



Office of
the Schools
Adjudicator

Determination

Case reference: ADA4713, ADA4714

Objectors: A parent, Hertfordshire County Council

Admission Authority: Scholars' Education Trust for The Hemel Hempstead School

Date of advice: 16 September 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 Scholars' Education Trust for The Hemel Hempstead 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, unless an alternative timescale is specified by the adjudicator. In this case, for reasons that I have given in my determination, I determine that the arrangements must be revised within four weeks of the date of the determination, with the exception of one 'other matter' which must be addressed by 28 February 2027.

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 Hertfordshire County Council and by a parent (Objector 1), about the admission arrangements (the Arrangements) for September 2027 for The Hemel Hempstead School (the School; THHS). The School is a co-educational non-selective academy for pupils aged 11 to 18, located in Hemel Hempstead.
2. The Local Authority (LA) for the area in which the School is located is Hertfordshire County Council.

3. The LA is a party to these objections. Other parties to the objections are Objector 1, Scholars' Education Trust (the Trust; SET) and the School.

4. The objections relate to the introduction of a new oversubscription criterion which gives priority to children attending an academy primary school (Oakleaf Primary School; OPS) that is part of the Trust.

Jurisdiction

5. 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.

6. The Arrangements were determined under section 88C of the Act by the Trust, which is the Admission Authority for the School.

7. A consultation period took place prior to the determination of the arrangements between 27 October 2025 and 14 December 2025.

8. The Local Authority submitted its objection to the determined arrangements on 14 May 2026. Objector 1 submitted their objection to the determined arrangements on 8 May 2026 and stated that their objection was being made "on behalf of over 100 families". Objector 1 has asked to have their identity kept from the other parties and has met the requirement of Regulation 24 of the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 by providing details of their name and address to me.

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. In the objection from Objector 1 and in material supplied by the School, reference has been made to previous adjudicators' findings in case reference numbers ADA3656, ADA3494, ADA3506, ADA3536, ADA3542 and ADA3563. Previous determinations by other adjudicators may be relevant and informative. However, they do not set precedents, and I have, therefore, considered the Arrangements and the consultation process in accordance with the requirements set out in legislation and the School Admissions Code (the Code) and in the light of the facts and circumstances as they are now.

11. In correspondence with me, Objector 1 says:

"From the correspondence and questions, it isn't clear to me if consideration is being given to the future impact of the proposed admissions criteria beyond 27/28.

[...]

This is our only opportunity to challenge this decision for several years, so considering the impact beyond the year of the new rules' introduction is important for assessing the fairness and reasonableness of the case."

And the LA says:

"Whilst I appreciate your focus on the impact on pupils in 2027/28, the county council also believes the determination should also take into account the potential future impact of the feeder school rule."

12. The LA's 'belief' does not have any lawful basis. My jurisdiction is solely for the arrangements determined by the Trust for admission in 2027/28 to the School, and it is not within my jurisdiction to pass judgement on arrangements for subsequent years, which are hypothetical because they have not yet been determined.

13. Regulation 22 of the School Admissions (Admission Arrangements and Coordination of Admission Arrangements) (England) Regulations 2012 and paragraph 3.3(e) of the Code states that objections cannot be brought "which raise the same or substantially the same matters as the adjudicator has decided on for that school in the last 2 years." However, I would like to reassure the Objectors that this does not mean that no future objection could be brought to any feeder school rule that might be contained within as yet undetermined future arrangements. Such an objection could still be considered if the circumstances are different, for example when the facts have changed or if different information has been made available.

14. 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.

Procedure

15. In considering this matter I have had regard to all relevant legislation and the Code.

16. The information I have considered in reaching my decision includes:

- the objections dated 8 May 2026 and 14 May 2026 and supporting documents;
- a copy of the minutes of the meeting of Admission Authority at which the arrangements were determined;
- the determined Arrangements for 2027/28;

- responses from the LA and the Trust to the objections and to my requests for further information;
- the LA's website for admissions to secondary schools;
- maps, including Google Maps, showing the location of the School and other relevant schools, and other relevant information; and
- information available on the websites of gov.uk (including the 'Get Information About Schools' (GIAS) website), and the School.

17. I have been provided with a substantial amount of information and data by the Objectors and the Trust. I have referred only to that which has a bearing on my determination.

Background

18. The Trust has determined that the published admission number (the PAN) for the School will be 217 for admission to Year 7 in September 2027.

19. The Arrangements set out that children with education, health and care (EHC) plans will be admitted first. Then, if the School is oversubscribed, children will be prioritised according to the oversubscription criteria. These can be summarised, in the order that they are applied, as follows:

Rule 1: Looked after and previously looked after children.

Rule 2: Children with a particular medical or social need to go to the School.

Rule 3: Siblings of children at the School.

Rule 4: Children of staff.

Rule 5: Children attending Oakleaf Primary School.

Rule 6: Children living in "Priority Area 6" (PA6) for whom the school is their nearest Hertfordshire maintained school or academy that is non-faith, co-educational and non-partially selective.

Rule 7: Other children living in PA6, with those nearest given highest priority.

Rule 8: Children living outside of PA6, with those nearest given highest priority.

20. PA6 is a relatively large area and is defined in the Arrangements as follows:

“Priority Area Six in the admission rules are [sic] based on the following towns, parishes/ unparished areas:

Hemel Hempstead, Kings Langley, Berkhamsted, Tring, Garston, Watford, Chorleywood and Rickmansworth.

Abbots Langley, Aldbury, Berkhamsted, Bovington, Chipperfield, Chorleywood, Croxley Green, Flaunden, Great Gaddesden, Hemel Hempstead, Kings Langley, Little Gaddesden, Maple Cross, Nash Mills, Nettleden with Potten End, Northchurch, Rickmansworth, Sarratt, Tring, Tring Rural, Watford, Wigginton.”

