



Office of
the Schools
Adjudicator

Determination

Case reference: ADA4430 EKC Sheppey Secondary

Objector: Leigh Academies Trust

Admission authority: EKC Schools Trust Limited

Date of decision: 11 June 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 2026 determined by EKC Schools Trust Limited for EKC Sheppey Secondary in the Kent County Council local authority area.

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 Leigh Academies Trust (the Objector), about the admission arrangements (the arrangements) for EKC Sheppey Secondary (the School, EKCSS), an 11-16 Academy, for September 2026. The school is a mixed, non-selective, sponsor led academy within the EKC Schools Trust.
2. The Local Authority (LA) for the area in which the school is located is Kent County Council. The LA is a party to this objection. Other parties to the objection are the Objector and EKC Schools Trust Limited (the Admission Authority; the Trust), a multi-academy trust. The objection is to the fact that priority is given in the School's oversubscription criteria to children attending "a Trust Primary School on the Isle of Sheppey".

Jurisdiction

3. The terms of the Academy agreement between the Trust and the Secretary of State for Education require that the admissions policy and arrangements for the School are in accordance with admissions law as it applies to foundation and voluntary aided schools. These arrangements were determined by the Trust, as the admission authority for the School, on that basis. The objector submitted their objection to these determined arrangements on 2 April 2025.

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.

Procedure

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

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

- a. a copy of the minutes of the meeting of the trustee board at which the arrangements were determined;
- b. a copy of the determined arrangements;
- c. the Objector's objection form dated 23 March 2025; letter dated 2 April 2025 and supporting document;
- d. The Admission Authority's response to the objection;
- e. the Local Authority's online information about admissions to secondary schools;
- f. maps of the area identifying relevant schools;
- g. information provided by the Local Authority regarding the allocation of places and sufficiency of places;
- h. supplementary information from the Objector about their concerns;
- i. confirmation of consultation on arrangements provided in "Consultation Pack: Secondary Education on the Isle of Sheppey"; and
- j. previous determinations including the one cited by the Objector – case reference ADA3656 Thomas Aveling School.

I have also taken account of additional information received from parties following my requests and information available on various websites.

The objection

6. The main objection is to the Trust's policy on the selection of feeder schools. The selection of "Trust Primary Schools on the Isle of Sheppey" as feeder schools is alleged to

not comply with paragraph 1.15 of the Code that requires the selection of feeder primary schools to be “transparent and made on reasonable grounds”. It is recognised by all parties that the only Trust primary school on the Isle of Sheppey is Queensborough School and Nursery.

7. Secondly, the objection alleges that the oversubscription criteria do not meet the requirements of paragraph 1.8 of the Code by potentially unfairly disadvantaging children from a particular social or racial group.

8. The objection also raises a series of additional concerns about whether the published arrangements comply with the Code in particular:

- Stated arrangements for the admission of children with an Education, Health and Care (EHC) plan are “unclear” and do not meet the requirements of paragraph 14 of the Code.
- Admission arrangements for the school do not comply with paragraphs 2.18-2.20 of the Code “as there is no provision dealing with such requests for secondary school” with reference to the admission of pupils outside their normal age group.
- Arrangements for appeals and complaints are not compliant with paragraph 14 of the Code, specifically with reference to secondary school appeals.

Background

9. The School is part of the EKC Schools Trust, a multi-academy trust with nine academies including one other on the Isle of Sheppey, Queensborough School and Nursery. The school is an 11-16 school with a capacity of 750 pupils. It has a Published Admission Number of 150 pupils.

10. The school opened on 1 September 2024 following consultation about the closure of Oasis Academy Isle of Sheppey and its replacement by two new academies: Leigh Academy Minster (LAM) and EKC Sheppey Secondary (EKCSS) on the 1 September 2024. The consultation about the opening of two new schools, including admission arrangements, took place for four weeks from 6 November 2023 to 4 December 2023.

11. Leigh Academies Trust (the Objector) and EKC Academies Trust (the Admissions Authority) prepared the joint consultation pack about the opening of two new schools including admission arrangements for both schools for 2024 and 2025. The admission arrangements for both schools were shared by both multi-academy trusts involved and with the Department for Education (DfE) and the Local Authority prior to the consultation period. No objections or concerns were raised at that time.

