



Office of
the Schools
Adjudicator

Determination

Case reference: REF4393 Whitley Bay High School, North Tyneside

Objector: A member of the public

Admission authority: The Governing Body for Whitley Bay High School

Date of decision: 10 April 2025

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 governing body for Whitley Bay High School, North Tyneside.

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. Under the same provision I have considered the arrangements for 2026 and find that there are matters which do not conform with the requirements concerning them as 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.

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 Whitley Bay High School (the school), a Foundation School, for September 2025. The objection is to the fairness and reasonableness of the school's catchment area, to its clarity and the clarity with which it has been published and to a number of aspects of the arrangements concerning admissions to Year 12.

2. The local authority (LA) for the area in which the school is located is North Tyneside Council. The LA is a party to this objection. Other parties to the objection are the school's governing body and the objector.

Jurisdiction

3. These arrangements were determined by the school's governing body, which is the admission authority for the school, on 8 February 2024. The objector submitted his objection to the determined arrangements on 11 December 2024. The objector has asked to have his identity kept from the other parties and has met the requirement of Regulation 24 of the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 by providing details of his name and address to me. 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.

4. The School Admissions Code (the Code) requires objections to admission arrangements for 2025 to be submitted to the Schools Adjudicator by 15 May 2024. This deadline was missed and while I am not required to consider the arrangements under section 88H(4) of the School Standards and Framework Act (the Act) under these circumstances, I am not prevented from doing so. Under section 88H of the Act, the objector has remained a party to the case.

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 governing body at which the arrangements were determined;
- b. a copy of the determined arrangements;
- c. the objector's form of objection dated 11 December 2024, supporting documents and subsequent correspondence;
- d. the school's response to the objection and subsequent correspondence;
- e. the comments of the LA concerning the objection and subsequent correspondence;
- f. the local authority's composite prospectus for admissions to secondary schools;
- g. a map of the area identifying relevant schools and the catchment areas of the school and that of Monkseaton High School, and
- h. documents published by the LA concerning the proposal to close Monkseaton High School on 31 August 2026, including the Statutory Notice of closure which

was published on 15 November 2024.

7. I have also taken account of information received during an online meeting I convened on 7 March 2025 attended by representatives of the school and the LA. The objector was invited but did not attend.

The Objection

8. Concerning the admission arrangements for Year 9:

- (i) Whether the catchment area is fair and reasonable since it gives no priority to children living in the catchment area of Monkseaton High School, which will not admit children to Year 9 in September 2025.
- (ii) Whether the arrangements conform with the requirements of the Code at paragraphs 14, 1.8, 1.14 and 1.50 concerning the clarity and publication of the school's catchment area and the ease with which it can be understood by parents.

9. Concerning the admission arrangements for Year 12:

- (i) Whether paragraph 1.2 of the Code is breached because a published admission number is not stated.
- (ii) Whether paragraph 1.7 of the Code is breached because the arrangements do not give priority for admission to all looked after and previously looked after children as set out there.
- (iii) Whether the arrangements are procedurally fair and objective as required under paragraphs 14 and 1.8 of the Code as they appear to require the discretion of unnamed persons.
- (iv) Whether the arrangements are clear concerning the relevance of academic entry requirements to internal and external students as required by paragraph 2.6 of the Code.
- (v) Whether the arrangements comply with the requirements of paragraph 1.6 of the Code concerning the admission of students with an Education, Health and Care plan which names the school.
- (vi) Whether the arrangements do not comply with paragraph 2.18 of the Code because they provide no procedure for parents to seek admission out of a child's normal age group, or with paragraph 2.26 of the Code by setting out on the school's website how in-year applications will be dealt with.
- (vii) Whether the arrangements are unclear, in breach of paragraph 14 of the Code.

Other Matters

10. Having considered the arrangements as a whole it appeared to me that the following matters also do not, or may not, conform with requirements.

Concerning the admission arrangements for Year 9:

- (i) Whether the oversubscription criteria are unclear. The first two refer to children and the second two to criteria. If the final criterion is intended to cover all remaining children, this is not stated. Paragraph 1.8 of the Code requires oversubscription criteria to be clear.
- (ii) Whether the arrangements do not comply with paragraph 2.18 of the Code because they provide no procedure for parents to seek admission out of a child's normal age group, or with paragraph 2.26 of the Code by setting out on the school's website how in-year applications will be dealt with.

