



Office of  
the Schools  
Adjudicator

## Determination

<b>Case reference:</b>	<b>ADA4383</b>
<b>Objector:</b>	<b>A member of the public</b>
<b>Admission authority:</b>	<b>Mosaic Learning Trust for Standish Community High School, Wigan</b>
<b>Date of decision:</b>	<b>5 December 2024</b>

## Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objection to the admission arrangements determined by the Mosaic Trust for Standish Community High School, Wigan.

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 or by 28 February following the determination, unless an alternative timescale is specified by the adjudicator. In this case I determine that the arrangements must be revised by 28 February 2025.

## 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 Standish Community High School, Wigan (the school), a mixed, non-selective academy school for children aged between 11 and 16, for September 2025.

2. The objection is to the priority given to those living in different parts of the school's catchment area. The arrangements include three geographical areas which are given different levels of priority for admission to the school. The arrangements include in the geographical area which is given the second highest level of priority some areas which had previously been given the third highest level of priority, but not all of them. The objector says that the areas which have been given the higher priority represent more socially advantaged localities than those which have not and that the arrangements therefore fail to comply with paragraph 1.8 of the School Admissions Code (the Code) which requires that oversubscription criteria must be reasonable, comply with all relevant legislation, including equalities legislation and do not disadvantage unfairly a child from a particular social group. The objector says that, in addition to operating to cause an unfair disadvantage to children from a particular social group, the arrangements are also in breach of paragraph 1.8 because they fail to comply with section 1 of the Equality Act 2010.

3. The local authority (LA) for the area in which the school is located is Wigan Council. The LA is a party to this objection. The other party is the Mosaic Learning Trust (the trust) which is the school's admission authority. Both have been very helpful in providing me with information when requested.

## Jurisdiction

4. The terms of the Academy agreement between the multi-academy trust and the Secretary of State for Education require that the admissions policy and arrangements for the academy school are in accordance with admissions law as it applies to maintained schools. These arrangements were determined by the academy trust, which is the admission authority for the school, on that basis. The objector submitted her objection to these determined arrangements on 14 May 2024. I am satisfied the objection has been properly referred to me in accordance with section 88H of the Act and it is within my jurisdiction. I have also used my power under section 88I of the Act to consider the arrangements as a whole.

## Procedure

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 of the determination of the arrangements by the Trustees via an email exchange which took place on 21 February 2024;
- b. a copy of the determined arrangements;
- c. the objector's form of objection dated 14 May 2024 and subsequent correspondence;
- d. the trust's response to the objection and subsequent correspondence;

- e. confirmation of when consultation on the arrangements last took place;
- f. the LA's booklet for parents "Applying for a Year 7 place 2025/26";
- g. correspondence received from the LA in response to my request for certain information which included a map of the area and the location of local secondary schools, and
- h. more detailed maps of the area obtained from the website "Google Maps".

## The Objection and Other Matters

7. I have set out above the details of the objection. The objector completed the form of objection saying that she did so on behalf of two other individuals but has remained the sole correspondent throughout.

8. When I saw the arrangements, I was concerned that there were further matters contained within them which may constitute failures to comply with the requirements concerning them. These matters were (references in brackets are to paragraphs of the Code):

- (i) an initial statement that "Where the school receives more applications education health and care plan which names the school" is unclear (paragraph 14);
- (ii) the arrangements fail to state that where a child has an Education, Health and Care Plan which names the school, the child will be admitted (1.6);
- (iii) the arrangements do not state that oversubscription criteria are applied in the order in which they are listed (1.7);
- (iv) the oversubscription criterion which gives priority to children of staff at a school within the Mosaic Trust does not comply with the requirement of paragraph 1.39 of the Code which states that such priority may be given to children of the staff of the school (1.39);
- (v) the arrangements do not include information required concerning the use of random allocation (1.34 and 1.35);
- (vi) a paragraph concerning late applications does not conform with the definition of such in the Code or the requirement that applicants should not be refused admission because they have applied later than other candidates (2.28).

