw their attention to the need to revise the points above, as permitted under paragraph 3.6 of the Code, by the date stated in this determination.

Determination

56. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objection to the admission arrangements for September 2025 determined by the Flying High Trust for Rivendell Flying High Academy, Stoke Bardolph, Nottingham, in the local authority area of Nottinghamshire County Council.

57. 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.

58. 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 this determination.

Dated: 3 September 2024

Signed:

Schools Adjudicator: Mrs Tess Gale