Background

11. The majority of schooling in the LA's area is organised as a two-tier system, with primary schools for Year R to Year 6 and secondary schools for Year 7 and above. However, one part of North Tyneside, known as the Northeast Planning Area (the planning area), has a three-tier system of schooling, with first schools (Year R to Year 4), middle schools (Year 5 to Year 8) and high schools (Year 9 to Year 13).

12. The Northeast Planning Area has two high schools, Whitley Bay High School and Monkseaton High School. They have separate, contiguous catchment areas which together comprise the whole planning area. Both schools are part of the North Tyneside Learning Trust, as are the four middle schools in the LA's area. This is a foundation trust and so while the schools are their own admission authority, they are nevertheless maintained by the LA.

13. In September 2024, the LA began a consultation which proposed the closure of Monkseaton High School on 31 August 2026, and it published its proposals to this effect (under section 15 (1) of the Education and Inspections Act 2006) on 15 November 2024. The proposal was determined by the council on 19 December 2024, and the call-in period during which that decision could have been scrutinised within the council ended on 30 December 2025, meaning that the decision could then be implemented.

14. As part of the closure process the LA has made arrangements to transfer the existing (the 2024-25) Year 9 cohort of children from Monkseaton High School to Year 10 places in other schools in the borough in September 2025. Also, no new Year 9 pupils will be admitted to Monkseaton High School in September 2025. This means that the children transferring from middle schools to high schools in the planning area who might otherwise have been admitted to Monkseaton High School in September 2025 need to find Year 9 places elsewhere at that time. The LA allowed the parents of these children to change their expressed preferences up to 17 January 2025.

15. The Year 9 admission arrangements for Monkseaton High School in previous years gave a high priority to children living in its own catchment area, and the same was true for the Year 9 admission arrangements of Whitley Bay High School. The objector complains that since the admission arrangements for Whitley Bay High School for September 2025 remain unaltered concerning the area defined as its catchment area, Year 8 children living in the former catchment area of Monkseaton High School have no high school which gives them any priority for admission. He says that they will only be able to transfer to a Year 9 place at a school at which this is a normal year of admission if there are remaining places at Whitley Bay High School and they are one of those living close enough to it to secure a place. The oversubscription criteria for the school for September 2025 give priority in the following order, although they are not set out as I am summarising them (see below):

- A. Looked after and Previously Looked After Children (as defined)
- B. Pupils living in the school's catchment area with a sibling at the school
- C. Other pupils living in the catchment area
- D. Other pupils with a sibling link
- E. Other pupils, with priority given to those living closest to the school.

Distance from the school is the tie-breaker under any of the above criteria if required.

16. The objector says that in the circumstances which prevail for children transferring from middle schools in the borough in September 2025, the school's admission arrangements have become unfair and unreasonable. He says that Whitley Bay High School should have sought to vary its admission arrangements by extending its catchment area to include Monkseaton High School's Year 9 catchment area, meaning that all Year 8 tranferees in the borough would have had the same priority for a place there.

17. Concerning the admission arrangements as a whole, these:

- A. State that the PAN for Year 9 is 370.
- B. Say that children whose Education, Health and Care Plan names the school will be admitted.
- C. Set out the oversubscription criteria (which I have paraphrased above), but do so using inconsistent terminology. The oversubscription criteria which I have summarised as A-C above are described in the arrangements in terms of groups of children (pupils), but D and E merely set out criteria (which are "sibling link" and "shortest distance") which are intended to identify groups of children but do not say so.
- D. Contain no statement concerning a procedure for parent to request admission of their child out of its normal year group (as required by paragraph 2.18 of the Code).
- E. Set out a Sixth Form Entry Policy (for Year 12) which

- does not give a planned admission number for external students, but says that “the capacity of Year 12 is 350 (this includes both students from Whitley Bay High School and other schools)”
- gives priority to “any student who is in the care of the Local Authority” (but not to “looked after or previously looked after children”) stating that such students will be admitted “where it is believed that Whitley Bay High School is the most appropriate post-16 option”
- states that late applicants will be considered “if the timing is right”
- says that students from Year 11 have to meet minimum entry requirements (as stated) and that students from other schools are invited to apply if they meet these requirements
- says that average GCSE points scores are used in the event of oversubscription
- says that students whose Education, Health and Care Plan names the school will be admitted “provided they meet the general and course specific entry requirements”
- does not provide a procedure for parents to seek admission outside a student’s normal age group.

Consideration of Case

Whether the school’s catchment area is fair and reasonable

18. Although the national offer date for secondary school places (1 March) has now passed, the school’s admission arrangements remain effective until at least 31 December 2025.

