



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** ADA4307

**Objector:** A parent

**Admission authority:** The Gosforth Federated Academies Limited for Great Park Academy, Newcastle upon Tyne

**Date of decision:** 17 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 Gosforth Federated Academies Limited for Great Park Academy, which is in the local authority area of Newcastle upon Tyne.

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 4 October 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 whose child will be the right age to join the school in September 2025 (the objector), about the admission arrangements (the arrangements) for Great Park Academy (the school, GPA) for September 2025. The objection relates to four matters: the clarity of Year 8 to Year 9 transfer; the fairness of Year 8 to Year 9 transfer; differences in the oversubscription criteria for the two normal years of entry (Year 5 and Year 9); and the random allocation process which forms part of the arrangements.

2. The local authority for the area in which the school is located is Newcastle upon Tyne. The parties to the case are the objector, the multi academy trust which is the admission authority for the school, and the local authority.

## Jurisdiction

3. The objector has asked to have her 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 her name and address to me.

4. The terms of the Academy agreement between the academy trust and the Secretary of State for Education require that the admissions policy and arrangements for the academy school are in accordance with admissions law as it applies to foundation and voluntary aided schools. These arrangements were determined by the governing board of the academy trust on that basis. The objector submitted her objection to these determined arrangements on 19 April 2024. I am satisfied the objection has been properly referred to me in accordance with section 88H of the Act and it is within my jurisdiction. I have also used my powers 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. evidence that the arrangements were determined;
- b. a copy of the determined arrangements for 2025;
- c. the objector's form of objection dated 19 April 2024;
- d. the trust's response to the objection;
- e. further information provided by parties at my request or invitation; and
- f. information available on the websites of the school, the local authority and the Department for Education (DfE).

## The Objection

7. There are four aspects to the objection, as set out below. Paragraph 14 of the Code is relevant to the objection and states:

"In drawing up their admission arrangements, admission authorities **must** ensure that the practices and the criteria used to decide the allocation of school places are

fair, clear, and objective. Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated.”

8. I have identified other relevant paragraphs of the Code in my detailed consideration.
9. Firstly, the objector asserts that parents are unable to easily understand the arrangements, as the arrangements do not make it clear whether children already attending the school and who are in Year 8 must apply for a place in Year 9.
10. Secondly, the objector asserts that the arrangements for admission to Year 9 may be unfair in that:
  - i. if it is the case that children already at the school must apply for a Year 9 place then these children are “significantly disadvantaged” as they may be displaced by children from the named feeder schools; and
  - ii. if it is not the case that existing children must apply for a place in Year 9 then they may displace external applicants who are looked after children, and as such must be prioritised for admission.
11. Thirdly, the objector asserts that the fact that the oversubscription criteria for entry to Year 5 differ from those for entry to Year 9 causes confusion and is illogical.
12. Fourthly, the objector asserts that the arrangements fail to comply with the Code in that there are no clear procedures set out for how random allocation will work.

## Background

13. GPA is a non-selective, co-educational academy school for children aged 9-16. The school does not have a religious character. GPA is situated in Gosforth, within the local authority area of Newcastle upon Tyne.
14. Most schools in the local authority area are in the two-tier system. That is, the normal years of entry are Year R and Year 7 (with Year 3 for junior schools and Year 12 for those schools with a sixth form which admits external applicants). GPA is part of a three-tier system; the usual years of entry to the school are Year 5 and Year 9. For September 2025 the school has a published admission number (PAN) of 120 for Year 5; I discuss the PAN for Year 9 below.
15. GPA is part of The Gosforth Federated Academies Limited (the trust), a multi-academy trust which contains five other schools: North Gosforth Academy, Jesmond Park Academy and Callerton Academy are all secondary schools and cater for children from the age of eleven to either sixteen or eighteen; Gosforth Junior High Academy is for children aged nine to thirteen and Gosforth Academy for those aged thirteen to eighteen.
16. GPA opened in September 2021 to pupils in Year 5; the school admitted pupils to Year 9 for the first time in September 2024. The school has not yet received an Ofsted inspection. GPA has, since its opening, been housed in temporary accommodation on the

site of Gosforth Academy. GPA is expected to move to its permanent site for September 2025, once building works are complete.

