



Office of  
the Schools  
Adjudicator

## Determination

|                             |                                                    |
|-----------------------------|----------------------------------------------------|
| <b>Case references:</b>     | <b>ADA4641</b>                                     |
| <b>Objector:</b>            | <b>A representative of Buckinghamshire Council</b> |
| <b>Admission authority:</b> | <b>E-ACT</b>                                       |
| <b>School:</b>              | <b>E-Act Bourne End Academy</b>                    |
| <b>Date of decision:</b>    | <b>21 August 2026</b>                              |

## Determination

**In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objection to the admission arrangements determined by E-ACT for the E-Act Bourne End Academy for September 2027.**

**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 way 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), an objection has been referred to the adjudicator by a representative of Buckinghamshire Council (the Objector).
2. The objection is to two matters. The first relates to aspects of the consultation held prior to the determination of the 2027/28 admission arrangements (the Arrangements) for the E-Act Bourne End Academy in Bourne End, Buckinghamshire (the School) by E-ACT (the Trust). The second is that the removal of the catchment area from the oversubscription criteria is unfair to a specific group of children.

3. The School is located in the Buckinghamshire Council (BC) area and so as well as a representative of BC being the Objector, BC is also the local authority (LA) for the School.

## Jurisdiction

4. 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 maintained schools.

5. The Arrangements were determined under section 88C of the Act by the Trust, which is the Admission Authority for the School, on 25 February 2026.

6. I am satisfied the objection has been properly referred to me in accordance with section 88H of the Act and the concerns raised are within my jurisdiction.

7. As well as BC (as the Objector and LA), the other parties to the objection are the Trust and the School.

8. 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 the issue I have identified in the Arrangements as the 'other matter' and this is covered in the section of the determination under that heading.

## Procedure

9. In considering the objection, I have had regard to all relevant legislation and the School Admissions Code (the Code).

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

- a. the Objector's form of objection, dated 13 May 2026, and accompanying documentation;
- b. a copy of the determined Arrangements;
- c. the response of parties to the objection and additional information requests;
- d. the LA's online composite prospectus for admission to secondary schools; and
- e. information available on the websites of the LA, the School, the Trust, Ofsted, and the gov.uk website, particularly the 'Get Information About Schools' (GIAS) site.

11. The LA also provided relevant data in a format that I was able to use in a geographic information system called ArcGIS.

12. I have been provided with information / data by parties, all of which I have considered. I refer only to that which has a bearing on my decision in this determination.

13. I would like to take the opportunity to give my thanks to all parties for their prompt responses to my requests for further information / data.

## Background

14. According to GIAS, the School is a non-selective, co-educational academy for children aged between 11-18 years, with no designated religious character. The School has the capacity for 830 children.

15. To understand the changes the Trust made to the 2027/28 Arrangements, I looked at those for 2026/27. The 2026 admission arrangements set out the following oversubscription criteria, after the admission of children with education, health, and care (EHC) plans naming the School:

1. Looked after children and previously looked after children.
2. Children with exceptional and compelling medical, psychological, social, or special access reasons to attend the School.
3. Siblings.
4. Children living in the catchment area of the School.
5. Children eligible for the Pupil Premium or Service Pupil Premium.
6. Children whose parent / carer is a member of staff who has been continuously employed at the School for two or more years at the time of application or who has been recruited to fill a vacant post for which there is a demonstrable skill shortage.
7. Distance from the School.

Distance from home to School was to be used to prioritise admission within each criterion.

In situation of equal merit, random allocation was to be used as a tie breaker.

Any parent applying for a place under oversubscription criteria 5 or 6 was expected to complete a supplementary information form to provide details of qualification under those criteria.

16. Between Friday 19 December 2025 to 31 January 2026 (I note this was in line with the requirement for a 6-week consultation period as set out under paragraph 1.46 of the Code), the Trust ran a consultation about a number of changes it proposed to make to admission arrangements across a number of its schools, summarised as:

“The main changes to the reviewed and updated admission arrangements include:

- Simplifying and refining oversubscription criteria across E-ACT academies, to make them clearer and easier for parents and carers to understand and to support transparency and fairness in the allocation of school places.
- Reviewing published admission numbers (PANs) at some academies, working in partnership with local authorities where appropriate to support local place planning.
- Retaining academy-specific provisions only where necessary, for example where an academy operates across more than one campus.
- No changes are proposed to the application process or to the statutory admissions timetable.”