## Background

9. Standish is located to the north of the main urban centre of Wigan, at a distance of about 4 miles. There is a built-up strip running between the two, centred on the connecting road, the A49 also known as Wigan Lane or Wigan Road. On the northernmost edge of the urban centre but to the west of the A49 lies the built-up area known as Beech Hill and to its south is the part of the town referred to as Springfield. To the east of Beech Hill is the area

known as Whitley, straddling the main road and to its south, adjacent to Springfield, is Swinley. Beyond them further to the east is a less urbanised area containing the hamlet of Aspull, with the smaller areas of New Springs and Haigh to its south and north respectively.

10. The objector told me (and the trust has not contradicted this history) that before 1990 Aspull had its own secondary school, Aspull High School. When this school was closed, she says, Standish Community High School was expanded to accommodate children from Aspull, New Springs and Haigh and these areas have been within its catchment area ever since. According to this account, which I have no reason to doubt, for the last 34 years children living in this area around Aspull have had the second highest level of priority for places at the school for children living in the catchment area after the first priority given to children living in the area of Standish itself, where the school is located. The change that has been made to the arrangements that have applied for admissions in 2024 is that, for 2025, the trust has determined that the two areas known as Whitley and Swinley (and part of the unurbanized area to their east) which had hitherto been given the third level of priority for children living in the catchment area along with the more westerly located Beech Hill and Springfield, have been included as part of the area around Aspull which has the second highest priority level for admissions (“Area B” in the arrangements). The objectors have made their complaint because of this “promotion” of the two named areas, which might be seen as the two areas of Wigan most on its outskirts to the east, while the remainder of the old third priority level part of the school’s catchment area retains the lower priority.

11. The school is popular and oversubscribed. Its current Ofsted rating is “Good”. It has a PAN of 260 and there were 18 appeals lodged by unsuccessful applicants for admissions in September 2024 according to the LA booklet for parents. There are two other secondary schools within three miles of the school, both are rated as “Good” by Ofsted and both are oversubscribed. The LA projects that Standish Community High School will continue to be oversubscribed in 2025 and 2026, and that this oversubscription will be with first preferences. The trust has told me (although I had not asked for this information) very recently in support of its argument against the objection that there are currently only 230 first preferences from “Wigan children” for 2025, although it has not told me the total number, or defined the term it has used.

12. I shall describe in more detail below, when setting out my consideration of the objection, the pattern of secondary schools and their geographical relationship with the disputed areas whose priority for admission to the school has changed for 2025. These geographical relationships have formed a key part of the arguments which I have been asked to consider by both the objector and the trust. Suffice it to say here as general background however that there are a number of secondary schools within the urbanised area of Wigan which are close to, or even contained within, the part of Standish Community High school’s catchment area which extends there and concerning which the objection has been made. Across these schools, and across the LA’s area as a whole, secondary schools are a mixture of Community, Foundation, Academy and Voluntary Aided schools. The admission arrangements of the local group of schools contain a variety of types of oversubscription criterion. Some use catchment areas and some do not. In other words, there is no single pattern of adjoining secondary school catchment areas which together

cover the whole geography and all the schools, as is the case in some other localities, in my experience.

13. A further relevant element of the background in this case is that while there has been a general decline in pupil numbers in the area, all the parties have made clear references to the fact that Standish itself is a “growth area with ongoing house building requiring the expansion of primary schools” as the LA has put it. All have considered this a reality, but one which is currently difficult to quantify in terms of the effect it will have on the school’s admissions. I shall refer to this again below.

14. The school’s admission arrangements for 2025 say that the “admission number”, which I take to be the PAN, is 260. Under the heading “oversubscription criteria” there is the statement “Where the school receives more applications education health and care plan which names the school” (sic). First priority is given to looked after and previously looked after children, followed by children whose older brother or sister (as defined) will attend the school at the proposed time of admission. Third priority is given to children of staff “where the member of staff has been employed at a school within the Mosaic Learning Trust for two or more years”. There then follow the oversubscription criteria which define three separate parts of the school’s catchment area. These are:

- (i) Standish including Shevington Moor. Postcodes are given and the area is shown marked as “Area A” on an attached map.
- (ii) Aspull including New Springs and Haigh, and part of Wigan Central Ward. Postcodes are given and the area is demarcated as “Area B” on the map; and
- (iii) The wards of Wigan Central and Wigan West whose postcodes are given. The area is shown as “Area C” on the attached map.

