



Office of
the Schools
Adjudicator

Determination

Case references: ADA4618 and ADA4619

Objectors: Vanguard Learning Trust and the London Borough of Hillingdon

Admission Authority: The single academy trust for Bishopshalt School

Date of advice: 25 June 2026

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objections to the admission arrangements determined by the single academy trust for Bishopshalt School, for 2027/28.

I have also considered the arrangements under section 88I(5) and find that they do not comply with 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 this determination.

The referral

1. Under section 88H(2) of the School Standards and Framework Act 1998 (the Act), objections have been referred to the adjudicator by the Vanguard Learning Trust and the London Borough of Hillingdon (the Objectors), about the admission arrangements (the Arrangements) for September 2027 set by the single academy trust (the Academy Trust and admission authority) for Bishopshalt School (the School). The School is a non-selective secondary School for children aged 11 to 18 years old, located in Uxbridge.

2. The Local Authority (LA) for the area in which the School is located is Hillingdon Borough Council.
3. The LA is an Objector as well as a party to the objection.

Table 1: Information about the objections

Objector	Date submitted	Nature of objection
Vanguard Learning Trust	16 April 2026	Sibling entitlement
Hillingdon Borough Council	29 April 2026	Sibling entitlement

4. The objections are to the requirements relating to certain categories of applicant seeking to join the School in Years 7 to 11 not qualifying as “siblings” under the over-subscription criteria. These are applicants who are siblings of students in the School’s sixth form. Objectors also noted, and objected to, the sibling priority not being allowed to cover siblings of students who joined the School through a means such as having an Education, Health and Care (EHC) plan (EHC plan) naming the School, or through the Fair Access Protocol (FAP). These sub-categories were not named in the Arrangements but were termed “exceptional circumstances.”

5. The two objections cover very similar ground and are dealt with together. I would like to thank all parties for the way in which they presented their views, responded respectfully to each other’s submissions, and for their prompt responses to my requests for further information / data.

Jurisdiction

6. The terms of the academy agreement between the Academy Trust and the Secretary of State for Education require that the admissions policy and Arrangements for the School are in accordance with admissions law as it applies to maintained Schools.

7. These arrangements were determined under section 88C of the Act by the Academy Trust, which is the Admission Authority for the School.

8. A consultation period took place prior to the determination of the Arrangements between 17 October and 15 December 2025.

9. I am satisfied the objections have been properly referred to me in accordance with section 88H of the Act and they are within my jurisdiction.

10. Previous determinations by other Schools adjudicators may be relevant and informative in reviewing this determination. However, they do not set precedents. I have, therefore, considered the Arrangements and the consultation in accordance with the requirements set out in the legislation and the Schools Admissions Code, 2021 (the Code) and in the light of the facts and circumstances as they are now.

11. The Objectors have suggested how the Arrangements for 2027/28 for the School could be changed to make them, in their view, 'fairer' / compliant with the Code. As an adjudicator, my role is not to give advice. My jurisdiction is for the Arrangements determined and to decide whether they comply with all relevant legal requirements. It is not open to me to determine how the Arrangements should be. If I uphold this objection, it is for the admission authority to address any non-compliance issues within the required timeframe. I cannot, therefore, advise on the suggestions made.

12. My jurisdiction is for the 2027/28 arrangements only. I will therefore not be considering the matters raised by the Objectors in respect of other admission years, though reference is made to previous arrangements where necessary to provide context or background to the 2027/28 arrangements.

13. I have also used my power under section 88I of the Act to consider the Arrangements as a whole and to determine whether or not they conform with the requirements relating to admissions and, if not, in what ways they do not so conform. I will refer to these as 'other matters' and they are covered in the section of the determination under the title of that name.

14. Although the Academy Trust is the admission authority, it has been the School that has responded to my requests for further information. I will therefore refer to the School and not the Academy Trust in this determination when dealing with those responses.