17. Objections have been brought in respect of two of the other schools within the trust: Gosforth Academy (case references ADA4253-4257, 59-60, 62-69, 71-72, 76-77, 79, 4314, 18-19, 4334-35) and Gosforth Junior High Academy (case reference ADA4317). The admission arrangements for Jesmond Park Academy are also being considered by the adjudicator (case REF4389).

18. The oversubscription criteria which are applied in the event of oversubscription to Year 5, after the admittance of all applicants with an Education, Health and Care Plan (EHCP) which names the school are, in summary:

1. Looked after and previously looked after children.
2. Siblings of pupils attending the school at the time of application.
3. Children of staff who have been recruited to “fill a skill-shortage area”.
4. Children attending one of nine named feeder schools.
5. Children living within 1.5 miles of the school, measured as a straight-line distance.
6. Other children.

19. In the event of a tie within any one oversubscription criterion the proximity of applicants’ addresses to the school is used, with those living closest to the school given priority for admission. Where two such applicants live an equal distance from the school, random allocation is used.

20. The oversubscription criteria which are applied in the event of oversubscription to Year 9, after the admittance of all applicants with an EHCP which names the school are, in summary:

1. Looked after and previously looked after children.
2. Children with a specific medical reason to attend the school.
3. Children of staff who have been employed for two or more years at the time of application, or who have been recruited to “fill a vacant post for which there is a demonstrable skill shortage”.
4. Children attending one of three named feeder schools.
5. Children living closest to the school, measured as a straight line distance.
6. “In the case of a tie in any of the above categories, random allocation will take place.”

21. Although it appears that random allocation is a separate oversubscription criterion because it is numbered as such, the effect of its inclusion as drafted is to create an order of priority within each of the other five oversubscription criteria.

22. When the objection was received, the case manager wrote to the trust and requested a copy of their determined arrangements. The trust provided arrangements which stated a Year 9 PAN of 240; this was also the figure used by the local authority when it supplied requested data. Subsequently the trust stated that “There is currently a misprint regarding the PAN” and revised its published arrangements to state a Year 9 PAN of 120. Further to this the trust has, at different times during the course of this case, told me that the PAN is 90 and that it is 60. This matter added to the complexity of the case and to that concerning Gosforth Academy, and to the time taken to consider both cases.

23. I must first be clear that once admission arrangements have been determined, and the PAN set as part of that determination, those arrangements cannot be revised without a determination by the adjudicator or a variation approved by the Secretary of State except in certain, specific circumstances. Paragraph 3.6 of the School Admissions Code states:

“Once admission arrangements have been determined for a particular school year, they cannot be revised by the admission authority unless such revision is necessary to give effect to a mandatory requirement of this Code, admissions law, a determination of the Schools Adjudicator or any misprint in the admission arrangements”.

24. In respect of the different figures that have been supplied for the Year 9 PAN the trust told me:

“Confusion about the Year 9 PAN has arisen as the Trust were not aware that the PAN on the admissions policy should reflect the number of **new** places on offer, as opposed to the total number of students in the year group after the entry point. The PAN for 2025 is therefore 60 (which will bring the total number of students in Year-9 to 120.)

25. Paragraph 1.2 of the Code states:

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

26. The Code also provides, in footnote 11, the following definition of ‘each relevant age group’:

“This is the age group at which pupils are or will normally be admitted to the school e.g. reception, year 7 and year 12 where the school admits external applicants to the sixth form”.

27. It is apparent that the figure of 240 which was initially published as the Year 9 PAN was not entirely due to a misprint but an error based upon a misunderstanding. Children already at GPA are clearly not being admitted to the school when they progress from Year 8

to Year 9 and so do not form part of the PAN. The trust has subsequently revised the PAN in its published arrangements to 120.

28. The capacity of the school, as stated on the DfE website “Get Information About Schools” and in the academy funding agreement, is 1,200. With a PAN of 120 for each of Year 5 and Year 9, if admissions were made at the level of the PANs each year this would result, over time, in four year groups (Year 5 to Year 8) of 120 pupils each, plus three year groups (Year 9 to Year 11) of 240 pupils each. The year groups 9 to 11 would each comprise 120 pupils admitted under the Year 5 PAN and 120 admitted under the Year 9 PAN. The total number of pupils at the school would be 1,200 which matches the capacity of the school.

29. Given the figures concerned, I am prepared to accept that that the Year 9 PAN for the school is 120 as now determined.