The final oversubscription criterion is for “other children living nearest the school”, and straight-line distance from a child’s home to the school is provided as a tie-breaker. If distances are the same, the arrangements say that “we will use a system to randomly pick who will be offered a place”, but no more. The arrangements go on to say that late applications “will only be considered after those received by the closing date”.

## Consideration of Case

### The expansion of “Area B” in the school’s catchment area

15. The form of objection referred to “proposed admission arrangements” for the school. Having received evidence that the arrangements had been determined by the trust prior to the date of the objection, I therefore wrote to the objector explaining that the adjudicator’s jurisdiction concerned only determined admission arrangements and asking for confirmation that, having seen the determined arrangements, the objector wished the objection to stand and that its details remained relevant. This was confirmed, as was the fact that there were three objectors. At the objector’s request, further correspondence with all objectors has been through this individual.

16. The change made by the trust in respect of the arrangements determined for 2025 is that part of the previous “Area C”, referred to by all the parties as covering the areas of Swinley and Whitley, has now been included in “Area B”, and as a result children living there will have a higher priority for admission to the school than has previously been the case. Children living in the remaining part of “Area C” retain the previous level of priority within the arrangements. At my request, the trust has helpfully provided clear maps showing this change, and these are included in the arrangements for parents to view. I show in the following table geographical areas which I will refer to later in the order of their proximity to the school (the relevance of which I will explain below), together with the priority assigned to them in the school’s admission arrangements for 2024 and 2025.

<b>Geographical areas in order of proximity to school (approximate distances), with Haigh being the nearest</b>	<b>Level of priority within catchment area 2024</b>	<b>Level of priority within catchment area 2025</b>
1. Haigh *	B	B
2= Swinley and Whitley	C	B
2= Beech Hill and Springfield	C	C
2= Aspull *	B	B
3. Whelley	C	C
4. New Springs *	B	B

\*Indicates areas which formed the catchment area for the former secondary school in Aspull

17. The objector and the trust have put their arguments to me in extensive correspondence which has continued into November 2024. Each has addressed the central element of the objection - namely whether the arrangements fail to comply with paragraph 1.8 of the Code and section 1 of the Equality Act 2010 because they disadvantage unfairly children from a particular social group. The objector also cited the effect of the new arrangements on children living in the area formerly served by a secondary school in Aspull in support of their objection and this has been the subject of further exchanges to which I will refer below.

18. The key matters for my consideration are whether children from a particular social group are disadvantaged unfairly by the arrangements and whether the arrangements are unreasonable. The following data, comparing the index of multiple deprivation (IMD) for the different areas referred to above, was provided as part of the objection.

<b>Index of multiple deprivation decile</b>	<b>WN1 2 (Swinley and Whitley) – new higher priority</b>	<b>WN1 1 (Part of Wigan central) - priority unchanged</b>	<b>WN1 3 (Part of Wigan central) -priority unchanged</b>	<b>WN6 7 (Beech Hill) - priority unchanged</b>	<b>WN6 8 (Springfield) - priority unchanged</b>	<b>WN2 1 (Aspull) - priority unchanged</b>
10 (lowest)	10.2%	0.0%	0.0%	0.0%	0.0%	0.0%
9	31.6%	0.0%	0.0%	0.0%	0.0%	0.0%
8	0.0%	0.0%	0.0%	0.0%	0.0%	4.2%
7	0.0%	0.0%	0.0%	22.2%	0.0%	38.4%
6	0.0%	0.0%	0.0%	11.1%	0.0%	11.8%
5	14.3%	2.0%	0.0%	43.2%	0.0%	14.3%
4	12.7%	0.0%	67.6%	0.0%	0.0%	0.0%
3	24.0%	10.4%	0.0%	1.9%	8.9%	31.2%
2	0.0%	0.0%	0.0%	2.5%	91.1%	0.0%
1 (highest)	6.6%	87.4%	32.4%	19.1%	0.0%	0.0%

