Office of the Schools Adjudicator

Determination

Case references:	**ADA4634, ADA4635, ADA4636, ADA4637, ADA4638**
Objectors:	**Parents**
Admission Authority:	**The Board of Trustees for Churston Ferrers Grammar School Academy**
Date of advice:	**6 October 2026**

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objections to the admission arrangements determined by the Board of Trustees for Churston Ferrers Grammar School Academy, for 2027/28.

I have also considered the arrangements under section 88I(5) and find that they do not comply with requirements relating to admission arrangements in the ways set out in this determination.

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

The referral

1. Under section 88H(2) of the School Standards and Framework Act 1998 (the Act), five separate objections have been referred to the adjudicator by different Objectors, as set out below, about the admission arrangements (the Arrangements) for September 2027 for Churston Ferrers Grammar School Academy (the School).

2. The School is a selective, co-educational academy for pupils aged 11-18 years, located in Torbay, Devon. The School is part of Churston Ferrers Grammar School, a single-academy trust (the Trust). The School is run by the Board of Trustees.

3. The Local Authority (LA) for the area in which the School is located is Torbay Council.

4. The parties to this objection are the LA, the School, the Trust and the Objectors.

5. Table 1 sets out the case reference numbers for each objection, a description of the Objectors, the date each objection was submitted and whether anonymity has been requested.

Table 1: Details of case reference numbers considered within this determination.

Case reference	Objector	Anonymity requested/granted	Date objection received
ADA4634	A parent	Yes	11 May 2026
ADA4635	A parent on behalf of a group of parents	Not requested	14 May 2026
ADA4636	A parent	Yes	15 May 2026
ADA4637	A parent	Yes	15 May 2026
ADA4638	A parent	Yes	15 May 2026

6. Each of the objections relates to the selection of the fifteen feeder schools named in the oversubscription criteria of the Arrangements. In addition, two of the objections also relate to the removal of the oversubscription criterion giving priority to siblings of children already attending the School. I set out below further details of each objection.

7. I would like to take the opportunity to give my thanks to all parties for the way in which they presented their views, responded respectfully to each other's submissions, and for their prompt responses to my requests for further information / data.

Jurisdiction

8. The terms of the academy agreement between Churston Ferrers Grammar School (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.

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

10. A consultation period took place prior to the determination of the Arrangements between 12 December 2025 and 23 January 2026.

11. The Objectors each submitted their objection to the determined Arrangements as set out in Table 1 above. With the exception of the Objectors in case ADA4635, each of the Objectors 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.

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

13. The Objectors in case ADA4635 made reference to previous adjudicators' findings in case reference numbers ADA3725, ADA4312, ADA3284, ADA3909, and ADA3657. Previous determinations by other schools adjudicators may be relevant and informative. However, they do not set precedents and I have, therefore, considered the Arrangements in accordance with the requirements set out in legislation and the Code and in the light of the facts and circumstances as they are now.

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

15. 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 sub-heading of that name.

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

Procedure

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

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

- the objections dated as set out in Table 1 above and supporting documents;
- confirmation from the Admission Authority that the Arrangements were determined by exchange of emails;
- the determined Arrangements for 2027/28;

- responses from the School to the objections and to my Jurisdiction and Further Information Papers in each case dated 21 July 2026 (JFIP) and to my second, third and fourth requests for information dated 28 August, 1 September and 16 September respectively;

- the response from the LA to the objections and to my JFIP;

- responses from the Objectors in case ADA4635 to my JFIP;

- responses from the Objectors in cases ADA4637 and ADA4638 to the School's response to my JFIP;

- final comments from the Objectors in cases ADA4636, ADA4637 and ADA4638;

- confirmation of when consultation on the Arrangements last took place and details of the nature of the consultation and responses to it;

- maps, including Google Maps, and those supplied by the School showing the location of the School and other relevant information; and

- information available on the websites of gov.uk (including the 'Get Information About Schools' (GIAS) website, the Indices of Deprivation (IoD) website and the 'Compare school and college performance (CSCP) website), the LA, the School and Ofsted.

19. I have been provided with a substantial amount of information / data by the Objectors and the School. I have referred only to that which has a bearing on my determination. The School's primary response contained a number of Appendices shared with all parties, and I have referred to them in the course of this determination in order to identify the source of the material I have relied on.

Background

20. According to GIAS, the School is a selective, co-educational, academy converter school. It has no designated religious character. While the School has been established for many years, it became an academy in January 2011. As of 1 July 2026, the School had 1062 pupils on roll (against a capacity of 982) and is clearly oversubscribed.