19. The objector believes that the catchment area for Year 9 admissions is not fair or reasonable because it remains unchanged and so does not give priority to children living in the catchment area of Monkseaton High School, which will not admit Year 9 children in September 2025 because it is due to close. He cited paragraph 14 of the Code which requires that admission arrangements are fair, paragraph 1.8 of the Code which requires that oversubscription criteria are procedurally fair, and paragraph 1.14 which requires catchment areas to set so that they are reasonable.

20. At the time when the objection was made, a final decision to close Monkseaton High School had not been made, and the objection said that “if and when the council’s proposals to close are implemented” Whitley Bay High School’s catchment area “will cease to be fair and reasonable”. As I have said, the decision to close Monkseaton High School in 2026, and therefore to give effect to the contingent decision that it should not admit Year 9 children in September 2025, was not final until 8 January 2025.

21. The objector stated as part of the objection that “it was incumbent on Whitley Bay High School....to have applied to the Schools Adjudicator to vary its admission arrangements in some way....so as to ensure greater fairness for Year 8 children across the whole of the Northeast Planning Area”. He repeated this view in later correspondence while acknowledging that when he did so that by that time (5 March) Year 9 offers would have been made. However, it seems to me that it would have been very difficult indeed for the school to have made a meaningful request that its admission arrangement be varied prior to there being certain knowledge that Monkseaton High School was to close as the objector believes should have happened, although it might have done so after 8 January 2025.

22. In any case, my consideration of the arrangements must be about what the arrangements are, not what they might have been. In order to consider whether they are fair and reasonable, I need to consider whether they have given rise to any unfairness in their determined format.

23. As part of the objection the objector informed me about the arrangements which were being made concerning the present Year 9 children at Monkseaton High School for their (Year 10) school places in September 2025. When I wrote to the parties after I was able to establish that the arrangements had been determined by the school’s admission authority, I asked the LA for information concerning the destination schools of these children and where these were in relation to their homes. It seemed to me that this information offered an indication of what might be likely to occur when the following year group, the current Year 8 children who lived in Monkseaton’s catchment area and attend middle schools, were seeking Year 9 places in September. I also asked for information about this group of children (Year 8), which the objector had advised me were being allowed until 17 January 2025 for their parents to express a preference concerning their High School place. Taken together with information which I had requested concerning the number of first and other preferences which had been received for Year 9 place in September 2025 at Whitley Bay High School, and concerning the current Year 7 cohort living in the planning area, the picture which emerged was as follows:

The current Year 9 children attending Monkseaton High School

Number of children	Number of schools at which Year 10 places for September 2025 have been allocated	Nearest distance to home	Furthest distance to home
115	7 (including Whitley Bay High School -15 children)	0.1 miles	6.9 miles

NB. No information available on the effect of parental preferences for this group

The current Year 8 and Year 7 children living in the Monkseaton High School and the Whitley Bay High School catchment areas

Year group	Number living in Monkseaton High School catchment area	Number living in Whitley Bay High School catchment area	Total
Year 8	155	241	396
Year 7	145	234	379

24. This information was provided to me on 13 February 2025 and the allocation of Year 9 places at Whitley Bay High School was due to take place on 3 March 2025 in line with the school's determined admission arrangements, which included a Year 9 PAN of 370. The school had received 485 first preferences and a total of 495 preferences. In other words, some parents living outside the planning area had used a first preference for a place at the school and the school was significantly oversubscribed. The school's oversubscription criteria would only provide places to other children after any looked after or previously looked after children, and those living in the Whitley Bay High School catchment area and children with a sibling link had been satisfied, with the remaining places allocated on the basis of distance from the school. The experience of the current Year 9 cohort at Monkseaton High School, was that only 15 could be admitted to Year 10 at Whitley Bay High School in September 2025 and that others were found schools at some distance. This did not appear to offer reassurance about the likelihood of the Year 8 cohort living in the Monkseaton High School catchment area being able to secure a Year 9 school place for September 2025 at Whitley Bay High School or alternatively at a different school near to their home. Given the PAN of 370 and the number of Year 8 children living in the school's catchment area who would have priority over these children, it seemed likely that up to 26 such children would be so affected.

25. It was unfortunate that when the school had responded to my request for its comments on the objection, it had only responded to the matters concerning the arrangements which I had raised myself. The LA had stated in its own reply that it agreed with the school's response. I therefore wrote urgently to both on 16 February asking again that they comment on the objection, also pointing out the imminence of the national offer date for secondary school places, and my own intention to seek a meeting with them once I was in possession of their views.