17. The IMD deciles operate to show the least and the most deprived localities, with decile 10 referring to the lowest level of deprivation and 1 the highest (by national comparison). This data was an extract from a larger data set based on individual lower super output areas also provided as part of the objection, and I understand the quoted percentages to relate to the super output areas. The objector did not say so but I have understood this data to be the most recently available. From the table it can be seen that a significant proportion of the geographical area concerning which children living there have been given a higher priority in the school's admission arrangements in 2025 (Swinley and Whitley) can be shown to have the two lowest levels of deprivation by national comparisons (and that this contrasts with the data for other areas, in particular for Beech Hill and Springfield). This data has not been challenged by the trust which has referred to it in its correspondence. Indeed, the trust has said that "it is true that parts of WN1-2 are more affluent". I have taken this data to show no more than that.

18. Comparing the two areas, Swinley and Whitley on one hand, and Beech Hill and Springfield on the other as referred to in the objection, it can be seen that all parts of the latter areas are relatively disadvantaged compared to a significant proportion of the former. The effect of the arrangements is to give children living in Swinley and Whitley a higher

chance of gaining a place at the school than children living in Beech Hill and Springfield, since they are in a part of the catchment area afforded a higher priority (“Area B”). This means that all children in Swinley and Whitley whose parents wished them to have a place would be admitted before any children living in Beech Hill and Springfield, since oversubscription criteria are applied sequentially. This also means that the latter group of children will have a lower chance of being admitted to the school in 2025 than did their equivalents in 2024, since comparatively more of the available places will have been taken up as a result of the higher priority given to all Swinley and Whitley children before their applications are considered under the school’s oversubscription criteria. As I have indicated, the two areas are roughly the same distance from the school and so, until 2024, each would have been considered simultaneously, with distance from the school across both areas being the tiebreaker if needed.

19. That is to say, I am persuaded that, in theory at least, children from a lower socio-economic group are affected negatively by the higher priority for admission to the school given in the arrangements to their neighbours, a significant proportion of whom can be shown to be from more affluent backgrounds.

20. In order to have an understanding of the likely effect of the arrangements in practice, I asked the LA to tell me:

- (i) the number of children living in the Springfield and Beech Hill parts of the school’s catchment area who will need a Year 7 place in September 2025 and September 2026;
- (ii) whether these children are likely in its view to be able to access a place at Standish Community High School in these years under the school’s revised admission arrangements given the forecast need for places at the school, and if not, the location of the nearest alternative schools, and
- (iii) the number of children living in the expanded Area B who will need a Year 7 place in September 2025 and 2026

21. When the LA replied to these requests in October 2024, it told me that it projected 279 first preferences for 2025 and 261 for 2026. That is, it is projecting oversubscription in both years. It said that in 4 of the last 5 intakes to the school, oversubscription has occurred within the criterion in the school’s arrangements giving priority to those living in the area which included Swinley, Whitley, Beech Hill and Springfield (Area C). It gave the projected numbers of Year 7 children living in the two areas for which I had requested this information as:

Area	Number of Year 7 children 2025	Number of Year 7 children 2026



Beech Hill and Springfield	222	221
Expanded Area B  (ie including Swinley and Whitley)	171	174

22. The LA told me that there has been a declining number of first preferences for a place at the school from parents in Beech Hill and Springfield in recent years, 30 in 2020 and 14 in 2024. However, the number of all preferences from the area (Wigan allows three to be expressed) has remained fairly constant over this period, with an average of 102 preferences expressed. The number of refused preferences from the area has fallen from 49 in 2020 to 1 in 2024.

23. Taking all this into account and bearing in mind the background of current and future house building in Standish itself, the LA said (concerning the areas of Beech Hill and Springfield) “Considering current preference patterns and even with lower projections, there is still a chance that some children from this area could be refused.” In other words, the adverse effect on children living in Beech Hill and Springfield is not merely theoretical, and I take from this that the school’s arrangements will mean that some children from the area will in all likelihood not secure a place at the school in 2025 and that this will be at least partly due to the higher priority given to children living in Swinley and Whitley for the reasons explained above. It seems to me likely that any effect which is identifiable now (for 2025) will grow as pressure for places from new housing in Standish itself increases in the near future.