30. For the avoidance of doubt, I make it clear that the Year 9 PAN for 2025 is 120 and the Year 5 PAN for 2025 is 120. The PANs for either year can only be changed if the trust submits a request for a variation to the Secretary of State and this is agreed, or if the adjudicator determines in response to an objection that the PANs for either of these years of entry may be varied. The PAN for Year 9 does not include children already at the school.

31. Finally on this matter, I note that the local authority stated:

“I would like to make a point regarding what the PAN actually means in relation to a school with more than one ‘usual’ point of entry/admission or ‘relevant age group’ as it is referred to in the School Admissions Code. There is clearly some confusion about this in this particular case and in the admissions policies for some other ‘all through’ schools that have more than one point of entry. Unfortunately, the School Admissions Code 2021 does not make explicitly clear how such arrangements should be worded either.

For the purposes of this response, we have used the definition that PAN is the number of pupils that a school can newly admit at a relevant age group, following an application to do so. It is assumed that pupils who are already on roll at the school and do not, therefore, have to apply to transition into a place in the relevant year group would be additional to the PAN. For example, if the school has an intake into Year 9, has capacity to take 180 students but already has 60 students progressing from its current Year 8, having been admitted to the school at an earlier point of entry, the PAN of the school is 120.”

32. Although I do not agree with the view that the Code fails to provide the required clarity in respect of PAN, as the local authority has found this to be the case and the admission authority is also unclear on this point, I trust that both now recognise that the definition the local authority has used, as set out above, is the only correct definition under the Code and the law as it relates to admissions.

## Consideration of Case

33. I will consider each aspect of the objection in turn, organised into the four headings described above: the clarity of Year 8 to Year 9 transfer; the fairness of Year 8 to Year 9 transfer; differences in the oversubscription criteria for entry to Year 5 and Year 9; and the random allocation process.

### Clarity of Year 8 to Year 9 transfer

34. I will first deal with the assertion that parents are unable to easily understand the arrangements, as the arrangements do not make it clear whether children already attending the school and who are in Year 8 must apply for a place in Year 9.

35. The objector made reference to paragraph 14 of the Code and stated:

“When looking at the Great Park Academy (GPA) admissions policy as a parent, I am unable to understand how all Yr 9 places will be allocated. It could be assumed that Yr 8 children that attend GPA automatically transition into year 9- however this is not clearly described in the policy. Therefore I assume they; like all other yr 8 children in the three tier system, must apply for a year 9 place.”

36. Once a child has a place at a school then that child retains their place and progresses through the year groups. The Code does not state that arrangements for schools with more than one normal year of entry must make it clear that a child who joined the school at, say, the first point of entry has no need to apply for a place for the second point of entry. For example, a primary school with a PAN for Year R could also have a PAN for Year 3 in order to admit additional children at that point; the Code would not require such a school to make clear in its arrangements that children in Year 2 progressed into Year 3 without the requirement to apply for a place in that year group.

37. In light of the above, I was initially minded to not uphold this aspect of the objection. However, I have considered this matter in respect of the requirements of paragraph 14 of the Code and find that as most parents are likely to be more familiar with a two-tier school system than with the three-tier approach, they may find the arrangements unclear. Perhaps most importantly, I have taken into account the trust’s own misunderstanding in respect of the PAN and the confusion this may have engendered.

38. On balance, I find that greater clarity is required for parents. As the school becomes more established the arrangements regarding two points of entry may naturally become more widely understood. For 2025, the arrangements must be revised to make it clear that children already in Year 8 at the school do not need to apply for a place in Year 9.

39. For the reasons given above, I uphold this aspect of the objection.

### Fairness of Year 8 to Year 9 transfer

40. The second part of the objection is that the arrangements for admission to Year 9 may be unfair. The objector stated, as part of her assertion that it is not clear how Year 8 pupils transfer to Year 9:

“I assume they; like all other yr 8 children in the three tier system, must apply for a year 9 place. If this is the case then these children are **significantly disadvantaged** and unlikely to get a place at Great Park Academy. This is because Great Park Academy is NOT listed as a feeder school for the Yr 9 intake. . . The policy needs to be clarified so parents can clearly understand how yr 8 pupils in Great Park Academy move into year 9- ie that these children automatically get a place in year 9. However, if this is the case the fairness of this could be challenged as these children would then have a higher priority for a year 9 place than (potentially) a looked after child who does not attend GPA.”