21. The School was last inspected by Ofsted in October 2022. At that time, all areas of the School were judged to be 'Good'.

22. The published admission number (PAN) of the School for 2027/28 is 160.

23. As a selective school, the School requires prospective pupils to take external tests. Once the tests have been marked, a ‘Qualifying Score’ is set and pupils achieving equal to or higher than that score are deemed ‘eligible’ and are ranked. Information about the ‘Qualifying Score’ is not provided to applicants.

24. The Arrangements set out that children with an education, health and care plan (EHC plan) will be admitted first. Then, in times when oversubscribed, children will be prioritised according to the oversubscription criteria. These can be summarised as follows:

- Category A - Statutory Priority
  Looked After and Previously Looked After Children who have achieved a qualifying score.

- Category B – Highest Qualifying Children
  Eligible children with a qualifying score equal to or higher than the score of the 75th ranked child.

- Category C – Social Justice Priority
  Eligible children meeting any of the following criteria (applied sequentially):
  (a) Children who qualify for Free School Meals or Pupil Premium or Service Pupil Premium at the time of the test.
  (b) Children of staff employed by the school at the time of the Selection Test (employed on a permanent contract for at least two years and/or recruited to fill a vacant post for which there is a demonstrable skill shortage).
  (c) Children on the roll of one of 15 named feeder primary schools (Priority Admission School Group).
  (d) Rank order of Selection Test score.

- Category D – Other Eligible Children
  Eligible children who do not meet any of the criteria listed in Categories A, B or C, ranked by the Selection Test score.

25. There is then provision for a tiebreaker in the event of a tie in “the final Category C sub-group” and in Category D which is determined by a straight line distance between the School and the child’s home address.

26. The Priority Admission School Group consists of fifteen schools which are defined in the Glossary at Appendix B to the Arrangements as:

> “a group of 15 Torbay primary schools in proximity to Churston Ferrers Grammar School named as feeder schools. Churston Ferrers Grammar School is committed to social justice and to playing a sustainable part in the future of our community in Torbay. Qualification for the Priority Admission School Group is defined by the state of being on the roll of one of the following primary schools at the time of the 11+ assessment being sat: …”.

The fifteen schools are then named. They are: Brixham Church of England Primary School; Collaton St. Mary Church of England Primary School; Curledge Street Academy; Eden Park Primary School; Furzeham Primary School; Galmpton Primary School; Hayes Primary School; Kings Ash Academy; Oldway Primary School; Preston Primary School; Roselands Primary School; Sacred Heart Roman Catholic Primary School; St. Margaret Clitherow Primary School; St. Michael's Church of England Academy; and White Rock Primary School.

27. The Arrangements state that:

"The School is committed to the value of Social Justice. As an academically selective school, our aim is to ensure that academically able children in South Devon, most particularly in the Paignton and Brixham areas, have the opportunity to benefit from a grammar school education."

Background to oversubscription criteria

28. For admission in 2026/27, the School decided to move away from its previous oversubscription criteria which relied mainly on ranking of test scores (with priority within the middle rank of scores for looked after/previously looked after children; children in receipt of free school meals or pupil/service pupil premium; and children of some staff). The School introduced the concept of a qualifying score and gave priority sequentially to: children with an EHC plan; children who were looked after/previously looked after; children achieving a score equal to or higher than the 50th ranked child; children in receipt of free school meals or pupil/service pupil premium; children with a sibling at the School; children of certain staff; children at one of the 15 feeder schools; and finally any remaining eligible children by rank of score. I shall refer to these arrangements as the 2026 Arrangements.

29. For admission in 2027/28, the School amended the 2026 Arrangements as set out in paragraph 24 above. The key changes from the 2026 Arrangements were to put children with an EHC plan in their own category ahead of the oversubscription criteria; to allocate the first tranche of ranked places to children achieving a score equal to or higher than the 75th ranked child; and to remove the sibling criterion.

Consideration of Case

30. 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.

31. By definition the oversubscription criteria in admission arrangements must give some children an advantage when applying for a school and disadvantage others. The Code requires that admission arrangements are reasonable, clear, objective and fair. If arrangements give one group of children higher priority for a place at the school, then, by necessity, another group will be given lower priority.