24. The LA also told me that there are several other secondary schools within three miles of an assumed central point for Beech Hill and Springfield and that the 2024 first preference data of parents living there showed that about one in three first preferences had been for one of these other schools and about one in four for a second. The former, a Catholic school, is located within the area and the second, a Community school, is about two miles away to the northwest. Standish Community High School is about 2.5 miles to the north. The LA said that this showed that Standish Community High is “not a priority school for families in the area, nor is it their most local school.” While that is clearly the case, I am also conscious that first preference data does not necessarily provide a true reflection of parental desires, since, especially in a complex setting such as that which prevails in and around Wigan, parents are loathe to indicate a first preference for a school they are unlikely to gain access to if this would “waste” that preference. In any case, it is also a fact that

25. Standish Community High School is popular in the area and about half the parents living there put it down as one of their preferences on an on-going basis (the 102 average referred to above). My expectation is that the arrangements as determined by the trust for the school would cause this to change, since as I have said, they reduce the chance that those living in the area will secure a place there.

26. The matter of the closeness of alternative schools to the geographical areas which are the subject of the objection has been a major strand in the correspondence I have received from the parties, and I shall return to this below.

27. As well as saying that the arrangements breach paragraph 1.8 of the Code, the objection refers to the requirements of Part 1 of the Equality Act 2010. The objection cited section 1(1) of Part 1 of the Equality Act (the EA) which says:

“An authority to which this section applies must, when making decisions of a strategic nature about how to exercise its functions, have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage.”

28. Although this section has never been brought into force in England and is therefore not directly relevant to my consideration, given the obligation under paragraph 1.8 of the Code for admission authorities to ensure that a school’s admission arrangements do not disadvantage unfairly children from a particular social group, it is incumbent upon admission authorities to consider whether any revisions made are likely to have such an effect. In its response to the objection, the trust said that it had considered “the potential impact of these changes on socio-economic diversity” but said that it did not believe that the determined admission arrangements for 2025 unfairly disadvantage children from lower socio-economic backgrounds. It has made no mention of carrying out an Equality Impact Assessment. It said that this was its view because the policy “still provides ample opportunity for children from lower IMD area to access [the school].” The use of the word “ample” has been challenged by the objector, who takes the view that it is sufficient to show that the chances of admission to the school have been lessened for children living in socio-economically disadvantaged areas (for their objection to be upheld). The trust has also argued that the arrangements do not intentionally favour any socio-economic group. The objector argues that it is the effect of the arrangements, rather than any intention behind them, that is relevant and that is also my view. I have said above what I understand to be the likely effect of the arrangements.

29. It is not the case that children who are not admitted to the school will fail to be offered a place at an alternative school within a reasonable distance of their home. Indeed, the trust had sought to justify the continued allocation of the areas of Beech Hill and Springfield to “Area C” within its admission arrangements on the grounds that there are alternative schools nearby for children living there. I will not repeat the details here, but correspondence between the parties on this point has shown to my satisfaction that this is no less true for the geographical areas now include in “Area B”, and which are those less socially disadvantaged. The trust has accepted that this is “technically” the case (although one of the schools has a faith character). The arrangements mean, as I have said, that some children from socio-economically poorer backgrounds will in all likelihood be refused a place at the school in 2025 should their parents seek a place there. They are therefore disadvantaged by the arrangements (compared to those from more affluent areas for whom this is not the case) and the question which I must consider is whether this disadvantage is unfair (and also unreasonable).

30. The trust has repeatedly told me that the purpose of its arrangements for 2025 is to give a higher priority for admission to children living nearer to the school. It has done this by raising the level of priority for children living within a geographical area which has a more affluent socio-economic profile than that of an adjoining area which previously had the same level of priority. The objectors have consistently complained, not that this has been done in isolation, but that children living equally close to Standish Community High School but in a more deprived area have not also been so prioritized (and so will have had their access to the school in practice diminished, as I have described). The objectors have given me specific examples of addresses in the Beech Hill area which are closer to the school than others which are in Swinley and also further from their potential alternative schooling than the address in Swinley are to theirs (using only non-faith schools as comparators). I do not think these specific examples are likely to be particularly unusual, and so they must be seen as illustrative rather than exceptional. The trust did not challenge these data when it saw them but repeated its view that what it called its “minor changes” would not have “a significant impact” saying that they had been made “at the request of families within the community”.