21. The Arrangements state that:

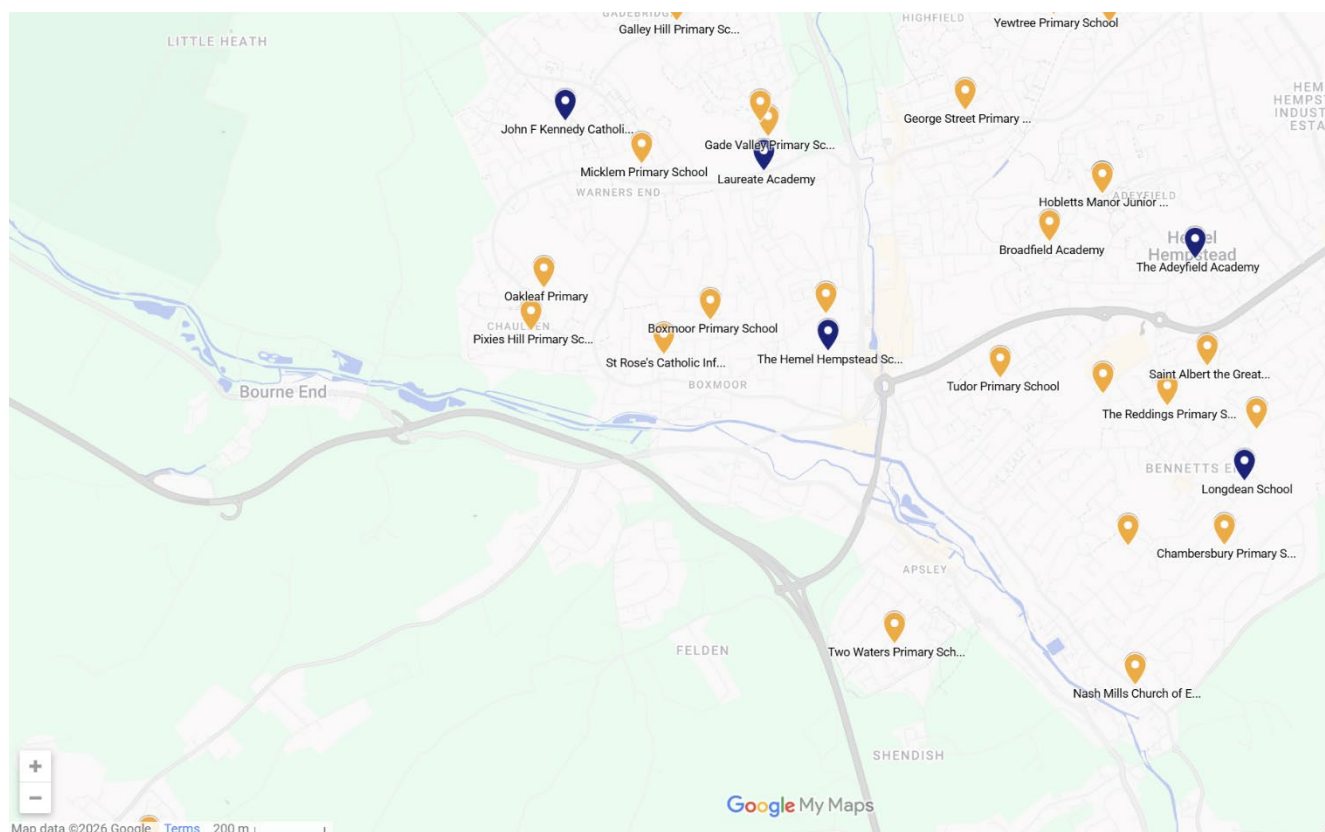
“If more children qualify for a school place under a particular rule than there are places available, children will be prioritised using the next rule (for Rules 2-6).”

22. It is highly improbable that the School will be oversubscribed within Rules 2-5. Hence the practical effect of the statement in the preceding paragraph is that if the School is oversubscribed within Rule 6, distance from the School will be used to rank those children for whom the School is their nearest non-faith, co-educational and non-partially selective School, with those who live closer having a higher priority than those who live further away.

23. The oversubscription criteria in the Arrangements are the same as those in the determined arrangements for 2026/27, with the exception of Rule 5 which is a new criterion for 2027/28 and is the subject of the objections.

24. Figure 1 below shows the relative location of OPS, THHS and certain other schools.

Figure 1: relative location of THHS and other local schools



Consideration of Case

25. 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 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 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.

26. When considering the matter raised by Objector 1 in respect of the consultation process, I have determined that I only have jurisdiction to consider whether the Trust followed the statutory process when making changes to the 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 were to find that the consultation process 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 run a consultation process again if it has been found that it did not conform to the Code.

The objection

27. The LA states that its grounds for objection are as follows:

"The school has determined arrangements naming Oakleaf Primary School, a school that joined their MAT, in 2024 as a feeder primary school. Children from Oakleaf will be prioritised for admission before those for whom the school is "nearest". The county council is concerned that this criterion will disadvantage children living in the local area and prevent some children from accessing their closest secondary school."

[...]

"Whilst it could be argued that the negative impact is felt by relatively few children, the Code requires "fairness". The county council does not believe it is fair to prioritise children simply because they attend a school within the same MAT. I appreciate that the SET (Scholars Education Trust) encourages the pursuit of same ethos and values within its schools and that THHS works closely with Oakleaf, but the county council does not believe that these arguments outweigh the needs of children closest to the school to access that school over children living further away."

28. Similar grounds are expressed by Objector 1, as shown by the following selected extracts from the objection:

"We are writing on behalf of over 100 local families, to formally object to the admissions arrangements for The Hemel Hempstead School (HHS) for entry in September 2027, specifically the introduction of an oversubscription criterion prioritising pupils attending Oakleaf Primary School (OPS). We believe this arrangement is not reasonable, unfair, and procedurally improper, in contravention of the principles set out in the School Admissions Code (England)."

[...]

"The Trust has not provided a clear, objective rationale for prioritising this particular school or given any consideration to the wider impacts on the Hemel Hempstead community."

[...]

“We feel the Trust has been disingenuous and opaque with the community about the motivations behind this change, which are financially motivated rather than educational, contrary to the expectations of the School Admissions Code.”

[...]

“The arrangement as proposed is unreasonable, unfairly disadvantages local children, significant in its impact to the wider community, and procedurally improper. We submit the view that this does not comply with the principles of clarity, objectivity, fairness, or meaningful consultation required by the School Admissions Code.”

29. Objector 1 raises a number of detailed points to support the objection, including concerns about how the consultation was carried out, how the Trust responded to the consultation, and various alleged future impacts of Rule 5 on traffic, access to secondary provision and the decision-making processes of parents. Whilst I have read and considered all the points made, my jurisdiction will be confined to the compliance of the Arrangements with the Code, which is silent on such certain matters raised by Objector 1 such as levels of traffic, exposure to nitrogen dioxide and the nature of estate agents’ marketing materials.