32. The objections to the Arrangements fall under one of five categories:

(a) the selection of the fifteen feeder schools;

(b) the removal of the criterion relating to siblings (including the lack of consultation for that change);

(c) the lack of clarity in describing what is meant by “Eligible children with a qualifying score equal to or higher than the score of the 75th ranked child”;

(d) the lack of consultation for the change of the ranking number for the Highest Qualifying Children from the score of the 50th child in the 2026 Arrangements to the score of the 75th ranked child in the Arrangements; and

(e) the Arrangements “do not meet the definition of a grammar school”.

I shall deal with these each in turn and I will highlight which cases have raised which objections.

33. I have determined that the following paragraphs of the Code are relevant to this objection:

- 14. 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.

- 1.8 (in part): Oversubscription criteria **must** be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation. Admission authorities **must** ensure that their arrangements will not disadvantage unfairly, either directly or indirectly, a child from a particular social or racial group …

- 1.9 (in part): It is for admission authorities to formulate their admission arrangements, but they **must not**: …

(j) In designated grammar schools that rank all children according to a pre-determined pass mark and then allocate places to those who score highest, give priority to siblings of current or former pupils.

- 1.15 (in part): The selection of a feeder school or schools as an oversubscription criterion **must** be transparent and made on reasonable grounds.

Objection (a) – the selection of the fifteen feeder schools

34. The use of feeder schools is explicitly permitted by paragraph 1.15 of the Code as set out above. None of the Objectors raised an issue as to the use of feeder schools in principle. The objections relate to the lack of transparency in selecting the feeder schools; that the selection of the feeder schools does not meet the rationale for using them as a criterion and is not therefore reasonable; and that this means the criterion naming feeder schools does not comply with the requirements of the Code that oversubscription criteria must be reasonable, clear, objective and fair.

35. It has been a difficult task to ascertain the rationale for the choice of the feeder schools, and this, in itself, suggests that there was a lack of clarity and reasonableness in the selection. I will set out below, the different narratives offered by the School on selection and then consider each rationale in turn.

36. Firstly, the Arrangements set out under the heading "General Principles and Introduction":

> "1.3. Churston's commitment to Social Justice
>
> The School is committed to the value of Social Justice. As an academically selective school, our aim is to ensure that academically able children in South Devon, most particularly in the Paignton and Brixham areas, have the opportunity to benefit from a grammar school education."

37. In its response to my JFIP dated 21 July 2026, the School set out three aims in using and selecting feeder schools as an oversubscription criterion. These are: to support aspiration and attainment in the under-resourced community; a commitment to the School's values of Social Justice and Sustainability; and to address the gender skew towards boys.

38. Finally, in its response to my JFIP dated 16 September 2026, the School said:

> "The primary criteria for inclusion were geography, administrative boundaries, and historical choice patterns. The boundary was established around the Paignton and Brixham peninsula (south of the Preston line) within the Torbay Local Authority area."

Except for, perhaps, sustainability, this is a substantial departure from the aims set out in the Arrangements themselves and in the response to my JFIP dated 21 July 2026. I am mindful

that the School has consistently referred to the communities of Paignton and Brixham as being proxies for “under-resourced” communities and so I shall consider this as part of the criteria of “geography”. I will consider firstly the issue of gender skew, and then consider sustainability and the under-resourced community.

Gender skew

39. The School stated that it wished to address this because in the 2025/26 intake, 56 percent of the intake was boys and 44 percent of the intake was girls. However, this aim only became apparent in the School’s response to my JFIP and does not appear in the Arrangements or in any consultation or policy documents or any minutes of, or reports to, the Governing Body that I have seen. After further questioning, in its response to my FIP dated 16 September 2026, the School told me:

> “The shift to a 51:49 boy:girl ratio in the 2026/27 intake is a direct structural outcome of the change in oversubscription criteria, rather than an incidental result or a gender-targeted quota:
>
> Under the legacy rank-order policy, an asymmetric displacement occurred: boys who named Torquay Boys' Grammar School (TBGS) as first preference and Churston as second preference qualified on score and displaced lower scoring (but still qualified) local applicants who had placed Churston as first choice when they missed a place at TBGS.
>
> By prioritizing the 15 named local primary schools (all of which are co-educational with balanced ~50:50 gender distributions), the policy insulated the intake against this asymmetric influx of second-preference boys.
>
> Neutralising this spillover allowed the intake to reflect the naturally balanced gender demographic of the local feeder primary population, resulting in the 51:49 ratio.”