26. These responses were available on 24 February. The school informed me that it had agreed with the LA that it would admit 20 more Year 9 children in September 2025 than the stated PAN, making a total of 390 places. I convened a meeting with the parties on 7 March 2025 at which I was able to clarify that these places had been allocated in line with the

admission arrangements as determined (since this was unclear from what the school had said to me), so that children living in the Monkseaton High School catchment area would only be allocated a place if they lived closer to the school. I was at that point unclear therefore what the effect of the arrangements would now be, given the larger PAN.

27. I therefore asked to be informed of the offers of Year 9 places for September 2025 which had by that time been made to the Year 8 children living in the Monkseaton catchment area and the number of those children whose parents had expressed a first preference for a place at Whitley Bay High School and the outcome for each of them. I asked to be informed of any children whose offered place was more than three miles from their home. Similarly, I asked to be told the number of children in Year 8 living in the Whitley Bay High School catchment area whose parent had expressed a first preference for a place there and the outcome of those applications. This information is summarised in the following table:

Catchment area	Number of Year 8 children living there	Number expressing first preference for WBHS	Number offered a place at WBHS (Ofsted outstanding)	Greatest distance to alternative school	Alternative school A (Ofsted Good)	Alternative school B (Ofsted for predecessor school 2x Good, 2x RI)
Monkseaton	155	154	135	2.4 miles	14 children	6 children
Whitley Bay	244	244	243	1.6 miles	nil	1 child (late applicant)

28. The question which I must address is whether the school's arrangements are fair and reasonable, since that is the objection to them which has been made. The context in which they have been applied is unusual, but relevant to my consideration. Had Monkseaton High School not been destined for closure, the objection would undoubtedly not have arisen. The objector believes that the arrangements should have been changed to give equal preference to all children living in the planning area for a Year 9 place at the school in September 2025, and that they are unfair and unreasonable because that did not happen.

29. I have described above the timetable which applied concerning the closure of Monkseaton High School. When the LA responded to my request for comments on this aspect of the objection it told me that when the consultation regarding that closure began in September 2024, it acted to ensure that there would be a sufficiency of Year 9 places in September 2025 at other schools across the borough. It has said that there will be 533 such places for the cohort of 486 children currently in Year 8.

30. The LA also said that the closure of Monkseaton High School did not “in and of itself make the existing catchment area for Whitley Bay High School unfair or unreasonable”. However, that is not the question in front of me, but the rather different one of whether the arrangements, including the unchanged catchment area, are unfair or unreasonable, given the changed context. It is the case that a changing set of circumstances can make otherwise compliant admission arrangements not so.

31. Both the school and the LA have expressed the view to me, either in correspondence or at the meeting with them which I held, that the school’s admission arrangements could not be changed to take account of the closure of Monkseaton High School until that closure had been finalised. I understand that view to derive from a concern that such a change would have pre-empted the closure decision and have brought its fairness into question. Since the LA proposed and determined the closure of Monkseaton High School and since the school is its own admission authority, two separate decision-making bodies are involved. So I am not convinced that the approach adopted by the school was essential or appropriate. It seems to me even more surprising that given that both High Schools and the four Middle schools in the Borough are part of the same Trust (the North Tyneside Learning Trust), notwithstanding that this is not an academy Trust, that a more wholistic approach has not been taken. I told the parties when I met them that I had accessed the Statutory Notice and related papers for the closure of Monkseaton High School published by the LA and that I had been surprised that I had not been able to find there any analysis of the effect of the proposed closure on the children living in its catchment area or consideration of the creation of a geographical area where three-tier schooling is provided but for which children would have no priority for admission to High School on reaching Year 9.

32. The school has now applied its admission arrangements for 2025 as determined, with children living in the catchment area of Monkseaton High School being given no catchment area priority for places, but has admitted over the determined PAN, as it is permitted to do. The effect of doing so is shown in the last table above, and it is clear from this that the arrangements have not been equitable for children living in the catchment areas of the two schools. The question which I must answer is whether there has been an unfairness to some children. That is to say, whether an actual disadvantage has been suffered, and if so whether this outweighs the advantage to the group of children not so disadvantaged.