Procedure

15. In considering this matter I have had regard to all relevant legislation and the Code. The information I have considered in reaching my decision includes:

- confirmation from the School that the admissions Arrangements for 2027/28 were determined by the Academy Trust;

- documents from the consultation process on the School's arrangements, including emails sent between parties during and after the consultation period, and guidance provided to the Governing Body including an Equalities Impact Assessment;
- a copy of the determined Arrangements for Year 7 and in-year entry to Year 7 to 11 for 2027/28;
- the Objectors' forms of objection dated 16 April 2026 and 29 April 2026 respectively along with supporting documents and other correspondence;
- the responses of the School and their legal representatives to the objections and supporting documents;
- information on the School's and Local Authority's websites;
- information available on gov.uk websites (including 'Get Information About Schools' (GIAS) and 'Financial Benchmarking and Insights Tool' (FBIT)) and the websites of the School and the local authority;
- The Equality Act, 2010;
- Fair Access Protocols: advice for local schools and school admission authorities, Department for Education, 2021;
- Admissions priority for children adopted from state care outside of England, Department for Education, 2021; and
- Schools adjudicator's determination ADA4071 Connect Schools Academy Trust (for Raglan School) 22 August 2022.

16. Although I may not directly refer to it in my determination, I have read and taken account of all the relevant information provided to me. I have referred only to that which has a bearing on my determination.

Background

17. According to GIAS, the School is an all-ability secondary academy with no designated religious character. Its capacity is 1311 students, with a current number on roll of 1294.

18. The School was last inspected by Ofsted in February 2026. Ofsted judgements for the School were that it was rated as "exceptional" in all seven assessed categories, and all standards for safeguarding were met.

19. The published admission number (PAN) of the School for 2027/28 is 186. The School states that it generally attracts 1100 or so applicants each year for those places. Of secondary schools in Hillingdon, it is the one where a first preference choice is least likely to result in the allocation of a place (43 percent of first preferences) The distance from school of the last applicant allocated a place under that criterion has been less than one mile. The

School has admitted 65 children with an EHC plan naming the School in the last seven years, which is typical for the borough.

20. The Arrangements set out that children with an EHC plan naming the School will be admitted first. Then, in times when oversubscribed, children will be prioritised according to the oversubscription criteria. These can be summarised as follows:

- a. Children in public care (looked after children (LAC) as defined in the Children Act 1989), or children who have been previously looked after.
- b. Children who have a brother or sister on roll in Years 7 to 11 at Bishopshalt School at the time of application, and who are still attending at the date of the sibling's admission, subject to a note on eligibility.
- c. Children of members of staff.
- d. Children living nearest the School, measured in a straight line from the School to the child's permanent home.

Notes clarify limitations on the application of the sibling rule, and these two notes are the subject of the objections.

5.3.3 states "The Sibling criterion will not apply to applicants who have a brother or sister attending Bishopshalt School in the Sixth Form (Years 12—13). Applications from such applicants will only be considered in accordance with the other published oversubscription criteria e.g. Criterion 4: Distance."

5.3.4 states "The sibling rule will not apply to any applicant who has a brother or sister admitted to the school under exceptional circumstances arising from local agreements allowing the Local Authority to comply with their statutory obligations as referred to in 4.3 above, unless the sibling would also have been admitted under one of the other admissions criteria e.g. Distance."

Consideration of Case

21. The reasonableness and fairness of these two notes is central to the objections. The objection to "reasonableness" and "fairness" lay in treating siblings of children already on roll who apply to the School differently, with some judged by the School as qualifying as "siblings" under the over-subscription criteria but others not. 5.3.3 is a new note introduced for 2027/28:

"The Sibling criterion will not apply to applicants who have a brother or sister attending Bishopshalt School in the Sixth Form (Years 12–13). Applications from such applicants will only be considered in accordance with the other published oversubscription criteria e.g. Criterion 4: Distance."

22. 5.3.4 has been a feature of the Arrangements for many years. It deals with siblings of children who joined the roll of the School in what the School termed "exceptional circumstances" which has been clarified by the School to be captured by this suggested wording:

"Sibling priority is excluded where the original admission arose outside the published criteria framework, not where it arose through criteria that happen to give particular priority to certain children. LAC admissions fall into the latter category; EHCP, FAP, and managed move admissions fall into the former."