17. The changes to the School’s Arrangements resulted in the removal of the oversubscription criteria 2, 4, and 5, such that the criteria for prioritising admission in 2027, after the admission of children with EHC plans, are:

1. Looked after children and previously looked after children.
2. Siblings.
3. Children whose parent / carer is a member of staff who has been continuously employed at the School for two or more years at the time of application or who has been recruited to fill a vacant post for which there is a demonstrable skill shortage.
4. Distance from the School.

In situations of equal merit, random allocation will be used as a tie breaker.

Any parent applying for a place under oversubscription criterion 3 will be expected to complete a supplementary information form to provide details of qualification under that criterion.

18. The School provided me with the number of children in each year group at the School (as of July 2026) and the PAN for each year group at the year of entry. I have put that data into Table 1.

**Table 1: Number of children in each year group at the School (as of July 2026)**

| Year group             | Year 7 | Year 8 | Year 9 | Year 10 | Year 11 | Year 12 | Year 13 |
|------------------------|--------|--------|--------|---------|---------|---------|---------|
| Number of children     | 144    | 148    | 127    | 145     | 123     | 0       | 15      |
| PAN (at year of entry) | 150    | 150    | 150    | 150     | 160     | 60      | 60      |

19. The total number of children in the School in July 2026 was 702. The School is operating below capacity (as shown on GIAS) by 128 children, and by 178 children according to the total of PANs in Table 1.

## Consideration of case

20. The objection is made up of the following two concerns:

- A. There were failings of the Trust's consultation process which was conducted prior to the determination of the Arrangements:
  - i. Not enough information was provided by the Trust to consultees such that they would not have realised the impact of the removal of the catchment area.
  - ii. There was no communication about the consultation with the LA.
- B. The removal of the catchment area in the Arrangements is unfair in that it will significantly disadvantage the residents of Burnham and the surrounding areas.

21. I offered parties the opportunity early in the process to suggest any amendments to the way I had set out the matters raised by the Objector. No party raised any issues.

22. I have determined that the following paragraphs of the Code are relevant to concern A.:

- 1.8 (part): "Admission authorities **must** ensure that their arrangements will not disadvantage unfairly, either directly or indirectly, a child from a particular social [...] group [...]"
- 1.45 (part): "When changes are proposed to admission arrangements, all admission authorities **must** consult on their admission arrangements (including any supplementary information form) that will apply for admission applications the following school year.[...]"
- 1.47 (part): "Admission authorities **must** consult with:  
  
[...]  
  
d) whichever of the governing body and the local authority is not the admission authority;"
- 1.48 (part): "For the duration of the consultation period, the admission authority **must** publish a copy of their full proposed admission arrangements (including the proposed PAN) on the school's website or its own website (in the case of a local authority) together with details of where comments may be sent and the areas on which comments are not sought. [...]"

23. Public consultation processes in the UK must be conducted fairly. Although it is not explicitly referred to in the Code, the Gunning Principles (*R v London Borough of Brent ex parte Gunning* (1985) 84 LGR 168) provide a helpful guiding framework to ensure consultation is transparent, fair, and both listens to and considers consultee responses. The four Gunning Principles are:

- a. consultation must take place when the proposal is still at a formative stage;
- b. sufficient reasons must be put forward for the proposal to allow for intelligent consideration and response;
- c. adequate time must be given for consideration and response; and
- d. the results of consultation must be conscientiously taken into account.

24. I am of the view that applying these Gunning Principles would have been helpful in ensuring the requirements of paragraph 1.45 of the Code were met.

25. I will consider the Objector's concern under A.i. in the context of Gunning Principle b.

26. I have identified the following paragraph of the Code which is relevant to the Objector's concern B.:

- 1.8 (part): "Admission authorities **must** ensure that their arrangements will not disadvantage unfairly, either directly or indirectly, a child from a particular social [...] group [...]"