33. It seems clear to me from the information shown in the table that, had all the parents of children living in the Whitley Bay High School catchment area applied on time with a first preference, they would all have been offered a place. The same cannot be said for the children living in the Monkseaton High School catchment area, and although the effect of the unchanged catchment area has been significantly mitigated by the provision of additional places, it has not been removed. A total of 390 places have been made available, of which 243 went to children living in the school’s catchment area and 135 of which went to children living in the catchment area of Monkseaton High School, making a total of 378. The remaining 12 places can only have been offered to children not living in either catchment area, that is to children living outside the Northeast Planning Area, based on the proximity

of their homes to the school. Had children living in the Monkseaton catchment area been given equal priority to those living in the Whitley Bay High School catchment area, then my assessment is that these 12 places would have benefitted the 20 children from this area who could not be admitted because other children from outside the planning area lived closer to the school.

34. In considering the alternative schools to Whitley Bay High School at which children from the Monkseaton catchment area have been allocated places, I am mindful of the fact that the only school offering continuity of three-tier education is Whitley Bay High School. Any disadvantage because of the greater distance travelled to school to children living in the Monkseaton catchment area will be exacerbated by the discontinuity of schooling for those transferring from a middle school. This is very likely to be the case for these children living in the planning area and much less likely to be so for those living outside it who may or may not attend a middle school in the planning area. Children attending a middle school and living in the Monkseaton catchment area who do not secure a place at Whitley Bay High School are likely to suffer the double disadvantage of distance and discontinuity in their new schooling. So it seems to me that there is disadvantage caused to a number of children living in the Monkseaton High School catchment area by the unchanged catchment area which is not outweighed by the advantage to children who have secured a place but who did not live in the planning area. I find that the arrangements are unfair and in breach of the requirement of paragraph 14 of the Code that “the criteria used to decide the allocation of school places **must** be fair...” and I uphold this aspect of the objection.

35. I turn now to a consideration of whether the arrangements are unreasonable. This hinges on whether or not it was reasonable for the school to make no variation to its catchment area for Year 9 admissions in 2025 following the final decision that Monkseaton was to close. The LA has told me that there was not enough time for the school to have sought a variation to its admission arrangements following the implementation of the closure decision for Monkseaton High School on 30 December 2024 and the commencement of the extraordinary admission arrangements for affected parents of Year 8 children which commenced on 2 January 2025 and which asked parents to submit revised preferences for Year 9 places up until 17 January 2025. The LA did not inform the OSA until 8 January 2025 of the council’s decision, and no request was made to vary the arrangements either on behalf of the school or by the school itself.

36. It seems to me that it would have been possible with a degree of notice for such a request to have been made and considered in the time frame available, and that the relevant parents might have been informed of the request, all but one of whom in fact made a place at Whitley Bay High School their first preference even without the knowledge that their application might be given a higher priority than under the unchanged arrangements. The LA also said that had the school changed its arrangements this would have resulted in challenges from parents of children living within the school’s current catchment area. Given that the school has offered 390 places and that there were a total of 396 Year 8 children living in the planning area as a whole, this seems to me to be possible, but unlikely, and it might have been avoided completely if the intention to seek a variation to the arrangements if the closure of Monkseaton High School were confirmed had been made part of the public

information which was made available from the outset of that process, especially if the school had been able to ensure a place for all those living in the planning area, as it might conceivably have done. The school has told me that "...[catchment areas]...could not be redefined before the school's closure was officially confirmed."

37. The test of whether a policy or a decision made by a public body is reasonable is whether it is "so unreasonable that no reasonable body acting reasonably could ever have done it", known as the test of "Wednesbury unreasonableness". This derives from Associated Provincial Picture Houses Ltd v Wednesbury Corporation (1948) 1 KB 223. This sets a high bar for unreasonableness to be found. In this case, the school was not the originator or controller of the change (the closure of Monkseaton High School) which created the circumstances that have made its unchanged arrangements unfair (as I have said). I can see that the school might have thought it reasonable to keep its admission arrangements unchanged and I have no certain knowledge of the advice or guidance it might have received but am cognisant of the approach taken by the LA. For this reason, I do not find that the arrangements are unreasonable.

38. I note here that, during the meeting which I held with the school and the LA, I was informed that the school was considering making a request to vary the admission arrangements which had already been determined by it for admissions in September 2026 (on 6 February 2025). I was provided with a copy of these arrangements following the meeting, and with proof of their determination. They are in every respect identical to the arrangements for 2025 other than the use of relevant dates. I was not provided with a copy of the sixth form arrangements but the minute of the meeting states that these were also unchanged other than for minor changes to entry requirements. The PAN for Year 9 admissions in September 2026 has been set at 370.