The statutory framework

30. I have determined that the following paragraphs of the Code are relevant to this determination:

Paragraph 14 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. Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated.”

Paragraph 1.8 states:

“Oversubscription criteria **must** be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation”

Paragraph 1.15 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.”

Is Rule 5 compliant with the Code?

31. At the outset I must state that I do not uphold that aspect of the objections which refers to “the impact on the wider community”, since that is a generalised matter to which the Code does not refer. Neither can I find anything that is “procedurally improper”, or indeed procedurally unfair within the Arrangements. However, I consider that the essence of both objections is relatively simple. In short, does Rule 5, both by its wording and positioning, meet the requirements of reasonableness and fairness, as required by the paragraphs of the Code set out above?

32. 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.

33. Similarly, ‘fairness’ is a term used in the Code but not defined. 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 effects of the arrangements on any relevant group. These effects must be considered in context, since all admission arrangements advantage some applicants over others. (Indeed, that is the function of oversubscription criteria when a School has more preferences for places than are available). It may be the case that the justification for the adoption of a particular set of oversubscription criteria could override any unfairness. I should also add that where the available evidence does not establish disadvantage, there cannot be any unfairness. Consequently, it would be possible for aspects of a set of oversubscription criteria to be found to be fair, but to be judged as unfair in future years (and vice versa) if the circumstances were to change or if different information were to come to light. In this case, my view is that the Arrangements could not be considered fair if their effect were to be that children could not attend a secondary school within an acceptable distance from their home.

34. To determine whether the criteria are 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 the oversubscription criteria that are the focus of the objection. The second stage is the consideration of the foreseeable effect of the criteria when they are applied.

35. I will begin by considering the rationale for Rule 5, which the Trust set out in the consultation materials as follows:

“As members of the Scholars’ Education Trust, The Hemel Hempstead School and Oakleaf Primary School are publicly committed to the same vision and values underlying their work. The two schools are within approximately 1 mile of each other

and have established strong links due to their shared trust membership and their geographical proximity. Pupils and staff at the two schools work together, with children benefiting from cross phase teaching and support, as well as opportunities to use shared specialist accommodation and resources.

Oakleaf and Hemel Hempstead pupils work together in trust events such as the SET Anti-Bullying Conferences, the SET Sustainability Conference, the Trust Concert and Dance Competition. As part of the Scholars' Education Trust's commitment to 'Education for a Changing World' both schools have a focus on using educational technology to enhance pupils' learning and both schools use the same Apple technology.

Staff from the two schools share professional development opportunities such as the staff conference, ongoing CPD and joint curriculum planning. They work together in the trust's teaching and learning, digital strategy and People working parties [sic].

In addition, SET Central SEND and Attendance teams work across both schools. This means that both schools use the same systems and processes to support in these areas, and that central staff are able to provide high quality information about pupils transitioning between the two schools.

As a result of all these factors, Scholars' Education Trust feel it is beneficial for pupils within these two schools to have the reassurance of continuity and stability of education, systems and opportunity, should they wish it."

36. Objector 1 raises concerns about the rationale set out above, as follows:

"This contrasts to the minutes of the SET Admissions Committee that approved the consultation, where under item 8 (Annex D) it is minuted:

"Pupil numbers are not sustainable at OLP. We are driving standards up. Naming OLP as a feeder school for HHS might also help numbers."

At no point have SET or HHS given a public stated reason for the change being the need to drive up numbers. In consideration of the consultation, the same committee was told by the Trust CEO in January (Annex C) that if the Board did not approve the proposal there "would also be a potential financial risk to the Trust as OLP (Oakleaf Primary) may be more likely to remain undersubscribed." In response to a question from the committee as to whether the motivation was 'primarily a financial decision' the answer given by the CEO was "this is not **just** a financial decision..."

We feel the Trust has been disingenuous and opaque with the community about the motivations behind this change, which are financially motivated rather than educational, contrary to the expectations of the School Admissions Code.”

37. From the reasons given by the Trust above, I am unable to see that the rationale for the wording of the criterion is illogical or irrational, or that OPS has been named on unreasonable grounds. That does not mean that adoption of the new criterion is the only course of action that the Trust could have followed, but it does not appear to me that there are any reasons which render the criterion outside the range of possible reasonable criteria that an admission authority may choose to adopt. Whilst I will comment on the consultation process later, I do not accept that making a decision that financially benefits a Trust and its schools is of itself contrary to the Code. Rather, I consider that assessing transparently the financial risk associated with making an educational decision (or, indeed, of not making a particular decision) is an essential aspect of effective and responsible management.