23. The School accepts that the previous wording of 5.3.4 was unclear, and that the term "exceptional" can be taken to mean "infrequent in time" or "outside normal practice." The School sustained their view that the note is compliant with the Code and has offered to reword it to resolve issues of clarity.

24. I will now set out my consideration of the matters raised by the Objectors. I will conclude each section with a statement as to whether or not I uphold that particular aspect of the objections, preceded by my reasons for that conclusion. Where I state that I uphold an aspect of the objections, that does not necessarily imply that I fully endorse the reasoning expressed by the Objectors, nor that the Objectors have necessarily correctly interpreted which Code provision applies. Rather, it means that I have found that the particular aspect of the Arrangements drawn to my attention by the Objectors does not conform with a requirement of the Code identified by me and is in breach of the Code for the reasons I have given.

25. When considering the matter raised by the Objectors in respect of the consultation process, I have determined that I only have jurisdiction to consider whether the School followed the statutory process when making changes to its arrangements for 2027/28. I do not have jurisdiction to consider whether the statutory process itself should or should not be different. I also record here that if I was to find that the consultation did not follow the statutory process in any way, it would not automatically follow that the changes made would not be concordant with the Code. It is also not in the adjudicator's gift to direct an admission authority to run a consultation again if it has been found that it did not conform to the Code.

26. It is made clear in paragraphs 1.11 and 1.12 of the Code that schools can use sibling connection as one feature which might give an applicant priority for admission to some degree.

27. The School has stated that its intent in consulting on the revised arrangements was to improve equity and fairness in the system. The School considered that a small number of children living locally to the School could not be offered places at the School in Years 7 to 11 because siblings of sixth form students who had only joined the School in Year 12 gained an advantage in the criteria from that status. The School's case was that such children came generally from further away and had no distinct link to the School. The School contended that such new-joiner children might attend the School more independently than a student in Years 7 to 11, so that some co-travel benefits of siblings attending the same school would be lost.

28. In my judgement, the original consultation was a diligent detailed attempt by the School to show decision makers the impact on the eligibility or ineligibility of siblings of new arrivals. Anonymised students were used to show the considerable gain in priority which some such students had gained in previous years, notwithstanding that some would have been awarded a place on another basis such as living near to the School. The view of the School is that with use of a sibling criterion optional, they were not beholden to articulate why eligibility should be revoked for those students, when reduced offers to local children was an objective result.

29. The School chose not to communicate directly with current parents in the consultation, such as by email. I view this as sub-optimal but understand the proposed original change would not obviously affect these stakeholders directly.

30. Responses to the consultation were limited. However, those from the two ultimate Objectors argued that the revised arrangements would create a different unfairness, between siblings of new arrivals to the School in Year 12 (new arrivals) and siblings of students who had progressed from Year 11 at the School.

31. The School adopted the suggested revision that if sibling eligibility is to be limited, the limit should apply to all sixth formers. The School has stated in a letter dated 3 June 2026:

“Governors decided on 3 December 2025 that if sibling priority arising from Sixth Form attendance was to be removed, it should be removed consistently across all Sixth Form students.”

32. The School now accepts that in fact the meeting minutes did not record the arrangements being adopted. Rather they stated that a decision would need to be made

once the consultation period ended on 15 December 2025. The Objectors' responses to the consultation documents were submitted only on 12 and 15 December 2025. This is not how a consultation should operate.

33. The School was legitimately free to make a new choice. An admission authority can, following consultation, decide not to proceed with a planned change, or to refine the change. The School has chosen to disentitle as siblings in the criteria those applicants linked to sixth form students. Having different priorities for different groups of students is intrinsic to the Code.

34. A revised briefing paper in December 2025 / January 2026 for Governors continued to make the case for change, but now with the new wording and revised impact on siblings of all 6th formers noted. In my judgement, this revised briefing paper has limitations which may have left some Governors not ideally equipped to take a fully informed view. For instance, it would be noteworthy that siblings of students who progressed from the School Year 11 to Year 12 were more common than those of new arrivals; and while the distance from which such children were recruited could sometimes be further than others allocated places, by no means was this always so. There was no analysis of the degree to which students admitted as siblings of a sixth former might have still been admitted on another basis. Governors were provided with limited information on where three sample applicants in 2024 were admitted on the basis of a connection to a new-arrival sixth former, but even here appearances can be misleading – a student ranking over 300 on distance is still close to the school on distance from a pool of 1100 Year 7 applicants.