39. Since the arrangements for the school for 2026 have come to my attention, and since they appear to contain the same non-compliances with the requirements concerning them as those for 2025, I have decided to use my power under section 88(5) of the Act to consider them, and I have informed the parties that this was my intention. I will set out my views concerning the 2026 arrangements separately below, but now return to my consideration of the objection about the admission arrangements for 2025 and associated matters.

The clarity and publication of the catchment area

40. The objector states that the school's catchment area "does not include an explanation or map demarcating its catchment area nor a hyperlink to any relevant map." Rather, the arrangements contains a hyperlink which takes the reader to the LA's website. The objector says that "A degree of competence in using digital maps is then required to be able to view the catchment area of a school and assess whether or not a particular address falls within or outside the catchment area." He cites paragraphs 14 of the Code which requires admission arrangements to be clear and that they are such that parents "should be able to look at a set of arrangements and understand easily how places for that school will be allocated", paragraph 1.8 which requires oversubscription criteria to be clear, paragraph

1.14 which requires catchment areas to be clearly defined, and paragraph 1.50 which requires admission arrangements to be published on the admission authority's own website.

41. The school told me that "the local authority is delegated to prepare this information and it is clear on their website. Indeed, it takes three clicksto see a clear map." It is not possible for the school to "delegate" this function to the LA, whatever service level agreement it may have with it concerning the school's admission arrangements. The Code makes it clear that the bodies responsible for the fulfilment of the requirements which it sets out are the admission authorities for schools, so in the case of the school, its governing body.

42. The LA told me about the hyperlink to its own website in the school's arrangements, and that this includes a search facility for individual addresses. It noted however that the catchment maps are not available on the school's website.

43. My own understanding of the requirements of the Code, taken together, is that it is necessary for a school's admission arrangements themselves to contain enough information that a parent can look at them and have an understanding from them about how places at the school will be allocated. So if a catchment area is part of the arrangements, it must either be described in words (such as in a list of postcodes or street names) or in the form of a map in the arrangements themselves. It is of course helpful if a precise search facility of the sort provided by North Tyneside Council then supplements what might properly be contained in the arrangements themselves. The school's arrangements contain no information other than the hyperlink referred to above, and so do not conform with the requirements of the Code in paragraphs 14, 1.18, 1.14 and 1.50. I uphold this aspect of the objection.

Matters concerning the admission arrangements for Year 12

44. Paragraph 1.2 of the Code says:

"As part of determining their admission arrangements, all admission authorities **must** set an admission number for each 'relevant age group'."

The footnote to this paragraph says that the relevant age group includes "Year 12 "where the school admits external applicants to the sixth form."

45. The school said that 350 is the "anticipated capacity" of Year 12 and that to refer to a PAN might mean that if there was an unusually small Year 13, students could be disadvantaged because there would be room for more than 350 in Year 12. The LA wrote to me saying that since all Year 11 students who meet the sixth form entry requirements will be admitted "Year 11 students therefore have priority over external applicants." Both have, I am afraid, failed to understand what the Code, and in particular paragraph 2.6, require. First, students in Year 11 are already on the roll of the school and do not need to be admitted. If a sixth form has academic entry requirements they "**must** be the same for both external and internal places" (paragraph 2.6 of the Code), meaning that only those Year 11 students that meet these requirements can progress to the sixth form, but also that they do

not have priority over external students. The number of external students to be admitted is the admission number for Year 12 which is required under paragraph 1.2 of the Code. It is appreciated that it is difficult for schools to anticipate appropriate Year 12 PANs in these circumstances. However, a school may exceed its stated Year 12 PAN, and this must in any case be set annually and therefore in the light of knowledge about the size of the preceeding Year 11 group. The arrangements do not state a Year 12 PAN and therefore do not comply with paragraph 1.2 of the Code. I uphold this aspect of the objection concerning the arrangements for 2025.

46. Paragraph 2.6 of the Code states:

“...highest priority in oversubscription criteria for sixth form places **must** be given to looked after and previously looked after children who meet the academic entry requirements.”

The school has acknowledged that the arrangements fail to comply with this requirement because they give priority only to children “in care”, which is not the same thing. Paragraph 1.7 of the Code and its associated footnote make this definition clear, and I uphold the part of the objection which says this provision is breached.