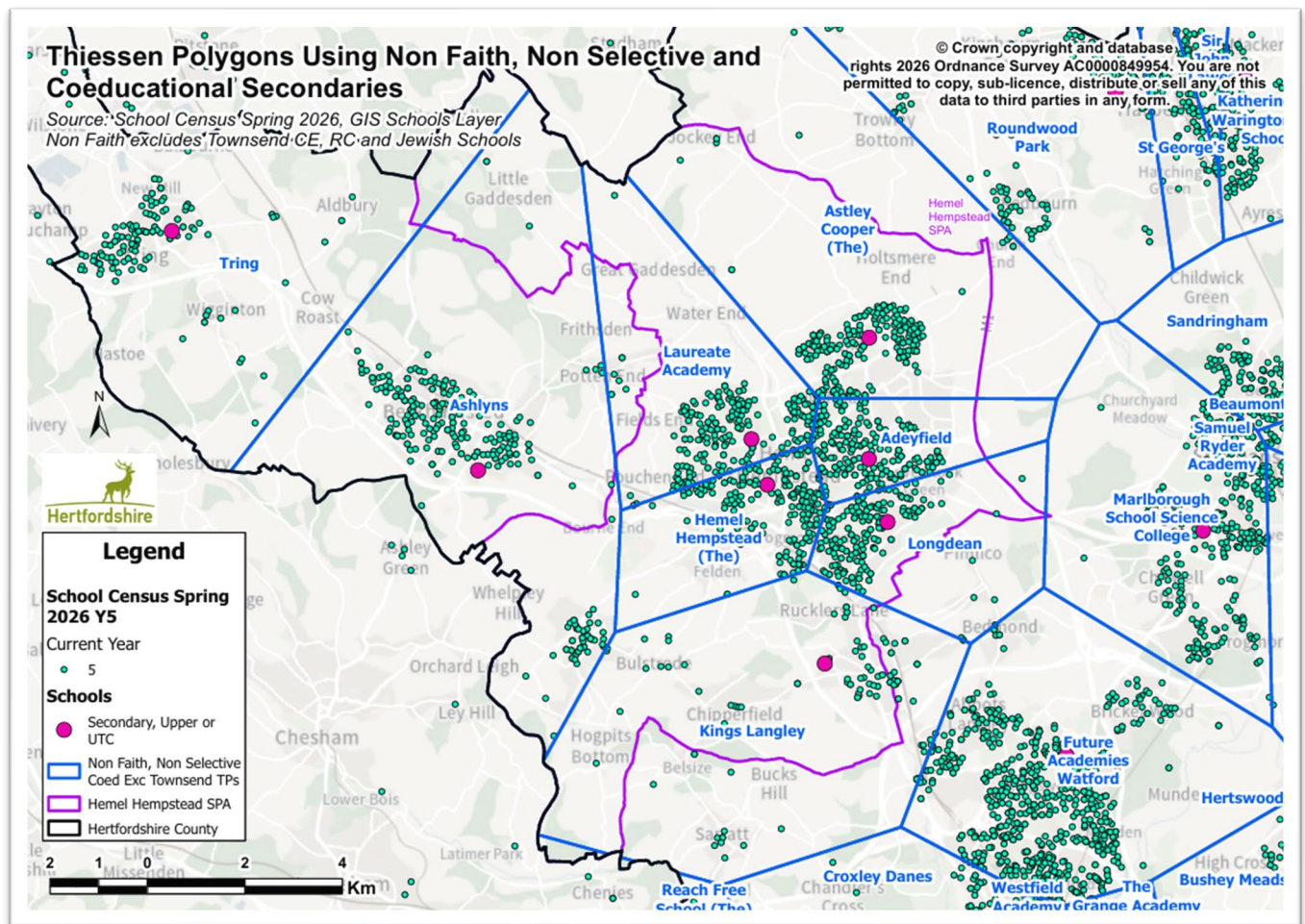
38. For the reasons set out above, I consider that the wording of Rule 5 does not fall short of the requirements of the first stage of the reasonableness test. However, for reasons that I will explain later, I will hold back on a final statement of the rationality of the criterion until I have completed my analysis of its likely impact on the cohort of children in the area who will be joining Year 7 in September 2027.

39. At this point, it is important to understand the operation of Rule 6, which gives priority to those for whom the school is their nearest Hertfordshire maintained school or academy that is non-faith, co-educational and non-partially selective. The LA has a website (“Find your nearest school”) which allows parents to input their postcode and address, and which returns a list of schools with their distance from the home address. For each address, it also names the school which is the nearest school that is non-faith, co-educational and non-partially selective (which is not necessarily the same as the nearest school), and I will refer to that school as the ‘FURNS school’, since this is the acronym used by the LA in correspondence with me.

40. Since any given property has a single corresponding FURNS school, the FURNS definition has the effect of dividing up the local area into a set of areas. As I shall explain later, it is not obvious from the websites of the School or the LA what are the boundaries of these areas, but the LA has helpfully provided a map (figure 2 below) which shows approximate straight-line boundaries together with the location of non-faith, co-educational and non-partially selective schools. This map should not be taken as definitive, since boundaries are simplified based on map distance, whereas the FURNS algorithm calculates distances from a particular point in each property, rendering the boundaries as highly jagged perturbations around a straight line. The effect of the simplification in figure 2 below is to divide the area into a set of polygons (known technically as Thiessen polygons). This map

also shows the home locations of children who will be of the age to join Year 7 in 2027/28, taken from data of those in Year 5 at a recent census in the 2025/26 academic year.

Figure 2: approximate FURNS areas and their schools, and location of children who will be of the age to join Y7 in 2027/28



41. It is critical to mention at this juncture that, despite the results returned by the FURNS algorithm on the LA website, not all of the schools in Figure 2 give priority in their oversubscription criteria to those children for whom that school is their FURNS school. Some have chosen not to, for example Laureate Academy. When I asked the LA why it had not objected to this, I was told:

“The Laureate Academy is responsible for determining its own admission arrangements. Whilst the county council, and many other admission authorities in Hertfordshire, support and implement a “nearest” rule, and believe it is “fairer” than a simpler “distance” rule (for the reasons previously outlined), it is not the council’s view

that the removal of the “nearest” rule is a breach of the Code. A number of schools, that were previously community schools removed the “nearest” rule upon academisation, however most have not.”

42. I will explore later the rationale for the “nearest school” rule, but at this point I am making it clear that in my consideration of the impact of the new feeder school criterion, I have borne in mind that the nearest secondary school to THHS, Laureate Academy, prioritises on distance and does not take into account whether or not it is the school returned by the FURNS algorithm on the LA admissions website for a particular address.

43. In analysing the possible impact of the new Rule 5, I have first considered what its impact would have been had it been applied to the cohort entering secondary education in September 2026. Data on the LA’s school admissions website shows that for September 2026, all of those children for whom THHS was their FURNS school and their highest available preference, were allocated a place at THHS. This left 32 of the 217 places to be allocated to applicants for whom THHS was not their FURNS school.

44. Information supplied by the LA at the Trust’s request shows that there were 31 children in Year 6 at Oakleaf Primary School in 2025/26, who were of the age to be entering secondary education in 2026/27. Secondary allocation data show that of these 31 children:

- a. 19 children had a first preference school that was not THHS, and none were allocated a place at THHS. One child went to an independent school, one was allocated their second preference school, and 17 were allocated their first preference school.
- b. THHS was the first preference for 12 children, of whom 10 were allocated a place. Of these 10, six had THHS as their FURNS school, and four were amongst the 32 allocated a place under the next criterion.

45. The above data show that, had Rule 5 been introduced at the point of allocation of places for September 2026, there would not have been any significant additional pressure on places at THHS, because it would only have resulted in the admission of two extra applicants. There would have been sufficient places for all OPS students who had expressed a first preference and all students for whom THHS was their FURNS school, with 26 places remaining to be allocated on a distance basis to others.

46. I accept that this retrospective analysis is of limited use, since the preferences for 2026/27 were expressed by parents in the context of there being no feeder school priority. However, it shows that patterns of preference from the cohort entering Year 7 in 2026/27 do not provide any evidence to support the claims of unreasonableness and/or unfairness.