35. However, Governors were equipped with adequate data to come to a choice. They could see the number of new-arrivals and continuees from Year 11, and see that while the data was not emphatic, there was a clear effect of sixth form siblings being admitted ahead of entirely new applicants from the local area. In both cases, applicants would live close to the School. Consideration of the likely impact of the policy on families with siblings of current Year 10 likely to apply to the School was limited. The School's view continues to be:

"The School does not accept the characterisation that figures submitted to Governors were misleading. The data provided a relevant evidential context. Governors were not required to act only on the data; they were required to consider it alongside consultation responses and their own policy judgment, which they did. The School does, however, accept that the point about the relative numbers of siblings of internal versus external Sixth Form students is a fair analytical observation."

36. On balance, there were enough data to make an informed preference. With hindsight, certain aspects of the process might have been run more optimally. However, any identified

defect of the consultation, of itself, is not a ground to uphold an objection. Governors had chosen between two similar options.

Therefore, the Objectors' claim that the lack of sibling eligibility for siblings of all sixth form students is unreasonable is not upheld.

The Objectors' claim of unfairness is set aside as the School had changed its approach after the consultation and the determined Arrangements resolved this issue.

The Objectors' claim of defect in the consultation process is not upheld.

37. I shall now consider the School's sibling rule in the way it is stated not to apply to applicants whose sibling was admitted under "exceptional circumstances" or "special circumstances." The School has now clarified that this would mean siblings of children admitted because they held an EHC plan naming the School; children admitted under the FAP; and children admitted under a Managed Move.

38. The School has stated that this is not a revision of its arrangements for 2027, and pre-dates the current Admissions Code. The intent of the School has been made clear: to increase parity in the way Arrangements operate, and the likelihood of children living near to the School being allocated a place. This continues to be seen by the School as a valid view.

39. There is therefore a balance to be struck in the fairness and disadvantage of the arrangements to siblings of children on roll in the affected categories, who will lose out on a beneficial pathway of priority into the School, and new applicants to the School with no previous connection whose chances of place allocation reduced it is stands.

40. I firstly need to consider the Arrangements in terms of clarity. As originally stated by the Objectors in consultation, the arrangements were not clear as they do not specify exactly which subgroups of applicant are affected. An applicant's parent seeking a place for a step sibling of a looked after or previously looked after child may be unsure if the restriction applies to them. They may view the step sibling as not having eligibility as they were linked to a student admitted under an "exceptional category." I am grateful to the School for suggesting a refined version of wording which might resolve this problem. This may address paragraph 14 of the 2021 Admissions Code which states:

"Parents should be able to look at a set of arrangements and understand easily how places for that School will be allocated."

41. However, I still see potential for the 'exceptions' to not be compliant with the 2021 Code in terms of reasonableness and fairness.

42. I shall consider reasonableness first. The Code uses the term ‘reasonable’ but does not define it. An everyday definition is of having sound judgement; being sensible and rational. It is the requirement of public bodies, including admission authorities, that they must act reasonably in adopting any policy or making any decision. To determine whether a part of the Arrangements identified within the objections is reasonable or not, I will apply what I will refer to as the ‘reasonableness test’. This is a two-stage objective test in which the first stage is the consideration of the rationale for adopting that which is the focus of the objection. The second is the effect of its practical operation.

43. Where a criterion is reasonable, that does not mean that it must be a criterion that the adjudicator would have chosen. There may be a range of reasonable criteria that could be selected, or reasonable grounds for adopting a particular criterion. It is only if the criterion selected (or grounds adopted) fall outside that range that the adjudicator should conclude that the requirements of the Code are not met.

44. The School maintains that its determined arrangements for 2027 are lawful and compliant with the Code. The School stated on 3 June 2026:

“The School reiterates that the relevant policy question is not the volume of such admissions but whether admissions made through separate statutory or local authority-directed mechanisms should generate sibling priority under the published oversubscription criteria. The School’s consistent and longstanding position for which the current objectors have long been aware, is that they should not, for the reasons set out in section 7 below.