27. I will now set out my consideration of the matters raised by the Objector. I will conclude each section with a statement as to whether or not I uphold that particular aspect of the objection, preceded by my reasons for that conclusion. Where I state that I uphold an aspect of the objection, that does not necessarily imply that I fully endorse the reasoning expressed by the Objector, nor that the Objector has 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 Objector 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.

28. In respect of making a determination on consultation processes, I only have jurisdiction to consider whether the Admission Authority followed the statutory process (specifically, in the areas raised by the Objector) when making changes to its Arrangements. If I was to find that those parts of the consultation process did not follow the statutory process in any way, it does not automatically follow that the changes made would not be concordant with the Code. It is also not in my gift to direct that the Admission Authority run a consultation process again if it has been found that it did not conform to the Code.

29. I will now take each of the concerns in turn.

**A. There were failings of the Trust's consultation process which was conducted prior to the determination of the Arrangements:**

**i. Not enough information was provided by the Trust to consultees such that they would not have realised the impact of the removal of the catchment area.**

30. The Objector stated:

"We are concerned that parents/the local community did not realise the impact of their revised admissions arrangements. Although E-Act consulted on their changes, the new admissions arrangements of all their schools were simply listed and comments invited; no explanation was provided on the changes that were being made compared to the previous arrangements for each school nor that catchment areas were being removed."

31. The Trust told me, in respect of this concern, that:

"A full statutory consultation was undertaken from 19 December 2025 to 31 January 2026 (>6 calendar weeks) in line with the requirements of the School Admissions Code (Sep21).

On 19 December 2025 a letter was issued to all parents of every affected academy including E-ACT Bourne End Academy [...].

On 19 December 2025 the consultation was advertised on the website of every affected academy within the Trust as well as on the Trust website for the duration of the consultation. [...]

The published information contained:

- A summary of the key changes for the 2027-2028 academic year
- Dates of the consultation period
- A link to review the individual proposed documents for every affected academy
- Details of how to respond (via MS Form)
- Information on what would happen following the consultation process

In addition to a letter to all parents and website publication, on 19 December 2025 email notification of the consultation was sent to all known contacts in the relevant local authorities [...].

In all communications it was made clear that 'the Trust has simplified and standardised oversubscription criteria to reflect current best practice, reviewed published admission numbers at some academies in collaboration with local authorities to support place planning, and made minor clarifying amendments to improve transparency and accessibility. Limited academy-specific provisions have

been retained only where operationally necessary'. As catchment areas are a feature of the oversubscription criteria which would not ordinarily be retained as part of the Trust's approach to standardisation and it was stated that limited academy-specific provisions had only been retained where operationally necessary, it is our belief that the information provided was sufficient for consultees to be aware of the changes and duly consider any impact."

32. The Code (paragraphs 1.45 to 1.48) sets out the requirements that admission authorities must follow when conducting consultations. The requirements set out why consultations are required, when they must take place, who must be consulted, and that admission authorities must publish a copy of their proposed arrangements on their website.

33. I said earlier that I would consider Principle b. of the Gunning Principles when considering this part of the objection. Public bodies undertaking a consultation should provide 'sufficient reasons' for the changes proposed 'to allow for intelligent consideration and response'. The Trust told me:

"Consultees were provided with:

- The full proposed admission arrangements;
- a summary of the key changes (including standardisation of oversubscription criteria);
- clear explanations of the intent behind those changes.

Taken together, this information was sufficient to allow consultees to understand the nature and potential implications of the proposals and to respond meaningfully. "

34. The Objector is specifically concerned that not enough information was provided such that consultees would have realised the impact of the proposed changes to the Arrangements.

35. I looked at the information provided by the Trust during the consultation.

36. The consultation page on the Trust website contained information for all of the Trust's schools (that were part of the consultation). This included an explanation of the reason for the proposed changes, a generic summary of all of the key changes to the included schools' admission arrangements, the dates of the consultation period, links to view the proposed arrangements, how to respond to the consultation, and a section on 'what happens next'.