47. I will now move on to consider whether there is any such evidence from the data for children who will be of the age to join Year 7 in 2027/28, who are shown by the dots in figure 2 above.

48. Before I do so, I acknowledge the concerns expressed by Objector 1 in relation to the impact that the introduction of Rule 5 may have on in-year admissions to OPS. Objector 1 states:

“As a two-intake primary, OPS has the potential to send 60 children to HHS out of a Published Admission Number (PAN) of 217. The number of places available under Rules 5 & 6 (relating to distance) at HHS from 2025, the last year for which public data is available, was 124. Assuming that is an average number of available places, and then considering the impact of this rule change in future years, it is clear this will have a significant impact. OPS could in future reach its full 60 place capacity as a two-form intake (and this is the intent of the Trust as documented later), and all of those pupils would have priority access to HHS. This would account for almost 50% of all places at HHS on distance criteria (60/124) whereas in the last year OPS sent 9 pupils to HHS, accounting for only 4-5% of all pupils attending Year 7. From the 2025 example, this would displace 20 children for whom HHS was not the closest school (previous rule 6), but a further 40 for whom HHS was the nearest school (previous rule 5). (Annex B). This is a significant demographical change.”

49. Objector 1 goes on to raise concerns about the impact of a new housing development near to OPS which would also, in their view, provide more children who might attend OPS. They then state:

“The speed of the proposed change has left families with a historic expectation of securing places at HHS for their children with little time to adjust, and creates the potential for ‘school jumping’ whereby families withdraw their children from other local primary schools and send them to OPS to guarantee a place at HHS.”

50. The implication of the above two paragraphs is that because OPS is a “two form primary”, the new criterion would create the potential for a mass influx of children so that each year group reaches a size of 60, driven by new arrivals to the area and in-year admissions from more local parents who are attracted by the “guarantee” of a place for their child at THHS.

51. However, it is important to clarify here that the PAN for a school only applies to those year groups which are the normal year of admission, which for OPS is Reception Year (YR). There is no PAN for the cohort currently in Year 5, regardless of the PAN for YR in 2026/27 or what was the PAN when that Year 5 cohort entered YR. Outside of YR, a school can refuse an admission to a year group on the basis of prejudice to the provision of efficient

education or efficient use of resources. In practice, this relates to the number of children currently in the year group and how they are organised.

52. I asked the Trust about the number of children who will be in Year 6 at OPS in 2026/27. They told me that that they expect to have “a temporary cap of 30” and have planned to teach 26 Year 6 children in a single class. They also have single classes planned for Year 3 (25 children), Year 4 (31 children) and Year 5 (32 children).

53. Given that my jurisdiction is for the 2027/28 Arrangements only, I have only considered Objector 1’s concerns insofar they are relevant to admission to Year 7 in 2027/28. I consider from the above figures that it is unlikely that there will be a significant inflow of children to Year 6 at OPS for 2026/27, because that school has only planned for there to be a single class and the original PAN for that cohort (when they joined YR) has no relevance, as I have explained earlier.

54. Nevertheless, I accept that in 2027/28, the impact of Rule 5 is likely to be more significant than in my limited retrospective analysis of its hypothetical use in 2026/27. This is for the following three reasons:

- a. There is certainly some scope for a few more children (in the region of up to about six or seven, depending on the degree of prejudice) to be admitted to OPS, since classes in Key Stage 2 are not “capped” by law at 30. The cap of 30 applies to those classes subject to the provisions of the School Admissions (Infant Class Sizes) (England) Regulations 2012 (the Infant Class Sizes Regulations). These provisions apply to OPS and require that infant classes (those where the majority of children will reach the age of five, six or seven during the school year) must not contain more than 30 pupils with a single qualified school teacher, except in specific exceptional circumstances.
- b. The LA has submitted data to show that the number of Year 5 children in the THHS FURNS (recorded in January 2026) was greater than in the previous year (247 compared to 224).
- c. It is likely that the existence of Rule 5 will encourage more parents of OPS children to submit THHS as a first preference, even if it is not their FURNS school. Trust data suggests that there are around 15 children at OPS in Year 6 in 2026/27 for whom THHS is not their FURNS school.

55. Having considered the above, I cannot rule out the possibility that for admission to Year 7 in 2027/28, the impact of Rule 5 will be that certain children who do not attend OPS but who live in the FURNS area for THHS will be displaced from THHS, albeit in lower

numbers than that envisaged by Objector 1. If it is the case that any such displacement occurs, it will be for those children in the FURNS area who live furthest away from THHS.

56. I will now consider the potential consequences for these children. I note here the patterns of preference for Laureate Academy, which has a determined PAN of 210 for 2027/28. The LA website shows that in March 2025, there were only 65 first preferences for 210 places, and 109 places were allocated to those who had not expressed a preference. In March 2026, there were even fewer first preferences and 110 places were allocated to those who had not expressed a preference, leaving the school with several vacancies on allocation day. I have considered these figures and have also taken into account that the LA's school place planning forecasts indicate surplus places across the area in 2027/28. Having done so, I am of the view that in 2027/28 it is almost certain that anyone living in the FURNS area of THHS would be able to be admitted to Laureate Academy if they were unable to be admitted to THHS.

57. I will, therefore, now consider whether there is any evidence that the distance that any of these children would have to travel to Laureate Academy would be unreasonably long.

58. From looking at Figure 2, it is clear that those children most likely to be displaced because they are located at the furthest distance within the THHS FURNS area are likely to be on the margins of the north-western, western or southern boundaries, or in the south-eastern corner. Having looked at the map and visually considered the comparative distances from these locations to both THHS and Laureate Academy, I am of the view that there is no reason to suggest that any of these children would face an unacceptably long distance to Laureate Academy were they to be displaced from THHS in 2027/28 by other children prioritised on the basis of attendance at OPS, although I acknowledge Objector 1's point that there may be an increase in overall travelling time for some children.

59. For the sake of completeness, I acknowledge here that there would also be fewer places (or even no places) left for children who do not attend OPS and for whom THHS is not their FURNS school. However, these children will either still be a priority for their own FURNS school (if that school operates a FURNS criterion) or will be able to attend a school within a reasonable distance of their home (such as Laureate Academy) for similar reasons as those which apply to THHS FURNS children as outlined in the above paragraphs.