The School would, however, respectfully note that the rationale for this provision has not been based on the number of siblings who may subsequently obtain places at the School. Rather, it is based on a belief that sibling preference not being a requirement but a choice for Schools, it is permissible and reasonable to limit its application, with the School making a judgment about what is the extent to which it should apply, having regard to the objectives of the policy as a whole. It is understood that the Code gives Schools responsibility for such judgments and is respectful of the width of their discretion on such matters. Siblings of children on roll following EHCP admissions, FAP placements, and managed moves are, by definition, exceptions to the standard admissions process.

A child admitted pursuant to an EHC plan naming the School is not allocated a place through the oversubscription criteria at all; they are placed by a separate statutory mechanism under the SEND regulations.

FAP and managed move placements similarly arise through distinct frameworks that operate independently of the School's published criteria. These routes have always been exceptions to the normal process in this technical sense, regardless of how regularly they occur.

The rationale for excluding sibling priority from these routes is precisely this distinction: sibling priority is designed to benefit families whose connection to the School arises from admission through the published criteria. It was not designed to extend to placements made through separate statutory mechanisms, over which the School has no control, and which do not reflect a competitive application."

45. In contrast, the Objectors see no reasonable basis for this distinction to be drawn.

46. The School provided the following data regarding admissions when requested in June 2026:

Table 2: EHCP, FAP and Managed Move Admissions: Data from the School

	Offered places	Would have been offered under non-sibling criterion	Siblings offered a place	Distance home to school
2024				
EHCP	8	3	1	812 metres
FAP	4	0	2	3662.1* metres
MM	0	0	0	
2025				
EHCP	6	4	0	NA
FAP	3	0	1	830 metres
MM	1	0	0	NA

	Offered places	Would have been offered under non-sibling criterion	Siblings offered a place	Distance home to school
2026				
EHCP	9	6	0	NA
FAP	1	0	0	NA
MM	1	0	0	NA

* Siblings moved schools, attaining entry due to the older sibling, who was admitted as FAP, then joining the Sixth Form, through the published entry requirements

47. These figures are confusing. It would appear that the number of students gaining admission through “special considerations” is low. The number of their siblings gaining a space is then lower still. And that place allocation is sometimes because they in any event qualified under a different criterion, but also because the school erroneously categorised them as qualifying siblings and admitted them as such. (adjudicator underlining). The school has drawn my attention to this, for which I am grateful.

48. To assist my judgement, I note that admissions legislation and guidance has changed substantially in the years since the School became an Academy.

49. Paragraph 1.8 of the 2021 Code states,

“Oversubscription criteria must be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation. Admission authorities must ensure that their arrangements will not disadvantage unfairly, either directly or indirectly, a child from a particular social or racial group, or a child with a disability or special educational needs, and that other policies around School uniform or School trips do not discourage parents from applying for a place for their child.” (adjudicator underlining)

50. The Code now also covers the need for Schools to comply with FAP in its paragraphs 3.14 to 3.22. It defines students likely to be eligible as

“unplaced and vulnerable children, and those who are having difficulty in securing a School place in-year, are allocated a School place as quickly as possible.” This

includes children engaged with the criminal justice system, homeless, children, children from disadvantaged ethnic groups, and so on.

51. There is separate non-statutory guidance on Admission of Children under Fair Access Protocols, and for Children Adopted from State Care, both from 2021. These documents sit alongside the Code on the Department for Education webpage.

52. The guidance and legislation seek to ensure that disadvantaged, and in some cases disabled groups of applicants, are considered fairly through the process. This has been through granting them additional rights and priority in the admissions process.

53. In my judgement, the limits placed on sibling eligibility may well have appeared reasonable at the time they were first drafted: at which point special distinction for children with an EHCP, the FAP, and Managed Moves had limited or no discussion. However, since 2011, the Code has changed twice in full. What may have been reasonable aims at the outset needed to be reviewed, to decide if aims and processes continued to be reasonable.