37. On the School website, the consultation page states that:

"E-ACT is consulting on the proposed admission arrangements that will apply to this academy for entry in the 2027-2028 academic year.

The proposed arrangements reflect a Trust-wide review to simplify oversubscription criteria and reflect current best practice, while ensuring information is clear and accessible for parents and carers.

The consultation runs from 19 December 2025 to 31 January 2026.

Full details, including a summary of the proposed changes and how to respond, are available on the E-ACT website: <https://www.e-act.org.uk/admission-arrangements-consultation/>.

38. The Trust provided a copy of the letter sent to parents at the School. This letter stated:

“E-ACT is consulting on the proposed admission arrangements that will apply for new pupils to join the academy in the 2027-2028 academic year.

Admission arrangements explain how children get a place at an academy. They include how many places are available and what happens if more children apply than there are places. We have updated the proposed arrangements to reflect current best practice and to make them clearer and easier for parents and carers to understand.

The consultation will run from Friday 19 December 2025 to Friday 31 January 2026.

The full draft admission arrangements for this academy, together with details of how to respond to the consultation, are available on the E-ACT website: <https://www.e-act.org.uk/admission-arrangements-consultation/>.

If you wish to comment on the proposed arrangements, please submit your response via the online consultation form by 31 January 2026. The form can be accessed by clicking the link below:

<https://forms.office.com/e/SvM5E8wXzh>”.

39. I asked the Trust if any impact assessment had been undertaken. It told me that no impact assessment had been undertaken and went on to state that:

“However, the potential impact of the proposed changes was considered as part of the wider review and consultation process. This included consideration of:

- the effect of catchment-based criteria potentially prioritising pupils living further from the academy;
- the benefits of a distance-based criterion in prioritising those living closest; and
- whether any local exceptions to standardisation were required.

The consultation process also provided an opportunity for stakeholders to identify any adverse impacts.

Feedback received across the Trust resulted in changes at a number of academies, demonstrating that impacts were considered and acted upon where evidenced.

In relation to E-ACT Bourne End Academy, no representations were received identifying concerns about the removal of the catchment area.”

40. I found that the consultation materials in respect of the School referred consultees to the wider Trust process, in that they set out that there was a consultation and provided links to the consultation page on the Trust website. On that page, a link to the proposed Arrangements was found. The proposed Arrangements included a generic ‘Consultation Notice’ and a watermark on each page stating, ‘UNDER CONSULTATION’. However, I could find no mark-up of the changes being proposed or any explanation of them that were specific to the School’s Arrangements, how the reasons provided for the Trust’s wider consultation applied to the proposed changes to the School’s Arrangements, or the potential impact of the changes, to assist consultees. Additionally, there was no information on what the Trust was asking for comments about or, taking into account the Trust’s response above, no direct invitation for any comments on the impact of the proposals.

41. Whilst the Trust provided materials that clearly set out the proper process by which the consultation was conducted and the channel through which consultees could engage, I find that not enough information was provided in respect of the changes proposed in the School’s Arrangements. Consultees were, therefore, not told what the changes specific to the School’s Arrangements were, why they were needed in the specific context of the School, or the expected impact.

42. It is also the case that the Trust did not ask direct questions of consultees about the proposed changes to the School’s Arrangements. Asking only for “Comments on the proposed admission arrangements” (as on the Trust’s consultation web page) was so open ended as to be unhelpful given that the page contained the proposed admission arrangements for 39 of the Trust’s schools and the information was generic to all of them. The Trust could, for example, have ensured that the proposed changes specific to the School’s Arrangements were set out on the School’s own consultation web page. However, without this, and with no indication of what the specific proposed changes to the School’s Arrangements were or what the Trust wanted responses about, I find that the consultation did not satisfy this basic requirements of a public consultation.

43. Consequently, the requirements set paragraph 1.45 of the Code were not met. I, therefore, uphold this part of the objection.