60. I, therefore, conclude that there is not likely to be any unfairness in the foreseeable practical effect of the arrangements for 2027/28.

61. However, to conclude my consideration of the reasonableness of the Arrangements, I must also consider one other aspect which arises from the practical effect of the Arrangements. This relates to whether the rationality of Rule 6 is affected by the insertion of the new Rule 5 above it.

62. I asked the Trust and the LA about the rationale for the FURNS criterion (Rule 6), since it had become clear from correspondence that not all schools in the area gave priority on a FURNS basis, even though they may be shown on the LA admissions website as the FURNS school corresponding to a specific address.

63. In response to my question about the rationale of Rule 6, the Trust told me:

“The system of giving priority to children where it is the nearest school excluding faith, single sex and partially selective schools has been in place in the locality for a number of years.”

64. When I asked the LA for more details, it told me:

“Hertfordshire is a large county comprising both large urban centres and fairly remote rural communities. The rationale for the “nearest” rule is primarily to ensure that, whilst schools are not equally spread across the county, or even necessarily best placed to serve a town or city, children living on the edges of settlements, or in a rural area are not overly disadvantaged by the application of a simple distance rule. Without the “nearest” oversubscription criterion many children living in rural areas, some distance from any secondary provision, would be unlikely to access any local school on the basis of distance, because children living in the urban areas would always be closer.”

65. It also told me that:

“The Theissen Polygon map of the Hemel Hempstead secondary planning area helps to illustrate this point. If all schools in Hemel Hempstead allocated by home-school distance (after higher priority rules) children living in the centre of the town between THHS, Laureate Academy, Adeyfield and Longdean could meet the distance rule of all 4 schools, whilst a child living to the south-west of town might not be offered a place.”

66. Whilst I have already explained that this is not likely to be the case in 2027/28, I acknowledge that this scenario might emerge in future years, a matter which is outside my jurisdiction. I note here that any such scenario would be complicated by the selective (as opposed to universal) adoption of the FURNS criterion in the Hemel Hempstead area, and also by the concerns I will raise later about the compliance of the FURNS criterion with the Code. It is my view that any successful resolution will be a matter for all the admission authorities in the area rather than just the Trust for THHS.

67. Nevertheless, the rationale for a criterion which gives priority on the basis of “nearest school” is to ensure that those children within the “nearest school” area are able to attend that school, with access protected for those who live further away. If this outcome is not achieved, then there would seem to be little point in having such a criterion. In short, if an admission authority chooses to adopt a criterion that is designed to “protect” access to a

school for those who are at the margins of a designated area, then it is likely to be unreasonable if other aspects of the arrangements cause those children to be displaced.

68. There was no obligation on the Trust to have determined Rule 6 in the way that it has chosen to do so. However, now that the Trust has chosen to adopt the historic FURNS criterion (which includes ranking by distance within that criterion), it would be unreasonable if other criteria had the effect of stopping that criterion from performing the function that it is designed to perform. As explained earlier in paragraph 55, it is my view that the position of the new Rule 5 could well have that effect in 2027/28, thus rendering the Arrangements unreasonable.

69. In summary, therefore, I have made the following findings for the Arrangements determined for 2027/28:

- a. The Arrangements are not procedurally unfair.
- b. The Trust has not acted irrationally in naming OPS as a feeder school.
- c. The practical effect of the feeder school criterion, positioned as it is above Rule 6, is that certain children for whom THHS is their FURNS school might be displaced. If this were to happen, that would not be unfair because those children would be able to attend an alternative school within an acceptable distance of their home.
- d. However, whilst this practical effect would not be unfair, it would nonetheless serve to undermine the rationale of the FURNS criterion. This is unreasonable.

70. This is a finely balanced decision, but my conclusion is that this specific element of unreasonableness means that the Arrangements do not fully conform with the requirements of paragraph 1.8 of the Code. Therefore, to this extent I uphold this aspect of the objections.

71. Whilst it is not my role to give advice to the Trust, I point out here that had the feeder school criterion been placed below the FURNS criterion, it would not have been possible for me to uphold the objections, since there would not have been any grounds for me to find that the Arrangements were unreasonable.

72. Paragraph 3.6 of the Code allows variations to the Arrangements to give effect to a determination of the adjudicator. Since I have found that the Arrangements as determined and published do not conform with the requirements relating to admissions in the way I have determined, the Trust must revise its Arrangements accordingly. These revisions do not require consultation. The Trust must revise the Arrangements for 2027/28 in order to give effect to my determination and it must do so within four weeks of the date of my

determination. I have imposed this deadline, rather than the usual deadline of two months, in order to ensure that the required revisions are made in time before the closing date for secondary applications, which is 31 October 2026.

The Consultation process

73. Objector 1 raised a number of concerns about the consultation process, as follows:

“We do not believe the consultation process was effective in reaching the groups outlined above in the School Admissions Code.

No information was provided as part of the consultation on:

- The number of pupils affected by the proposed change
- Which primary schools or areas would be impacted
- Any assessment of travel, congestion, or environmental effects

This prevented parents and other consultees from responding meaningfully, in breach of the Code’s requirement for a clear, accessible, and informed consultation.

Limited attempts were made by HHS to publicise the consultation wide enough to be confident they reached the expected cohorts. The publicity extended only as far as a) a letter to parents of HHS and OPS children b) a letter sent to Headteachers of local primary schools and c) a letter sent to the Gazette newspaper in Hemel Hempstead (average circulation 1,394 per week, via ABC).

No attempts were made to reach parents of children below school age. This has been confirmed via an FOI request for the mailing list used for the consultation (Annex N) which fails to list any private nurseries in the area. Research from speaking to local nurseries has also confirmed that they were not made aware of the proposal, and therefore not in a position to alert parents of nursery age children (Annex K). Guidance from Herts County Council to schools on how to run an effective consultation is clear on the need to consult with parents of children aged 2 to 18, and even lists “pre-schools and private nurseries, parish councils, local residents” as examples of statutory consultees (Annex O).

No direct communications were attempted from HHS to parents of primary age or Nursery age children, and no specific asks were given to schools to pass on news of the consultation to their parents. (Letter to headteachers is at Annex H). As a result, our research has confirmed that not all primary schools passed on the information about the consultation to their parents or passed the information at the same time meaning some had less time to respond.