54. I am grateful to the School for its candour in sharing that in retrospect over recent years, some siblings of students on roll with EHC plans have been admitted as siblings, in contradiction of the School's stated policy. This brings into further question the reasonableness of this element of the Arrangements.

Therefore I uphold the objection that it is unreasonable to exclude as siblings the siblings of students admitted under "exceptional circumstances." The suggested alternative wording would resolve issues of clarity but is immaterial as the Arrangements would remain non-compliant.

55. I shall finally consider the broader objections of unfairness and discrimination raised to non-entitlement as siblings of this small group of applicants. Fairness can be described as a 'protean concept', in that it cannot be defined in universal terms, but its requirements will depend on the circumstances. Fairness is focussed on the effect of the arrangements on any relevant group. A factor which is relevant in the consideration of substantive unfairness is the reasons (or justification) for adopting a particular oversubscription criterion. These must be considered in context. It may be the case that the justification for the adoption of a particular set of oversubscription criteria could override any unfairness.

56. In this case the students affected are clear. They are students who came onto the School roll through one of the mechanisms detailed above, and applicant siblings of those students. The School stated that its aims are to maintain the integrity and consistent application of the oversubscription criteria; ensuring fair access to places for local applicants;

preventing the indirect extension of priority through admissions made outside the normal admissions process. The admission authority considers that the arrangements are proportionate, as they apply to a clearly defined category of admissions; they do not prevent access to the School; they preserve the operation of other oversubscription criteria.

57. The School produced a document in December 2025 / January 2026 to brief stakeholders on the changes made. This included an Equalities Impact Assessment, which is necessary and to their credit. However, the School appeared fixed in a mindset that the determined arrangements do not disadvantage the groups concerned. The focus was instead on the lack of detriment to the placing of the original EHC plan and similar students in the school. It did not enumerate the number of student siblings who have not been allocated places, nor their destination. We now know some such students have been admitted as siblings. It claimed that differential treatment of such sub-groups of siblings was an accepted norm in education, and that the admission of the other family member would be generally seen as outside normal admissions processes. In support of its points, it stated that adjudicator judgements had, in the past, upheld arrangements such as those adopted, but the School failed to identify them.

58. In contrast the Objectors commented on:

- potential unfairness in treating students differently on the basis of their original pathway into School;
- the undefined term “exceptional arrangements” being used in the School Arrangements but not in the Code, leading to a lack of clarity;
- unfairness if a student’s standing or otherwise in the School might unfairly be based on their possible effect on another student or students. Lack of consideration of the adverse effect of the policy on students affected;
- the lack of an adequate rationale for the policy being applied;
- a risk of indirect discrimination and non-compliance with Equalities Legislation. The LEA stated “Children admitted under an Education, Health and Care Plan will be disabled within the meaning of the Equality Act 2010. Excluding their siblings from sibling priority risks indirect discrimination by association with disability. Similarly, children admitted via managed transfers or Fair Access Panels frequently have protected characteristics or vulnerabilities, creating comparable risks of unequal treatment. The School Admissions Code requires admission arrangements to comply

with equalities legislation, and the School's admission arrangements do not demonstrate how this criterion achieves such compliance."

- a lack of transparency in interaction with contributors; willingness to engage in terms of wording but not principle; and
- in short, an Objector considers "paragraph 5.3.4 to be unreasonable, insufficiently objective, procedurally unfair, and potentially discriminatory, and therefore not compliant with the School Admissions Code or equalities legislation."

59. I determine as above that the objectors are incorrect in stating that the School did not interact with consultees in the way required by the Code, and the term "exceptional" is in fact used in three points in the 2021 Code. The School is correct in stating that admission authorities are not required to prioritise places for siblings. The Code sets out however that it is for the School to define terms to ensure reasonableness and fairness of criteria they determine. On balance, while I understand the School's position, I do not find it fair.

60. The Objectors' points on inadequate consideration and unfair impact and inadequate rationale are valid. The applicants concerned are being dealt with in Arrangements for 2027/28 in a less advantageous way. These students have lesser entitlement compared to peers who were admitted in the normal annual round. As applicants they have, therefore, sometimes had to apply to or accept a less favoured school, or one with a longer commute, or one with a curriculum that suits them less well.