**A. There were failings of the Trust’s consultation process which was conducted prior to the determination of the Arrangements:**

**ii. There was no communication about the consultation with the LA.**

44. About this, the Objector raised the concern that BC, “were [sic] not initially aware of the consultation so did not respond”. However, when asked for more information about this, the Objector told me:

“[...] in fairness to the Trust, I must clarify that they did try and inform the local authority. Unfortunately, they sent the e-mail to an individual they mistakenly thought was their key contact in the admissions team, when she had actually only assisted with one particular project and was no longer part of the admissions team at the time the e-mail was sent. E-ACT did copy the general Admissions Inbox in on the e-mail, but we can find no record of that e-mail in the inbox. There may have been a technical problem.”

45. About this issue, the Trust told me that:

“[An] email [was] sent to the objecting local authority. The email was sent to two addresses – a named person [name redacted] and the general admissions mailbox. The local authority has since advised that [name redacted] no longer works in admissions but remains in the employment of the local authority and have confirmed that the admissions address is the correct one. They have been unable to account for why neither email was received. [...] a copy of the acknowledgement receipt received from the objecting local authority in response to the email sent to admissions@buckinghamshire.gov.uk [is provided].”

46. The Trust provided me with copies of the email sent to the LA and the email from the LA acknowledging receipt. The email informing the LA of the consultation was sent on the 19 December 2025, to the email address of the named person in admissions and the general admissions mailbox, at 14:07. The acknowledgement that it had arrived at the generic admissions email inbox was received by the Trust a minute later.

47. I can find no evidence that the Trust did not inform the LA of the consultation or that it breached the requirements of paragraph 1.47 c) of the Code as asserted by the Objector.

48. I, therefore, do not uphold this part of the objection.

**B. The removal of the catchment area in the Arrangements is unfair in that it will significantly disadvantage the residents of Burnham and the surrounding areas.**

49. The Objector told me that:

“While not all schools in Buckinghamshire have catchment areas (largely new free schools and church schools), all parts of Buckinghamshire currently have a catchment school. As a partly rural authority we have found them a necessary tool to ensure that families living in certain areas are not unfairly disadvantaged and face having to travel an excessive distance in order to access a school place. In this particular case, we believe that the removal of the catchment area makes the admissions arrangements unfair as it significantly disadvantages the residents of Burnham and the surrounding areas, especially in light of E-Act’s earlier decision to affect [sic] the closure of The E-Act Burnham Park Academy which has left the town without a non-selective secondary school of its own. (Note, Buckinghamshire is a fully selective authority with 13 grammar schools including one in Burnham itself – however grammar schools can only be accessed by children who qualify for a place.)

In 2019 at the request of E-Act, the Secretary of State decided to close The E-Act Burnham Park Academy (BPA) due to low pupil numbers, despite objections from the Council who were concerned at the implications for families in the town who would have trouble accessing a local school place if the school closed. The geography of the Burnham area is unusual; whilst it is part of Buckinghamshire, it is completely bordered by the boroughs of Slough to the east and Windsor and Maidenhead to the west and south. (See accompanying map.) There are therefore few local Buckinghamshire schools. The nearest non-selective Buckinghamshire secondary schools to Burnham are:

- Pioneer Secondary Academy (a journey of c. 4.5 miles from Burnham)
- E-Act Bourne End Academy (c. 5 miles)
- The Beaconsfield School (c. 6.5 miles)
- Great Marlow School (c. 8 miles)
- Highcrest Academy (c. 9 miles)
- The Chalfonts Community College (c. 9 miles)

Note the Pioneer Secondary Academy (PSA) is a Sikh faith Free School established to meet demand in Slough with half their places reserved for children of the Sikh faith; very few parents in Burnham express the school as a preference (no children from Burnham listed PSA as a first preference for September 2026 entry, 5 for September 2025 entry, and 1 for September 2024 entry). Further, children from Burnham are not guaranteed a place at the school if it is oversubscribed (PSA does not use a catchment area within its admissions criteria but prioritises on distance, and large areas of Slough are closer to the school than Burnham, so it tends to fill with Slough children.) The Beaconsfield School, Great Marlow School and Highcrest Academy are all regularly oversubscribed from their local area, so the only realistic alternatives to PSA for Burnham families are Bourne End Academy (BEA), travelling 9 miles to Chalfonts Community College, or seeking a school place in Slough or Maidenhead. Currently, most parents choose the latter option, although many have told BC that they find the travel involved difficult and they sometimes struggle to get a place at their school(s) of choice as they are not within the catchment area of the school (which naturally prioritises residents from their own area) and some of the schools closest to Burnham are very popular.