31. The trust has said that basing priority in admission arrangements on proximity to a school is common and good practice. However, its arrangements do not do this, as it freely admits, since it has said to me that “We.... have not moved to an oversubscription (sic) based solely on proximity to the school, which would disadvantage a greater number of students from areas further away from the school, who currently benefit from being in our oversubscription catchment areas.” This latter is, I take it, a reference to the fact that the arrangements maintain the areas of Aspull, New Springs and Haigh in “Area B” in the school’s catchment area. I will refer to this again below.

32. It seems to me, as it did to the objector, that the school could have achieved its objective of giving higher priority based on proximity in its admission arrangements if it had given higher priority to all approximately equally distant areas. So it would have needed to have given higher priority to all of Beech Hill and Springfield along with Swinley and Whitley, or it could have given higher priority to just the two parts of each of these areas closest to the school (that is, Swinley and Beech Hill), but it has not done this. It has prioritised some areas based on proximity and not others, and so has not achieved its stated aim, or has done so only partially, which is the same thing. My view is that the new oversubscription criterion in the arrangements which defines “Area B” as it does cannot be seen as reasonable, since it does not achieve the stated aim, and neither is it necessary, since the alternatives which could have done so have not been adopted. My view is therefore that the decision to give a higher priority to selected areas further from the school and not to give the same level of priority to areas closer to the school using the grounds of proximity as a rationale is not rational, since what has been done has clearly not been based on proximity. In my view this means that the arrangements fail to be reasonable in the sense of not being rational.

33. The effect of the arrangements is that some children from a more advantaged background are more likely to be successful in obtaining a place at the school and others from a less advantaged background are less likely to be successful. This would not be

unfair if the advantage to one group outweighed the disadvantage to the other group. The group favoured by the arrangements have alternative schools within a reasonable distance of their home, as do the group who are disadvantaged. Neither will fail to secure appropriate schooling if the expansion of “Area B” does not take place. So, it is my view that in these terms, the advantage to the favoured group of them having a greater likelihood of access to the school is insufficient to justify the disadvantage to the second group of at least some of them being unlikely to access the school at all. That makes the disadvantage an unfair one in my view.

34. In conclusion, I find that the arrangements discriminate against (in the ordinary sense of the word) some children from economically disadvantaged backgrounds who (as such) form a particular social group which falls under the requirements of paragraph 1.8 of the Code. I have considered the rationale for the change which has been introduced into the admission arrangements of the school by the trust and have found that the arrangements do not achieve this stated rationale. Therefore, the change is not reasonable in the sense of being rational. I have also come to the view that the advantage provided to the children who will be favoured by the arrangements does not outweigh, and so does not justify, the disadvantage caused to the other group, making the arrangements unfair. I uphold the first part of the objection.

35. I do not uphold the second part of the objection because the legislative provision upon which this is based is not in force in England.

36. I think it appropriate here to refer briefly to the effect of the arrangements on the Aspull, New Springs and Haigh area, which has been referred to by both parties in correspondence. I included these locations in the table above in order to show that part of this area (New Springs) is more distant from the school than the newly included areas of “Area B”. Although the trust has, as it says, maintained all this geographical area as part of “Area B” in the arrangements, the inclusion there also of Whitley and Swinley means that children living in New Springs will find it increasingly difficult to access a place at the school, in the same way that will be the case for Beech Hill and Springfield. According to the objector, there are no alternative nearby schools for such children, although I have not researched this.

37. Information I have obtained from the LA website shows that the last child admitted to the school in 2024 lived at a distance of just under 3.4 miles (in “Area C”). I judge from looking at maps of the area that New Springs is about 3.5 miles distant from the school. If and when new housing closer to the school in Standish itself, in “Area A”, results in oversubscription occurring within Area B in coming years, the inclusion of the new areas closer to the school in “Area B” in 2025 will mean that children living in this more distant part of the area will be more unlikely to be able to obtain a place at the school. If alternative travelling distances or travel times are excessive, this may create an unfairness for the children concerned. This is therefore a further concern regarding the arrangements, but not one which constitutes a current unfairness.