61. If they are a sibling of a student with an EHC plan, that student has a very high likelihood of being disabled, either physically, through mental illness, or through atypical neurology or learning capability. Disability means a physical or a mental condition which has a substantial and long-term impact upon a person's ability to do normal day to day activities. Some students admitted under an EHC plan or Managed Move will also be more likely than peers to be categorised as disabled. Siblings of any such students are disadvantaged under the stated arrangements.

62. My judgement is that by not affording siblings of these children the same level of priority as that afforded to siblings of others on roll, the admission authority is discriminating against both the enrolled child on the basis of his/her disability and the applicant sibling due to his/her association with a disabled person. While there is a clarity, objectivity, and fairness dimension of treating the siblings of all sixth form students in the same way, I cannot treat the choice made by the School for these children in the same way.

63. Not only are the applicant siblings in question disadvantaged as compared to applicants whose siblings are not disabled. My judgement is that failure to give sibling priority to applicants whose sibling was not admitted through the standard process potentially amounts to direct discrimination to an applicant sibling because this is a worse treatment which arises directly as a result of association with a person who is more likely to have a disability. The different treatment cannot be justified.

64. I believe that the School takes its responsibilities regarding equalities seriously. The School states, for instance, that no applicants with the sibling relationship of this group would miss out on the award of a place at the School because of the relationship - but admits that they cannot qualify as a sibling and only would be offered a place if they qualify through another criteria. This is less advantageous treatment.

65. The Code sees potential benefits from sibling priority in terms of family and logistic convenience. However, it can also be a lifeline to a student struggling with education and life in school. This might be an elder sibling with an EHC plan for Autistic Spectrum Disorder or Attention Deficit Hyperactivity, or loss of normal vision, or loss of physical dexterity; such children would potentially benefit particularly from a new entrant sibling able to support them. The same might be true of a student admitted through Managed Move or FAP, perhaps because of discipline issues elsewhere, or because they are asylum seekers, who might be helpfully supported by someone who knows them well. The School makes the case, rightly, that someone will by definition suffer non-allocation of a place, and identifies that its determined arrangements give higher priority to local resident first time applicants. In my view as adjudicator, the two losses are equivalent in number but not in nature. The denial of sibling status to the siblings of disadvantaged students on roll is a greater disadvantage than for local resident students to have to travel to an alternative local School. It is therefore not justifiable.

66. I set aside judgement on whether paragraph 1.18 of the Code and the Equalities Act have been breached. However, the determined arrangements are in clear breach of Paragraph 14 of the Code which states:

“In drawing up their admission arrangements, admission authorities must ensure that the practices and the criteria used to decide the allocation of School places are fair, clear, and objective.”

I therefore uphold the objection on grounds of fairness.

67. Having rectified the arrangements for 2027/28 the School may well choose to address its criteria for 2028/29, regarding sibling qualification. In doing so it would need to bear in mind the responsibility it has to ensure reasonableness and fairness.

Other matters

68. Having considered the Arrangements as a whole it appeared to me that there are other matters which do not conform with requirements of the Code and so I brought them to the attention of the admission authority. These matters are:

- the notes defining those staff eligible to qualify for advantaged application via Criterion 3 are broad and fail to address issues such as temporary contracts;
- the entitlement claimed by the authority to remove a student who has been admitted to the School erroneously or through fraud, and to seek redress for perceived harm; and
- the wording used with reference to children seeking admission out of their chronological year group, which do not mirror the wording of the Code and are not clear in describing the process to be followed.

69. The Admission Authority has told me that it will address these matters, as permitted by paragraph 3.6 of the Code, which is welcomed. As the Admission Authority has accepted that changes are required, I will not discuss them further other than to make clear that the Code requires that the Arrangements be amended to address the points set out here.

70. The Admission Authority must address these matters, as permitted by paragraph 3.6 of the Code, by two months from the date of issue of this determination.

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objections to the admission arrangements determined by the single academy trust for Bishopshalt School, for 2027/28.

I have also considered the arrangements under section 88I(5) and find that they do not comply with 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 this determination.

Dated: 25 June 2026

Signed:

Schools Adjudicator: Paddy Storrie