However, Slough Borough Council and Royal Borough of Windsor and Maidenhead (RBWM) have told BC that they cannot guarantee that places will remain available to Burnham residents in future as new housing comes forward and their own populations grow. BC therefore believe it is desirable that Burnham residents can access places in at least one Buckinghamshire non-selective secondary school. Otherwise, they face being placed at the nearest available school with a place, which is likely to be Chalfonts Community College.”

50. I want to be clear from the outset that no admission authority is required to have a catchment area as part of their oversubscription criteria. All admission authorities, under paragraph 1.10 of the Code, are able to decide “which oversubscription criteria would be the most suitable to the school according to the local circumstances”. Paragraph 1.14 makes provision for an admission authority to prioritise admission using a catchment area should it choose to do so. Should I find that the removal of the School’s catchment area creates significant disadvantage, then it does not follow that the Trust would be required to reinstate the catchment area; it would be the Trust’s responsibility to ensure its Arrangements did not create such significant disadvantage. How it chooses to do that is its own responsibility, providing it is concordant with the law, the Code, and where any variation made does not in and of itself create any unfairness.

51. The Objector refers to ‘significant disadvantage’ in the objection; paragraph 1.8 of the Code to ‘disadvantaging unfairly’. Fairness is a concept that is used in the Code but is not defined. I understand that ‘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. In this circumstance, I identify the potentially significantly disadvantaged group (which I will refer to, reflecting the terminology used in paragraph 1.8, as the ‘particular social group’) as being those children who live in the Burnham area of the BC area which used to be served by the now-closed E-Act Burnham Park Academy.

52. I state here that it is the purpose of oversubscription criteria to create advantage for some applicants and disadvantage to others. A factor which is relevant in the consideration of substantive unfairness is the rationale (or justification) for adopting or removing a particular oversubscription criterion. This must be considered in context. It may be the case that the justification for the adoption or removal of a particular oversubscription criterion could override any unfairness. I should also add that where the available evidence does not establish disadvantage, there cannot be any unfairness.

53. Before considering this matter, I note that the Objector told me that:

“[...] our concern is not principally [for] admissions in September 2027, it is the permanent loss of the catchment area which we believe may be needed to protect the interests of Burnham families in future years as populations change.”

54. My jurisdiction is for 2027/28 and not for future years (because the arrangements for future years will not have been determined at this stage). It appeared to me that the Objector was not concerned that there would be unfairness in 2027/28 and, therefore, that might be the end of the matter. However, as the matter had been brought to my attention, I sought to satisfy myself that there would be no unfairness to the ‘particular social group’ in 2027/28. I asked the Objector (as the LA) for data and information on past and projected admissions and locations, and have used GIAS to help me to understand the provision of secondary education in and around the Burnham area.

55. I note that the location of Burnham is in the southernmost region of Buckinghamshire between Maidenhead (in the Royal Borough of Windsor and Maidenhead) and Slough (a unitary authority).

56. Parents are not bound by county boundaries when expressing preferences for schools for their children. In order to assess the choice of schools available to parents in Burnham, I looked at the secondary schools that are located up to 4.05 miles of the postcode on which the now-closed E-Act Burnham Park Academy had been located (SL1 7LZ). I considered the site of this school to be a reasonable point from which to make measurements. The specific distance (4.05 miles) chosen is the distance between SL1 7LZ and the location of the School (straight line distance, as recorded on GIAS), assuming that if a parent is content for their child to travel to the School, then that would be a sensible distance to delimit the results of this search on GIAS. Omitting the School, GIAS listed 17 secondary schools within that distance. I have put the information from GIAS into Table 2.