47. The school has said that the wording in the arrangements “where it is believed that Whitley Bay High School is the most appropriate post-16 option” (concerning looked after and previously looked after children) and “if the timing is right” (concerning late applicants) refers to discretion exercised by the headteacher concerning such admissions. The Code permits no such discretion, stating in paragraph 14 that “the criteria used to decide the allocation of school places [must be]....objective”, and in paragraph 1.8 that “Oversubscription criteria **must** be...objective, procedurally fair....” The objector has cited these paragraphs of the Code concerning these aspect of the 2025 arrangements, and I therefore uphold this part of the objection. I point out here that paragraph 2.7 of the Code is more explicit. It says:

“Admission authorities **must** allocate places on the basis of their determined arrangements only. A decision to offer or refuse admission **must** not be made by one individual in an admission authority. Where the school is its own admission authority the whole governing body, or an admission authority established by the governing body, **must** make such decisions.”

The arrangements fail to comply with these provisions of the Code.

48. The objector stated in his form that he thought the arrangements were unclear whether or not the use of average GCSE points scores as a tie-breaker applied to both internal and external applicants for places in Year 12. The arrangements give this tie-breaker under the heading of “entry requirements”, having previously stated that both Year 11 students at the school and students from other schools must “meet the entry requirements”. I see no reason for there to be any doubt that the provision applies equally to both groups of students, and I do not uphold this aspect of the objection.

49. The arrangements say that students whose Education, Health and Care Plan names the school will be admitted “provided they meet the general and course specific entry requirements”. The school said that this proviso is included “to safeguard parents and students from joining courses that they cannot access or succeed on”. This is of course an educationally sound principle, but it is not one given to a school’s admission authority to exercise. The objector complains that the arrangements do not comply with paragraph 1.6 of the Code, which is explicit in stating that “all children whose Education, Health and Care Plan [EHCP] names the school **must** be admitted”. This applies to all schools, including selective schools and therefore to school sixth forms that set academic entry requirements. It is for the authors of a child’s EHCP to determine whether or not a particular school is appropriate to their needs, and if that school is named, the child must be admitted. I uphold this aspect of the objection.

50. The school said “assuming the age range falls within our legal context ie 16-19, it is not relevant to us if the child is out of the normal age range.” Although it may be unlikely, it is nevertheless possible for a student who has not reached the age of 16 to seek a place in the school’s sixth form, for example a student arriving from abroad. This would place the student outside the normal age range for Year 12 admissions. The Code at paragraph 2.18 requires that:

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

The admission arrangements for Year 12 do not do this and I uphold this aspect of the objection.

51. The objector also complained that the arrangements do not comply with paragraph 2.26 of the Code because its website does not set out how in-year applications will be dealt with. Paragraph 2.26 says that if a school which is its own admission authority is part of the local authority’s co-ordinated scheme “it **must** provide information on where parents can find details of the relevant scheme.” As the LA has pointed out to me, the school’s website does provide a direct link to its own website where these details are to be found. I do not uphold this aspect of the objection.

52. The objector also complained that school’s admission arrangements for Year 12 are unclear as a whole because they “list six admissions criteria and two entry requirements which appear to be a mix of oversubscription criteria and other criteria, followed by a tie-breaker in the event of oversubscription.” The arrangements do list six statements under the heading “admission criteria” which are statements relevant to admissions (such as a statement about “children in care” and a statement about “the capacity of year 12” and to which I have referred in the foregoing paragraphs,) one of which at least should be described as an oversubscription criterion, and under the heading “oversubscription criteria” mention only the GCSE points score tie breaker. This is confusing to a reader. There is no reason why the admission arrangements for a school’s sixth form should not be set out using the guidance in paragraphs 1.6 onwards in the Code as those for Year 9 admissions

to the school clearly have been. The arrangements fail to be clear as required by paragraph 14 of the Code, and I uphold this aspect of the objection.

Other Matters

53. In response to my concern about their clarity, the school has helpfully provided me with suggested revised wording for the oversubscription criteria contained in the admission arrangements for Year 9. It is not for me to consider that proposed revision to the arrangements, and I simply note here that, as determined, the oversubscription criteria are unclear and so in breach of paragraph 1.8 of the Code.

54. I considered that the objection which had been made in respect of the arrangements for Year 12 admissions concerning the procedures for applications to be made for a place outside a child's normal age group and concerning in-year admissions may also be relevant to the admission arrangements for Year 9. I have set out above my consideration of the objection on these two points regarding the Year 12 arrangements, and this is relevant also to the admission arrangements for Year 9. It is possible for parents to find the necessary information concerning in-year admissions via the school's website. However, paragraph 2.18 requires that:

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

My understanding of this requirement is that the arrangements should contain details of who such requests should be made to, how and when, and what supporting evidence they should contain, if they are to meet the requirement of setting out the procedure which parents must follow. The arrangements fail to do this and so do not comply with what paragraph 2.18 of the Code requires.