41. This aspect of the objection can be summarised thus: that the arrangements for admission to Year 9 may be unfair in that:

- i. if it is the case that children already at the school must apply for a Year 9 place then these children are “significantly disadvantaged” as they may be displaced by children from the named feeder schools; and
- ii. if it is not the case that existing children must apply for a place in Year 9 then they may displace external applicants who are looked after children, and as such must be prioritised for admission.

42. As it is not the case that children already at the school must apply for a place, I do not need to consider any assertion of unfairness in this respect and do not uphold this aspect of the objection.

43. I turn instead to the assertion that unfairness may be created by Year 8 pupils at the school displacing external applicants who are looked after children. In other words, looked after children could be refused a Year 9 place due to places being filled by existing pupils.

44. Paragraph 1.7 of the Code deals with the requirement for looked after children (LAC) and previously looked after children (PLAC) to be given the highest priority for admission at the point of entry after those with an EHCP which names the school:

“All schools **must** have oversubscription criteria for each ‘relevant age group’ and the highest priority **must** be given, unless otherwise provided in this Code, to looked after children and all previously looked after children...”

45. Unfairness would be caused if, at the point of application, LAC and PLAC children were not prioritised for admittance above all other applicants (other than those with an EHCP which names the school). Indeed this would be unlawful. However, the arrangements show that this is not the case as LAC and PLAC are given the highest level of priority for entry to Year 9 under the oversubscription criteria.



46. The objector has alleged that unfairness would be caused by existing pupils being prioritised for Year 9 places above LAC/PLAC children applying for those places. There is no such unfairness; existing pupils already have a place at the school and so prioritisation for entry to Year 9 does not apply to them. There are 120 places available to external applicants. It is highly unlikely that any external applicant who is a LAC or a PLAC will not be offered a place. Whilst it could be said that existing pupils are higher in the order of priority than new applicants who are LAC or PLAC because they already have places at the school, this does not create an unfairness. Furthermore, the only potential method of giving external applicants lower priority than existing pupils on roll would be to withdraw places from those pupils making it necessary for them to reapply. As this would be unlawful and contrary to paragraph 2.14 of the Code, I do not uphold this aspect of the objection.

### **Alignment of arrangements**

47. I now turn to the assertion that the fact that the oversubscription criteria for entry to Year 5 differ from those for entry to Year 9 causes confusion and is illogical. The objector stated:

“the admissions criteria for entry point at year 5 differ significantly to those at yr 9 meaning there are different admission criteria for different years in the **same school** this causes confusion and seem (sic) illogical to parents”.

48. Priority for entry to Year 5 is determined, in part, on the basis of sibling links and an applicant’s home address being within 1.5 miles of the permanent school site; the Year 9 criteria provide no such prioritisation. Within each criterion, including that concerning feeder school applicants, places at Year 5 are prioritised on the basis of distance whilst ties for admission to Year 9 are decided via random allocation. These are significant differences. I also note that the oversubscription criteria for entry to Year 9 at GPA are the same as those for Gosforth Academy.

49. An admission authority may decide that younger applicants should be prioritised for admission in a different manner to older children; there is nothing inherently unreasonable in such an approach. I also find that having different oversubscription criteria for different points of entry does not, save for the matters of clarity discussed elsewhere in this determination, render the arrangements difficult to understand and contrary to the Code.

50. In respect of this matter the trust stated:

“Gosforth Group recognises the confusion this has caused and would wish to align the Y5 and Y9 criteria following the OSA’s adjudication.”

51. Although the trust wishes to align the oversubscription criteria for both years of entry, any change must be carefully considered. If, for example, the Year 9 criteria were adopted for Year 5, then a parent who had intended to apply for a Year 5 place on the basis that their child would be afforded sibling priority may be disadvantaged. If the Year 5 criteria were used for both years of entry, then the arrangements for Year 9 would no longer be

aligned with those for Gosforth Academy; as I discuss in my determination for that school this would have implications for applicants to both GPA and Gosforth Academy.

52. For the reasons given above I do not uphold this aspect of the objection. If the trust wishes to change its oversubscription criteria for 2025 then it must submit a variation request to the Secretary of State.

### **Random allocation**

53. Finally, I will consider the assertion that the arrangements fail to comply with the Code in respect of random allocation. The objector asserted that the arrangements fail to comply with paragraph 1.34 of the Code as:

“There are no clear procedures set out for how Random Allocation will work”.