12. It is noted that, in a letter dated 6 May 2025, the objector states: “As can be evidenced, the Trust had previously raised concerns about EKC Trust’s admission arrangements with the OSA during 2024”. The Chief Adjudicator decided not to consider

the objection to 2025 arrangements as it was received in July 2024 after the deadline for receipt of objections of 15 May 2024.

13. The oversubscription criteria for EKC Sheppey Secondary can be summarised as follows once all children with an EHC plan naming the School have been offered a place:

- Looked after children and all previously looked after children.
- Children with siblings who are already at the Academy.
- Children who attend a Trust Primary School on the Isle of Sheppey (up to a maximum of 60 places).
- Children of staff employed at the Academy.
- Isle of Sheppey residents.
- Distance giving priority to those living nearest the Academy.

14. Queensborough School and Nursery joined the EKC Trust in March 2020 and remains the only EKC primary school situated on the Isle of Sheppey. It is therefore the only feeder school to EKCSS although it is not explicitly named.

Consideration of case

15. The Objector commented that “previous OSA decisions have been consistent in making determinations on the basis that just being in the same trust is not sufficient justification for being a feeder school on its own”. I have looked at recent determinations and note the following:

- In ADA3430, the adjudicator upheld the objection in respect of trust feeder schools because they were not named but found that if the trust’s then two feeder schools had been named it would have been reasonable for them to be named as the feeder schools because they shared the same ethos and were close geographically.
- In ADA3656, cited by the objector, the adjudicator upheld the objections on the basis that the named feeder schools were much further away than closer schools that were not named; causing unfairness as giving priority to pupils attending the feeder schools would have the effect of displacing those applying who lived closer to the secondary school but not attending the feeder schools.
- In ADA 3851 and ADA3852, the adjudicator found the approach of naming feeder schools from the same trust to be logical and reasonable for each school named.

It is important to note that although I have read and considered the above determinations, previous determinations do not set a precedent for new objection determinations.

16. In response to the objection, EKC Schools Trust justifies the inclusion of the “Trust Primary on the Isle of Sheppey” as an oversubscription criterion by saying that it “ensures continuity of education for students” and “supports a seamless transition from primary to secondary”. It asserts that some parents prefer to keep their children within the same Trust due to familiarity with the Trust’s ethos and education approach. It goes on to say that the use of the generic term “Trust Primary School” creates an opportunity to include additional feeder schools such as new free schools or other primary schools who may choose to join the Trust in the future. The Trust has implemented a cap of 60 places for pupils from feeder schools or two forms within an admission number of 150 pupils or five forms. This is intended to reasonably serve the community and “support parental choice whilst not creating an ecosystem that excludes others”. It has sought to “ensure that families have access to the EKC approach without limiting options for those who may prefer other educational pathways.”

17. Paragraph 1.15 of the Code states:

“Admission authorities may wish to name a primary or middle school as a feeder school. The selection of a feeder school or schools as an oversubscription criterion **must** be transparent and made on reasonable grounds”.

18. Whilst it may be reasonable for the Trust to include trust primary schools as named feeder schools in the admission arrangements of the trust’s secondary schools, the implication for other applicants also needs to be considered for the arrangements to be fair in accordance with the requirements of paragraph 1.8 which says that admission authorities must ensure that their arrangements will not disadvantage unfairly, either directly or indirectly, a child from a particular social or racial group, or a child with a disability or special educational needs. Paragraph 1.15 states that admission authorities may wish to name a primary school as a feeder school. The School’s arrangements do not conform with paragraph 1.15 of the Code. This is because “Trust primary school on the Isle of Sheppey” is not explicit enough, even though Queensborough Primary School and Nursery is the only Trust primary on the Isle of Sheppey. Paragraph 1.15 requires that feeder schools must be named. Therefore, I uphold this aspect of the objection.

19. I will now move on to consider whether the selection of the feeder school has been transparent and made on reasonable grounds. Information from the LA, Admissions Authority and in the “Consultation Pack: Secondary Education on the Isle of Sheppey” about the opening of the new schools in Autumn 2023 is clear and illustrates a transparent process. It is evident that Queensborough School and Nursery (Queensborough), as the only “Trust Primary on the Isle of Sheppey”, was intentionally indicated as a feeder school within the admission arrangements for EKCSS. I therefore find that the selection of the feeder school was transparent.