From a survey carried out by parents (112 responses), it is clear that the consultation failed to directly engage the community, and relied entirely on word of mouth. As a result, awareness depended on personal networks rather than equal access, meaning some families were informed while others — equally affected — were not.”

74. Objector 1 goes on to raise concerns about the consideration given by the Trust to the responses to the consultation:

“The decision following the consultation was made despite significant objection from the community (that was aware), the school’s own governing body, the local authority, the local MP and local councillors.

The admission committee summary of the consultation (Annex M) records that 754 responses were received, of which 656 were objections. This is a significant signal of the overwhelming community objections.

On top of community responses, it is also noted that objections were also provided by:

- HHS’ own governing body
- Herts County Council
- Dacorum Borough Council
- The local MP
- Local district and county councillors.
- the governing bodies of five local primary schools (letters in Annex L)

This represents an almost total rejection of this proposal from all layers of governance, oversight and local administration.

The admissions committee minutes (Annex C) show that these objections were not given sufficient consideration, and where issues raised were interrogated by the committee, the responses provided were lacking in detail or sometimes in accuracy. For example:

- The Headteacher tells the committee very few parents drop children by car. This is contrary to the traffic survey carried out by Dacorum Borough Councillors, and reflects the current rather than the projected impact of the change.
- The Headteacher also dismisses traffic concerns on the basis that most pupils walk and have only a 10-15 minutes journey. This fails to address the changing selection

criteria which will mean a significantly higher proportion of HHS students will be travelling from the Chaulden area, and facing a journey northwards of 30 minutes.

- The headteacher is also dismissive of concerns about local infrastructure, responding that there are no major developments in the HHS catchment. This fails to acknowledge the Chaulden Meadows development on the doorstep of Oakleaf Primary School which will see many more families living in the area and then requiring transport through to HHS.”

75. The relevant paragraphs of the Code are paragraphs 1.45 to 1.47 and the pertinent parts are provided below:

“1.45: 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...”

1.46 Consultation **must** last for a minimum of 6 weeks and must take place between 1 October and 31 January in the determination year.

1.47 Admission authorities **must** consult with:

- a) parents of children between the ages of two and eighteen;
- b) other persons in the relevant area who in the opinion of the admission authority have an interest in the proposed admissions;
- c) all other admission authorities within the relevant area (except that primary schools need not consult secondary schools);
- d) whichever of the governing body and the local authority is not the admission authority;
- e) any adjoining neighbouring local authorities where the admission authority is the local authority; and
- f) in the case of schools designated with a religious character, the body or person representing the religion or religious denomination.”

76. In the light of my findings earlier in this determination, I do not consider it necessary to comment in detail on every individual point made by Objector 1, but having considered the Trust’s responses, I make a number of observations, as follows.

77. Firstly, I am satisfied that the majority of the requirements of paragraphs 1.45 to 1.47 of the Code were met by the Trust.

78. Secondly, whilst the consultation document provided by the Trust provided a clear description of the proposed changes and gave reasons for the proposal and details of those who might benefit, I consider that it was deficient in that it did not explicitly set out the possible impact on certain groups of children. Having said that, there did not appear to be any lack of understanding by respondents of the potential impact. This was reflected in the nature of responses as summarised by Objector 1 above (and in the wording of the details set out in their objection). I am satisfied that, before reaching their final decision, the Trust were aware of points made and the strength of feeling amongst respondents.

79. Thirdly, it is not clear to me that the Trust fully met its obligations to consult with parents of children below compulsory school age, particularly those who may not be attending nurseries attached to primary schools.

80. Finally, there was a basic duty on the Trust to consider responses to the consultation and any alternative proposals submitted by respondents. I note here that one aspect of the LA's response specifically related to the positioning of the proposed feeder school criterion and whether it should be placed below the FURNS criterion rather than above. It was not clear to me from the minutes of Trust meetings that this response was fully considered. When I put this matter to the Trust, I was told:

"The placement of Rule 5 was considered at the meeting, albeit not specifically noted in the minutes. The rationale for the placement of Rule 5 was the Trust's desire to ensure the optimum number of pupils to benefit from the consistency of being in one MAT for their primary and secondary education.

Therefore, discussion in the meeting concluded that it was necessary to precede the "nearest school" criterion of Rule 6 given the importance of achieving this outcome. This point was particularly relevant in a town where secondary schools are so close together.

As referenced the minutes do not explicitly mention the discussion of where to place Rule 5. However, the following points mentioned in the minutes are relevant:

"our key objective in putting forward this proposal is to improve the outcomes for children attending one of our most disadvantaged schools. The proposal will facilitate a smoother transition for these children to secondary school, benefitting all children including those with SEND and other vulnerabilities"

"This proposal is about enabling the Trust to raise standards and provide the best possible outcomes for our young people by establishing seamless pathways for children, including those with higher need"

"Our objective is to build and develop educational links which benefit the children and staff in our trust"

"The committee is persuaded that the security and stability of a firm pathway from primary to secondary cannot be overestimated, particularly for more vulnerable students, including those with SEND"

"The continuity of the curriculum and handover will result in better outcomes for SET children"

The decision to put Rule 5 above the "nearest school" criterion of Rule 6, considered specifically the most disadvantaged pupils at Oakleaf with the aim of ensuring that their educational journey is as smooth as possible by remaining within one Trust and will help them achieve their full potential."

81. Whilst the above statement repeats the rationale behind the adoption of a feeder school criterion and advocates for that criterion being placed ahead of the FURNS criterion, I am not persuaded that, at the time of making a decision, the Trust had fully weighed up the possible merits of the LA's suggestion. I have not seen any evidence that the Trust fully considered the effect of the position of the feeder criterion and the extent to which that might undermine the rationality of the FURNS criterion.

82. In summary, I find that whilst the majority of the aspects of the consultation were compliant with the Code, there were aspects that were deficient, as explained above. To this limited extent, I uphold this aspect of the objections.

Other matters

83. 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.

Wording of Rule 6

84. The current wording of Rule 6 refers to "Priority Area 6", but there is no map of the area in the Arrangements nor is there any link to the map on the Local Authority website. This map is not easy to find unless one knows where to look, and this renders the Arrangements unclear, in breach of paragraph 14 of the Code.

85. The current wording of Rule 6 states that “you can only qualify for one school under Rule 5...” This does not make sense, rendering the Arrangements unclear, in breach of paragraph 14 of the Code.

86. 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. This should be done within four weeks of the date of my determination, for consistency with the deadline imposed for the changes required as a result of my consideration of the objections.