54. I note here that whilst the objection did not assert that the random allocation process is itself flawed, during the course of this case the objector raised concerns regarding the description of the process which was provided by the trust. These were in relation to statistical methodology, including Excel spreadsheet formulae in use. I make it clear that I am not able to consider these concerns; my jurisdiction is limited to the consideration of whether the 2025 arrangements comply with the Code. Any complaints about the mishandling of the administrative process would need to be made to the DfE.

55. The following paragraphs of the Code deal with random allocation:

1.34: “Local authorities **must not** use random allocation as the principal oversubscription criterion for allocating places at all the schools in the area for which they are the admission authority. Admission authorities that decide to use random allocation when schools are oversubscribed **must** set out clearly how this will operate, ensuring that arrangements are transparent, and that looked after children and previously looked after children are prioritised.”

1.35: “The random allocation process **must** be supervised by someone independent of the school, and a fresh round of random allocation **must** be used each time a child is to be offered a place from a waiting list.”

56. The arrangements state, following the oversubscription criteria for entry to Year 5:

“Random allocation undertaken by the local authority will be used as a tie-break in categories 2-5 above to decide who has the highest priority for admission if the distance between a child’s home and the academy / free school is equidistant in any two or more cases.

Random allocation will not be applied to multiple birth siblings (twins and triplets etc.) from the same family tied for the final place. We will admit them all and exceed our PAN.”

57. In respect of oversubscription to Year 9 the arrangements list the sixth criterion as:

“In the case of a tie in any of the above categories, random allocation will take place. This will be overseen by the local authority.”

58. The arrangements make no reference to random allocation other than as set out above.

59. I first note that there are six numbered oversubscription criteria in the arrangements for Year 9; the introduction to these states “The following criteria will be applied, strictly in order of priority”. Parents and others who read the arrangements may therefore understand that, say, the fifth criterion should and will be applied before the sixth. This position would be supported by paragraph 1.7 of the Code which requires that oversubscription criteria are applied in the order set out in the arrangements. The wording of the sixth criterion contradicts this position, however.

60. The arrangements say both that the oversubscription criteria that are numbered 1-6 will be applied in order of priority, and that the sixth criterion will be used to decide between applicants in the preceding five criteria. Clearly it is not possible for both these statements to be true. I find that the arrangements do not comply with paragraph 14 of the Code in that the application of the oversubscription criteria cannot be easily understood. I therefore determine that the arrangements must be revised to make it clear that random allocation is not the sixth oversubscription criterion for entry to Year 9 but the method by which applicants within any other criterion are prioritised.

61. In relation to the question of whether the arrangements are clear and transparent about how random allocation will operate as required by paragraph 1.34 of the Code, I find that the arrangements do not comply with the Code in that they do not set out clearly how random allocation will operate. I uphold this part of the objection.

62. I stress that any parent who looks at a set of admission arrangements must be able to look at them and understand how random allocation operates, in accordance with paragraph 14 of the Code. The description must be clear and the trust may find it helpful to ensure that the level of detail used provides that clarity. It would likely be confusing if, for example, the arrangements included an extensive level of detail such as spreadsheet formulae or other mechanisms by which the random allocation process is operated. It is likely that arrangements would be found compliant with the Code in respect of setting out how random allocation operates if they included details of: when that process is used; which body carries out the process (and that they are independent); an overall description of the process; and an explanation that the process is re-run as required when places are offered from the waiting list (in accordance with paragraph 2.25 of the Code).

63. I note that the arrangements state that some priority is afforded to applicants for Year 5 who are siblings from a multiple birth. The arrangements for Year 9 say nothing about this and would need to be revised if it is intended that applicants for Year 9 be afforded similar priority.

## Other Matters

64. As I considered the arrangements other matters came to my attention which may not comply with the Code. These are listed below (with the most relevant paragraphs of the Code in brackets).

65. At the commencement of this case, it became apparent that two different versions of the arrangements had been published on the school website. Admission authorities must ensure that their arrangements are published by the statutory deadline of 15 March and that these are accurate. (Code 14, 15).

66. The arrangements refer to students with a “statement of special educational needs”. Statements of special educational needs no longer exist, and arrangements should therefore only refer to Education Health and Care Plans (EHCPs). (Code 1.6)

67. The arrangements prioritise, in criterion 1 for admissions to both Year 5 and Year 9, looked after and previously looked after children as required by the Code. However, the arrangements are not fully compliant with the Code in that the arrangements refer to “residence” orders, which were replaced by the Children and Families Act 2014 with child arrangements orders. (Code 1.7).