The 2026 arrangements

55. During the meeting which I held with the school and the LA I was informed that the school was considering making a request to vary the admission arrangements (which had already been determined by it for admissions in September 2026, on 6 February 2025). The prospective variation request is in respect of the catchment area for Year 9 admissions. I was provided with a copy of the 2026 arrangements following the meeting, and with proof of their determination. They are in every respect identical to the arrangements for 2025 other than the use of relevant dates. I was not provided with a copy of the sixth form arrangements but the minute of the meeting states that these were also unchanged other than for minor changes to entry requirements. The PAN for Year 9 admissions in September 2026 has been set at 370.

56. Since the arrangements for the school for 2026 have come to my attention, and since they appear to contain the same non-compliances with the requirements concerning them as those for 2025, I have decided to use my power under section 88(5) of the Act to consider them, and I have informed the parties that this was my intention. All of the matters of non-compliance in the 2025 arrangements which I have found in this determination, and

which I shall list below, other than the question of the fairness of the school's catchment area for Year 9 admissions, are not dependant on the context and apply equally to the admission arrangements for 2026.

57. My view of the question of the fairness of the catchment area in the 2026 arrangements as determined, and which currently remains unaltered, is that the likely effect on children whose homes are in the former catchment area of Monkseaton High School would mirror that which I have determined as being unfair in the 2025 arrangements. I say this in the light of the information shown about the numbers of children involved (shown as the current Year 7) and the number of places (370) being made available. There are likely to be children living in the Monkseaton High School catchment area who would not live close enough to the school to secure a place, whereas children living outside the planning area may well do so, and the same considerations as those discussed above would then apply. As determined, the catchment area for Year 9 admissions for 2026 fails to be fair.

58. The school provided me with a note concerning the proposed variation to the arrangements for 2026 which has been discussed by the governing body. Two options have been considered regarding an amendment to the school's catchment area. It is not for me to consider those options here, but I am sure that the governors of the school will wish to consider the contents of this determination and the implications which it has for the appropriateness of any variation which they may ultimately seek concerning the school's admission arrangements for 2026. In particular they will wish to have regard to the information given here about the number of children living in the Northeast Planning Area who will be seeking a Year 9 place in September 2026 and the determined PAN for the school of 370 when considering their wishes.

59. It will of course be necessary for the governing body to consider these same matters when deciding how to amend its admission arrangements for 2025 in order to comply with this determination.

Summary of Findings

Concerning the 2025 admission arrangements

60. I have said why I have decided to uphold the objection that the catchment area for Year 9 admissions is unfair, in breach of paragraph 14 of the Code.

61. I have said that this catchment area is unclear and as a result that the provisions of paragraphs 14, 1.8, 1.14 and 1.50 of the Code are breached, and so I uphold this part of the objection.

62. I have also come to the view that the arrangements for Year 9 contain unclear oversubscription criteria, in breach of paragraph 1.8. and that paragraph 2.18 is breached because there is no statement containing the procedure to be followed by parents requesting admission out of their child's normal age group.

63. I have explained the reasons why I have upheld those parts of the objection relating to admissions to Year 12 concerning (Code paragraphs in brackets):

- (i) the absence of a PAN (1.2);
- (ii) the lack of priority for all looked after and previously looked after children (1.7 and 2.6);
- (iii) the lack of objectivity resulting from discretionary aspects in the arrangements (14, 1.8 and 2.7);
- (iv) the inappropriate condition placed on the admission of children whose EHCP names the school (1.6);
- (v) the absence of a statement giving the procedure to be followed by parents requesting admission out of their child's normal age group (2.18), and
- (vi) their clarity (14).

Concerning the 2026 arrangements

64. I have said that all of the matters of non-compliance in the 2025 admission arrangements, including the fairness of the Year 9 catchment area, also apply to the admission arrangements which have been determined for 2026.

Determination

65. 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 governing body for Whitley Bay High School, North Tyneside.

66. 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. Under the same provision I have considered the arrangements for 2026 and find that there are matters which do not conform with the requirements concerning them as set out in this determination.

67. By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of the date of the determination.

Dated: 10 April 2025

Signed:

Schools Adjudicator: Dr Bryan Slater