The waiting list

87. The Arrangements state that:

“After places have been offered, Hertfordshire County Council will maintain the school’s Continuing Interest (waiting) list.

a. A child’s position on the continuing interest list will be determined by the admission criteria outlined above and a child’s place on the list can change as other children join or leave it.

b. The county council will contact parents/carers if a vacancy becomes available and it can be offered to a child.

c. Continuing Interest lists will be maintained for every year group until the summer term (date to be specified and confirmed to parents at the time of allocation).

d. To remain on the CI (waiting) list after this time, parents must confirm they are still interested in a place by completing an In Year application form.

88. This does not conform with paragraph 2.15 of the Code which states:

“...[the Trust] **must** maintain a clear, fair, and objective waiting list until at least **31 December** of each school year of admission, stating in their arrangements that each added child will require the list to be ranked again in line with the published oversubscription criteria. Priority **must not** be given to children based on the date their application was received, or their name was added to the list.”

89. I point out here that a waiting list comes into being at the point at which offers are first made, if there are any children for whom the school is a higher preference than that for which they have been offered a place. The Code expects this waiting list to be maintained and so any arrangements which expect parents to make a separate request to be added to the waiting list (which technically would be a request to stay on the waiting list and not be

removed by default) are not in compliance with paragraph 2.15 of the Code. Furthermore, the waiting list must be maintained until at least 31 December of Year 7, and it is not clear to me that the reference to the “summer term” is to the summer when a child is in Year 7 or to the summer when they are in Year 6 (that is, after the initial allocation of places but before the start of Year 7). The Arrangements will need to be revised, as permitted by paragraph 3.6 of the Code, within four weeks of the date of my determination for consistency with the deadline imposed for the changes required as a result of my consideration of the objections.

The FURNS Area Boundary

90. The exact boundaries of the FURNS area for THHS are not shown within in the Arrangements nor on the Local Authority website. This is a breach of paragraph 1.14 of the Code which states that:

“Catchment areas must be designed so that they are reasonable and clearly defined.”

91. The Trust responded to my query by saying that:

“We will be looking to the LA to provide us with the boundary area in order that our policy clearly shows the catchment area.”

92. However, when I queried the matter with the LA, I was told that:

“The county council would dispute that prioritising on the basis of “nearest school” is equivalent to catchment area – whose name implies that those within that area are guaranteed a place at the school. The “nearest” rule is not a catchment area; successful allocations under the nearest rule change every year dependent upon cohort size, preference and the location of individual applicants.”

93. The LA is mistaken. The Code is quite clear that the definition of a catchment area is not related to the certainty of a place at a particular school (regardless of whether or not that is the rationale for the selection of a particular area by an admission authority). Rather, the Code defines a catchment area as:

“A geographical area, from which children may be afforded priority for admission to a particular school.”

94. This is precisely what is set out in Rule 6. Either THHS is the nearest non-faith, coeducational and non-partially selective school to a particular property, or it isn't. Therefore, Rule 6 gives priority for admissions to those living in an area which includes all those properties for which THHS is the “nearest school”, and which excludes all the properties for which it isn't.

95. The LA goes on to say:

“Whilst a map is not available, as explained above “nearest” school information can be easily accessed via the HCC website using the “FURNS” tool. FURNS provides individual distance data that would not be available on a map and also provides absolute clarity about priority area and nearest school, regardless of a home’s location to a boundary – again something not possible on a map because the home-school measurement system used by all schools in Hertfordshire for admissions purposes, uses the individual eastings and northings for every address.”

96. Having established that the FURNS area is indeed a catchment area, I turn to the matter of whether the area is “clearly defined” as required by paragraph 1.14 of the Code. The LA’s statement in the preceding paragraph shows that the area is certainly ‘defined’, since a parent can use the LA’s website to determine whether or not a particular property is within the FURNS area. However, knowing whether or not a property is within the area does not define the boundary of that area (in the same way that knowing that Cardiff is in Wales does not define the border between England and Wales). Indeed, to find out where the exact boundary lies, a searcher has firstly to experiment with various addresses until they find two adjacent properties where one has THHS as the nearest school and the other does not, and secondly to search the Land Registry to mark out the boundaries of those properties. In short, whilst the FURNS area is ‘defined’, it is not ‘clearly defined’.

97. It is for the Trust, as the admission authority for THHS, to seek its own advice and to decide how to deal with this particular breach of the Code. Whilst I note the LA’s comment above that “absolute clarity ... is not possible on a map”, I stress to the Trust that any definition of a priority admission area that cannot be shown on a map is highly unlikely to satisfy the requirements of paragraph 1.14 of the Code. Given the significant implications of this issue, and the likely need for further consultation given the interplay of the various secondary admissions arrangements across the area, I have set 28 February 2027 as the date by which this aspect of the Arrangements must be revised. For avoidance of doubt, this means the current wording of Rule 6 (and the use of distance to prioritise applications within Rule 6) will apply for admissions in 2027/28 with any revisions taking effect for admissions in 2028/29 (28 February 2027 is the date by which the admission arrangements for 2028/29 must be determined).

Summary

98. I determine that the Arrangements are not procedurally unfair, and that the Trust has not acted irrationally in naming OPS as a feeder school.

99. The practical effect of the new feeder school criterion for 2027/28, positioned as it is above Rule 6, is that certain children for whom THHS is their FURNS school might be displaced. If this were to happen, that would not be unfair in 2027/28 because it is almost

certain that any such children would be able to attend an alternative school within an acceptable distance of their home.

100. However, whilst this practical effect would not be unfair, it would nonetheless serve to undermine the rationale of the FURNS criterion, which is designed to protect access to a school for those who are at the margins of a designated area. I have found that this effect renders the Arrangements unreasonable.

101. There were elements of the consultation process that were not compliant with the Code, as outlined above.

102. There are other matters in which the Arrangements are not compliant with the Code, as outlined above.

Determination

103. 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 Scholars' Education Trust for The Hemel Hempstead School for 2027/28.

104. 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.

105. 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, unless an alternative timescale is specified by the adjudicator. In this case, for reasons that I have given in my determination, I determine that the arrangements must be revised within four weeks of the date of the determination, with the exception of one 'other matter' which must be addressed by 28 February 2027.

Dated: 16 September 2026

Signed:

Schools Adjudicator: Clive Sentance