68. The arrangements state:

“Applications for school places are co-ordinated by the Local Authority in accordance with the published time scales in the co-ordinated admission scheme. Parents wishing to apply for a place at Great Park Academy should complete the common application form [CAF] provided by the Local Authority and return it by the required date.”

69. No further information is given regarding how or where to obtain the CAF or the deadline for completing this; neither is any explanation provided that parents must apply via their home local authority. Although a weblink is included at the end of the document to access a “timetable of dates” the webpage thus accessed did not, at the time at which the arrangements were provided to me, include application dates for 2025. The arrangements therefore fail to provide the clarity for parents that is required by the Code. (Code 14).

70. The arrangements refer to home address but do not specify how this should be defined, including in the event that a child lives between two separated parents and where a child spends an equal amount of time with each. This does not comply with the requirements of the Code (Code 1.13).

71. Where the arrangements prioritise the children of staff, they are contrary to paragraphs 1.40, 1.8 and 14 of the Code as:

- a. The relevant oversubscription criterion for entry to Year 5 differs from that for Year 9. Whilst I have said earlier in this determination that it is possible to have different oversubscription criteria for each point of entry, in this instance the difference in who acquires priority and who does not is confusing to applicants and there appears to be

no reasonable basis for having differing provisions. The arrangements must be revised so that this criterion comprises the same wording for both years of entry.

- b. The arrangements for entry to Year 9 state that staff whose children are afforded priority for entry are those “employed directly by the Academy”; those for Year 5 do not state the employer of such staff. It is my understanding that staff are in fact employed by the trust; as such the arrangements for both years of entry are inaccurate and lack clarity.
- c. As it is not clear what is meant by “a skill-shortage area” or “a demonstrable skill shortage” the arrangements do not specify to which groups of staff priority will apply and do not fulfil the requirement that parents are able to easily understand how places at the school are allocated. I recognise that it may not be possible or desirable to include in the arrangements a list of all posts for which there is, or has been, a shortage. The requirements of the Code could be met by, say, stating how staff can access such information.

72. The arrangements refer to “categories” in respect of tie-break arrangements. As the term categories is not defined within the arrangements this is likely to be confusing for parents and fails to provide the clarity required by the Code. (Code 14).

73. The arrangements for entry to Year 5 include a tie break for “categories 2-5” which I have taken to mean oversubscription criteria 2-5, but not for either the first or sixth criterion; it is therefore not clear how applicants will be prioritised within these criteria. The trust has confirmed that this tie-break applies to all criteria and the arrangements must be revised to reflect this. (Code 14).

74. Although siblings are prioritised within the second oversubscription criterion for entry to Year 5, siblings are not defined; this does not provide the clarity required by the Code. (Code 1.11)

75. The fifth oversubscription criterion for entry to Year 5 and that for Year 9 both use distance from an applicant’s home address to the school. How that distance is measured is defined differently in the Year 5 criterion than in that for Year 9. Again, as I have said, it is possible to have different arrangements for each point of entry. However, in this instance the use of different methodology is likely to cause confusion for parents, and there appears to be no logical reason for using such differing methodology at each point of entry. The arrangements must be revised so that the definition of distance uses the same wording for both years of entry (Code 14, 1.8 and 1.13).

76. The arrangements state:

“Where parents have shared responsibility for a child following the breakdown of their relationship and the child lives part of the week with each parent, and the parents are in disagreement about which school the child shall attend, the views of the parent who lives at the address where the child is registered for his or her GP will take precedence.”

77. Where a child has parents who are separated and both have parental responsibility, then unless there is a court order to the contrary either parent can make an application for a school place. The trust has no authority to determine whether to accept an application from one parent and not another, and the arrangements do not contain any rational or legal basis for determining which parent should be the decision maker in the circumstances described above. I find that the arrangements must be revised to make it clear that any dispute between separated parents in respect of an application for a school place is a matter for those parents to resolve either by agreement or by an order of the court.

## Determination

78. 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 Gosforth Federated Academies Limited for Great Park Academy, which is in the local authority area of Newcastle upon Tyne.

79. 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.

80. 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 4 October 2024.

Dated: 17 September 2024

Signed:

Schools Adjudicator: Jennifer Gamble