**Table 2: Schools within 4.05 miles of the postcode on which the now-closed E-Act Burnham Park Academy was located**

| School name <sup>3</sup>          | Straight line distance from the postcode (in miles) | LA Area                       | School characteristics <sup>2</sup>                            | Capacity    | No. on roll |
|-----------------------------------|-----------------------------------------------------|-------------------------------|----------------------------------------------------------------|-------------|-------------|
| Burnham Grammar School            | 0.45                                                | BC                            | Mixed, selective, and without a religious character            | 1078        | 1262        |
| <b>The Westgate School</b>        | <b>1.75</b>                                         | <b>Slough</b>                 | <b>Mixed, non-selective, and without a religious character</b> | <b>1400</b> | <b>1273</b> |
| <b>Beechwood School</b>           | <b>1.77</b>                                         | <b>Slough</b>                 | <b>Mixed, non-selective, and without a religious character</b> | <b>905</b>  | <b>838</b>  |
| Eden Girls' School, Slough        | 2.09                                                | Slough                        | Girls, non-selective, and with a Muslim religious character    | 800         | 613         |
| Herschel Grammar School           | 2.24                                                | Slough                        | Mixed, selective, and without a religious character            | 900         | 1062        |
| <b>Baylis Court School</b>        | <b>2.3</b>                                          | <b>Slough</b>                 | <b>Girls, non-selective, and without a religious character</b> | <b>950</b>  | <b>921</b>  |
| <b>Grove Academy<sup>1</sup></b>  | <b>2.69</b>                                         | <b>Slough</b>                 | <b>Mixed, non-selective, and without a religious character</b> | <b>1940</b> | <b>990</b>  |
| <b>Desborough College</b>         | <b>2.98</b>                                         | <b>Windsor and Maidenhead</b> | <b>Boys, non-selective, and without a religious character</b>  | <b>1140</b> | <b>539</b>  |
| Slough and Eton Church of England | 3                                                   | Slough                        | Mixed, non-selective, and with a Church of                     | 1178        | 1196        |

| School name <sup>3</sup>             | Straight line distance from the postcode (in miles) | LA Area                       | School characteristics <sup>2</sup>                                    | Capacity    | No. on roll |
|--------------------------------------|-----------------------------------------------------|-------------------------------|------------------------------------------------------------------------|-------------|-------------|
| Business and Enterprise College      |                                                     |                               | England religious character                                            |             |             |
| <b>Lynch Hill Enterprise Academy</b> | <b>3.18</b>                                         | <b>Slough</b>                 | <b>Mixed, non-selective, and without a religious character</b>         | <b>1140</b> | <b>863</b>  |
| St Joseph's Catholic High School     | 3.28                                                | Slough                        | Mixed, non-selective, and with a Roman Catholic religious character    | 800         | 988         |
| <b>Furze Platt Senior School</b>     | <b>3.45</b>                                         | <b>Windsor and Maidenhead</b> | <b>Mixed, non-selective, and without a religious character</b>         | <b>1450</b> | <b>1556</b> |
| <b>The Windsor Boys' School</b>      | <b>3.64</b>                                         | <b>Windsor and Maidenhead</b> | <b>Boys, non-selective, and without a religious character</b>          | <b>990</b>  | <b>986</b>  |
| Pioneer Secondary Academy            | 3.78                                                | BC                            | Mixed, non-selective, and with a Sikh religious character              | 840         | 612         |
| <b>Wexham School</b>                 | <b>3.81</b>                                         | <b>Slough</b>                 | <b>Mixed, non-selective, and without a religious character</b>         | <b>1200</b> | <b>1212</b> |
| Upton Court Grammar School           | 3.95                                                | Slough                        | Mixed, selective, and without a religious character                    | 1115        | 1155        |
| Altwood Church of England School     | 3.96                                                | Windsor and Maidenhead        | Mixed, non-selective, and with a Church of England religious character | 890         | 846         |

Key:

<sup>1</sup> An all through school.

<sup>2</sup> Selective / non-selective characteristic refers to selection by ability.