#### Other matters

38. I have set out above the matters which I raised with trust, and the reasons for doing so, citing the relevant provisions of the Code. When it wrote to me on 10 October, the trust sent me without further comment a copy of admission arrangements for the school for 2025 which were annotated as “revised 8 October”. It is not open to an admission authority to amend arrangements which it has determined other than in the specific circumstances described in paragraph 3.6 of the Code, and I therefore take what I have been provided with as the trust’s responses to my concerns. This is not what had been sought however, and it is made clear to admission authorities in the correspondence they receive that changes should not be made to admission arrangements until the parties are in receipt of the adjudicator’s determination.

39. Each of the concerns listed as (i) to (v) in paragraph 8 above has been addressed in the version of the arrangements which the trust sent to me. However, as determined, the arrangements did not comply with the requirements of the provisions of the Code for the reasons I have given.

40. The trust sought confirmation about the matter listed as (vi) concerning the consideration given to late applications for places at the school. It said that its own understanding was that paragraph 2.28 of the Code “applies to in-year applicants, not to applicants applying to the school’s point of entry which is Year 7.” I took this to imply that this was not a matter for the adjudicator in the trust’s view.

41. I replied as follows:

“My understanding is that, first, the admission arrangements for a school are the arrangements which apply to all admissions to the school in the year in question, and that includes the arrangements for making in-year admissions.” The adjudicator’s jurisdiction covers the whole of the determined admission arrangements. I added:

“Second, the Code is clear in the footnotes to paragraph 2.23 that an in-year application applies to admissions to the relevant age group if submitted on or after the start of the school year, as well as to admissions to other year groups. A late application is one made before the start of term for admission to a relevant age group. Paragraph 2.28 gives the general position concerning all admissions - that they are governed by the question of “prejudice” and that children must not be refused admission because they have applied later than other children. My understanding of the requirement is therefore that an application for a school place, whether in-year or late, must be considered if it is possible to do so, even if submitted after the closing date. A statement that applications which are received later than those received by the closing date will not be considered does not appear to comply with this requirement.”

42. The trust did make an amendment to this part of the arrangements in the document which it sent to me, but not a material one. The arrangements fail to comply with the requirements of paragraph 2.28 of the Code for the reasons I have given.

## Summary of Findings

43. I have explained why I have come to the view that the arrangements, and in particular the oversubscription criteria setting out different parts of the school's catchment area, unfairly disadvantage children from a particular social group, in contravention of paragraph 1.8 of the Code. I therefore uphold the first part of the objection.

44. I have explained why I do not uphold the second part of the objection.

45. I have explained each of the other matters contained in the arrangements which also fail to conform with the requirements of the Code.

46. The deadline for parents to express their preferences for places at secondary school for September 2025 passed on 31 October 2024. The LA will therefore have begun the coordinated admissions process, and I do not think it reasonable that parents who have expressed their preferences on the basis of the school's admission as published should now see different arrangements take their place for the purposes of allocating places in September 2025. The Code requires admission authorities to revise their admission arrangements to give effect to the Schools Adjudicator's decision within two months of the decision (or by 28 February following the decision, whichever is sooner), unless an alternative timescale is specified by the Schools Adjudicator. In this case, I will require the trust to amend the school's arrangements to take account of this determination by 28 February 2025, which is the last date on which it must also determine the school's arrangements for admissions in 2026. In practice, this means that it will necessarily have to adopt similarly amended arrangements for admissions in 2026.

## Determination

47. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objection to the admission arrangements determined by the Mosaic Trust for Standish Community High School, Wigan.

48. 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.

49. 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 or by 28 February following the determination, unless an alternative timescale is specified by the adjudicator. In this case I determine that the arrangements must be revised by 28 February 2025.

Dated: 5 December 2024

Signed:

Schools Adjudicator: Dr Bryan Slater