20. However, naming Queensborough as a feeder may not in itself be enough to satisfy the requirements of the Code that feeders be selected on reasonable grounds.

21. In considering the reasonableness of the oversubscription criteria, I have looked carefully at the admissions data provided to me by the LA and the Admissions Authority. In

2025, parents of 234 children from fourteen different primary schools including all eleven primary schools on the Isle of Sheppey expressed preferences for places at EKCSS. Nine primary schools each had ten or more children apply for a place at EKCSS. The highest number of pupils, 42, came from a primary school which is 1.07 miles from EKCSS. Four of these primary schools are closer to and four are further away from EKCSS than Queensborough. It is noted here that the two secondary schools on the Isle of Sheppey are 3 miles (EKCSS) and 1.7 miles (LAM) from Queensborough, both within reasonable travel distance for secondary pupils and the choice will depend on family preferences, including where individual families live.

22. Queensborough is a two-form entry primary school. For entry in 2025, 26 out of a possible 60 children expressed a higher preference for EKCSS than any other secondary school. Therefore, over half of parents opted for a different secondary school including LAM, the only other secondary school on the Isle of Sheppey.

23. Based on information provided by the Trust, in 2024, the first year the School opened, 136 pupils were admitted from eleven different primary schools on the Isle of Sheppey. Of the eleven, Queensborough had the fourth largest number of children admitted. In 2025, the furthest admission was a child living 5.2 miles from the school.

24. The School is oversubscribed, and the Local Authority point out that there is a projected deficit of 136 secondary places on the Isle of Sheppey in 2026.

25. It is my view that the identification of Queensborough as a feeder to EKCSS is reasonable. This is because: the Admission Authority has identified pastoral and curriculum links between the schools; a significant number of pupils apply and are admitted from Queensborough; the distance between the schools is 3 miles and within easy travelling distance. I therefore do not uphold this part of the objection.

26. I will now consider whether the selection of the feeder school is fair. The Objector alleges that the oversubscription criteria do not meet the requirements of paragraph 1.8 of the Code because they potentially unfairly disadvantage children from a particular social or racial group.

27. To consider whether arrangements are fair or unfair, I need to balance the impact of the admission arrangements on different groups of pupils. Additional information provided by the Objector is clear: the groups they consider to be most significant are pupils who are entitled to free school meals and those with special educational needs or disabilities (SEND).

28. I have considered information provided by the Trust about different groups of pupils admitted to the School. This is because publicly available validated data is not yet available due to the school only opening in September 2024. Information was shared with all parties in this case and no challenge or contradictory information has been received. Comparison is made to publicly available data for the predecessor school (Oasis Academy Isle of Sheppey) which, until July 2024, provided all state funded secondary education places available on the Isle of Sheppey.

29. The proportion of pupils at EKCSS who are entitled to free-school meals is 54%, in-line with the predecessor school (52.6 per cent) and significantly above the national average (27.3 per cent). The Trust reports that 45 per cent of pupils at EKCSS have SEND compared to 29 per cent at the predecessor school and 15.5 per cent nationally.

30. Queensborough does have a lower proportion of pupils entitled to free-school meals than some, but not all, of the primary schools closer to EKCSS. It has a higher proportion of pupils with SEND than other schools where pupils are admitted to EKCSS.

31. The Trust points out the significant needs of many of the children admitted to EKCSS from Queensborough in September 2024 as evidence that the oversubscription criteria “have not disadvantaged any pupil with high levels of need, low socio-economic background or social group”. The Trust state that over 50 per cent of the pupils admitted from Queensborough receive additional support for SEND and/or behaviour, a similar proportion receive intervention for poor attendance and a similar proportion are in the lowest quartile ranking in ability.

32. The number of pupils admitted to, or offered a place at, EKCSS from Queensborough in 2024 and 2025 is lower than the numbers admitted from some of the primary schools identified by the objector as being disadvantaged. Due to the close proximity of all the schools on the Isle of Sheppey, it is not evident that pupils living closer to EKCSS are disadvantaged by the Trust’s decision to name Queensborough as a feeder school.

33. I conclude that, based on information I have reviewed, there is no clear evidence that naming Queensborough as a feeder school within the oversubscription criteria unfairly disadvantages pupils who are entitled to free-school meals and/or have SEND. It appears that the Trust is intent to maintain parental choice, including the option to continue in a school within the same multi-academy trust. This is a reasonable objective and does not unfairly disadvantage pupils from primary schools not in the Trust because they will not be offered a place at the school, I do not consider the disadvantage to be unfair.