<sup>3</sup> Schools with similar characteristics (in that they are non-selective and are without a religious character) to the School are identified in **bold**.

57. Out of the 17 schools in Table 2, nine schools share similar characteristics to the School (as set out in the key to Table 2, above). According to the capacity and number on roll data from GIAS in Table 2, between them, the nine schools have 1937 surplus places. This, of course, is the surplus in every year group combined. I do not have access to data of the numbers in each year group in each of those schools. Therefore, to calculate what the surplus might look like in Year 7 across these schools, I divided the surplus in each individual school (in the schools which have such a surplus) by the number of year groups (note: I did not include The Windsor Boys' School as entry is from Year 9). Whilst this is a

rough indicative figure, it does show that there could be approximately 225 places in Year 7 across the six secondary schools with such a surplus.

58. I note from Table 1 that the School had six surplus spaces in Year 7 in 2025/26. These six places added to the rough indicative total from the six secondary schools admitting to Year 7 with a surplus of places, means there could be 231 places available. The Objector, in its capacity as the LA, told me that the projected demand for Year 7 places from children in Burnham in 2027/28 is 119. It appears to me that there will be more than enough school spaces should the number of surplus places in 2027/28 be similar to 2025/26. I note that the places are in schools in Slough and Windsor and Maidenhead, and not in the BC area. The Objector told me that:

“Our neighbouring LAs have said they are not able to guarantee places will remain available to Burnham residents as the population grows and new housing comes forward.”

59. No data was provided that showed that this would be an issue for 2027/28.

60. I also note that the LA provided data showing that all children whose parents from Burnham had applied for a place at the School in 2025/26 had been admitted as the School was undersubscribed. The Objector, in its capacity as the LA, told me that “parental preference for the [School] is not strong” and the number of parents from Burnham expressing a first preference for the School has dropped by over 50 per cent in the three years between 2024/25 and 2026/27. This indicates to me that the demand for places from parents in Burnham is actually decreasing. I find that all of the data shows that the School will more likely than not be able to meet the demand for places from those parents in Burnham who express a preference for places for their children.

61. I do not find that the removal of the catchment area disadvantages unfairly the particular social group.

62. I, therefore, do not uphold this part of the objection.

63. Finally, it is apparent that the Objector’s view that the matter raised under concern B. ‘does not principally concern admissions in 2027’, is borne out by the data. The data, provided by the LA, of projected demand for places at the School from parents in Burnham for years beyond 2027 (ranging between 193 and 230 children) does not appear to me to cause a concern in terms of future disadvantage if the number of surplus places remains around where I projected earlier. However, if that surplus reduces for the reasons set out in the objection (and stated earlier), then that which the Objector is concerned about may come to pass. It is the responsibility of the admission authority to monitor this situation to ensure that significant disadvantage is not caused by future admission arrangements for the School.

## Other matter

64. Having considered the Arrangements as a whole it appeared to me that the following matter does not conform with the requirements of the Code and so I brought it to the attention of the Trust. The matter I raised was that:

- In the section entitled “2. Legislation and statutory requirements”, it is stated that the Arrangements are “based on the following advice from the Department for Education (DfE)”. Then two documents are listed (the Code and the School Admissions Appeal Code).

These two documents are ‘statutory guidance’ and not ‘advice’. Characterising these documents as such is inaccurate and, therefore, unclear for parents. (Paragraph 14 of the Code).

65. I find that the provision set out above does not comply with the requirements of the Code. The Trust has told me that it will address this matter, which is welcomed.

66. I will not discuss this matter further, other than to make clear that the Code requires that the Arrangements be amended to address the point set out here. Such amendments are permitted in line with paragraph 3.6 of the Code which states, in part:

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

67. The Code requires that the Arrangements be amended to address the points I have raised within the timescale set out in this determination.

## Determination

68. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objection to the admission arrangements determined by E-ACT for the E-Act Bourne End Academy for September 2027.

69. 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 way set out in this determination.

70. 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: 21 August 2026

Signed:

Schools Adjudicator: Dr Robert Cawley