34. I will now consider the following concerns raised by the objector:

35. It is alleged that the stated arrangements for the admission of children with an EHC plan are “unclear” and do not meet the requirements of paragraph 14 of the Code which states:

“In drawing up admission arrangements, admission authorities **must** ensure that practices and the criteria used 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.”

36. In paragraph 3.2 of the Trust’s admission arrangements, it states that:

“If EKC Sheppey Secondary receives more applications than there are available places, then children with the academy named on an Education, Health Care Plan

(EHCP) will be automatically admitted to the academy. As a result of this, the published admissions number will be reduced accordingly.”

It is clear from the statement above that if you are a parent of a child with an EHC plan you will be offered a place in the school. It is equally clear to parents of children without an EHC plan that they will be offered a place subject to the oversubscription criteria being applied to remaining available places in the priority order set out earlier in this determination.

I find that the arrangements for admission of children with an EHC plan comply with the requirement for clarity in paragraph 14 of the Code and I do not uphold this aspect of the objection.

37. It is alleged that the admission arrangements for the school do not comply with paragraphs 2.18-2.20 of the Code “as there is no provision dealing with such requests for secondary school” with reference to the admission of pupils outside their normal age group.

Paragraphs 2.18-2.20 of the Code refer specifically to the admission of pupils outside their normal age group. While the Trust’s admission arrangements make reference to the admission of children outside their normal age group, this is in relation to their admission arrangements for primary age pupils.

The Trust accept that repositioning their statement on admission of pupils outside their normal age group to follow both primary and secondary admission arrangements would provide clarity to parents applying to both the primary and secondary schools.

I therefore uphold the objection in relation to the admission of children outside their normal age group and recognise that the Trust has accepted that an amendment is needed to the published admission arrangements for 2026 in order to provide sufficient clarity.

38. It is alleged that the arrangements for appeals and complaints are not compliant with paragraph 14 of the Code, specifically with reference to secondary school appeals.

Section 8 of the Trust’s admission arrangements outlines arrangements for appeals and complaints.

The section starts with “If your child is due to start primary school in Sept 2025....” This is clearly an error in terms of the published date and does not make clear to parents whose children start secondary school in Sept 2026 that the process also applies to them.

The appeals arrangements then refer specifically to the infant class size regulations in key stage 1 which is applicable to primary age applicants only. It is not clear that the infant class size regulations do not apply in secondary schools.

39. Finally, the “Appeals timeline” at paragraph 8.4 in the arrangements states that “You can appeal between DATES TO BE CONFIRMED” (sic) at time of this determination. The dates need to be confirmed and published in arrangements in order to render them sufficiently clear. In conclusion, I uphold the objection to the appeals arrangements and

recommend the Trust revise the content of Section 8 of the published admission arrangements for EKC Sheppey Secondary.

Summary of findings

40. There are three parts to this objection. The first is concerned with EKC Trust naming “Trust primary schools on the Isle of Sheppey” as feeder schools within the oversubscription criteria for EKC Sheppey Secondary. I have upheld this part of the objection because the admission authority may only take account of a school previously attended if it is a named feeder school. However, I have also found that it would not be unreasonable or unfair for the Trust to name the only trust primary school on the Isle of Sheppey, Queensborough Primary School and Nursery as a feeder school to EKC Sheppey Secondary.

41. I have not upheld the second part of the objection that asserts oversubscription criteria unfairly disadvantage children from a particular social or racial group. There is no evidence to support this assertion. Indeed, the evidence I have found suggests that the school currently admits a higher proportion of children eligible for free-school meals and those with SEND than the predecessor school.

42. Part three of the objection raised issues related to different aspects of the published admissions arrangements as set out earlier in this determination. I have partially upheld the objections received as outlined above.

I am pleased to note that the Trust has already stated its intent to revise its admission arrangements in relation to these matters.

Determination

43. 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 2026 determined by EKC Schools Trust Limited for EKC Sheppey in the Kent County Council local authority area.

44. 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 within two months of the date of this determination.

Dated: 11 June 2025

Signed:

Schools Adjudicator: Mr Philip Lloyd