40. On investigating the School’s data for 2024/25 on the CSCP website, its gender balance as a whole was 48% boys and 52% girls so it is clear that as a whole school, the gender skew in fact goes, or certainly has recently been, in favour of girls. Nevertheless, I also used the CSCP website to obtain the percentage of girls and boys in each of the feeder schools. Based on the website’s current data for 2024/25, the average percentage for the 15 feeder schools was 46.8% girls and 53.2% boys which does not reflect the ~50:50 distribution set out in the School’s response, and would perpetuate any perceived gender skew.

41. The School’s response also does not take into consideration the fact that while Torquay Boys’ Grammar School offers 168 places, Torquay Girls’ Grammar School offered 188 places for 2026/27 and will offer 192 places for 2027/28. This means that even if the use of feeder schools had credence in addressing any gender skew, there are more places at another grammar school available for girls than there are for boys. As a result, it is likely that

fewer girls who are eligible to be considered for a place at a grammar school will take up places at the School. I, therefore, find that it is highly unlikely that addressing gender skew was the rationale for selecting feeder schools and that it was not a reasonable means to do so as it would be unlikely to achieve the stated aim.

42. Furthermore, most, if not all schools, experience a gender imbalance in their intake over time. This is not an aspect that oversubscription criteria should be used to try to manipulate; indeed such a reasoning may be in breach of paragraph 3 of Appendix 1 to the Code which states that: “An admission authority **must** not discriminate on the grounds of disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; or sexual orientation, against a person in the arrangements and decisions it makes as to who is offered admission as a pupil”.

Sustainability

43. I will deal next with sustainability. The School told me that:

> “Prioritising local feeder schools reduced the average distance travelled by incoming pupils from 4.72 miles (2025) to 3.34 miles (2026), significantly decreasing travel emissions and reliance on private transport.”

No further information or data has been provided to support this assertion and there is none in the consultation documents. This assertion relies on three presumptions: (i) that where a child attends primary school is the same as where they live; (ii) that distance travelled equates to a decrease in emissions; and (iii) that the feeder schools were chosen by proximity to the School.

44. There are many reasons a child may attend a particular primary school and physical closeness, while often a reason, is not necessarily the case. The school may be close to a parent’s place of work or to a relative caring for the child. Parents also choose schools based on inspection ratings or for religious reasons. It is not, therefore, the case that proximity of a feeder school to the School equates to the length of an individual child’s journey to school.

45. It appears that the School is equating distance travelled with emissions without any analysis of the modes of transport used. It also contains a presumption that those living closer to the School are less likely to use private transport. Whilst this may be the case for a school where the majority of pupils live within walking distance, where a school is not within easy walking distance for a child, parents may choose to drop off their children by private car as it is more convenient than using public transport. The School has not considered any data to support or dismiss either possibility.

46. Looking at the choice of feeder schools and their distance from the School, it is clear that not all schools were chosen for proximity. According to the GIAS website there are twenty primary schools within five miles of the School. Of these, five have not been selected

as feeder schools because they are located outside the boundary of Torbay LA and, of these, three are closer to the School than the furthest feeder school. I, therefore, find that the selection of feeder schools was not a reasonable response to the issue of sustainability.

Geography and under-resourced communities

47. There is no reference to geography in the Arrangements in relation to the feeder schools criterion. The criterion comes under Category C which is described as "Social Justice". The School has referenced its aim of social justice and has, in particular, referred to the communities of Brixham and Paignton in this regard. There is no question that an aim of supporting the under-resourced community and fulfilling values of social justice are commendable and reasonable.

48. The term "under-resourced" comes from the School's response to my JFIP dated 21 July 2026. I have tried to ascertain how the School has defined "under-resourced" such that it could identify the appropriate feeder schools to fulfil its aims. In particular, in my FIP dated 16 September 2026, I asked the School to identify the "objective criteria, evidence or measures used to determine whether a community is under-resourced." In its response to that request, the School told me that it uses IDACI (explained below), Free School Meals (FSM) eligibility and Pupil Premium (PP) and Service Pupil Premium (SPP) data. Looking at the Arrangements, there is a separate oversubscription criterion (higher than the feeder schools criterion) giving preference to children in receipt of FSM and children in receipt of PP and SPP (Category C(a)).

49. IDACI is the Income Deprivation Affecting Children Index (IDACI) and is a supplement to the Government's Indices of Deprivation (IoD) which measure relative levels of deprivation in 33,755 small areas or neighbourhoods in England known as Lower-layer Super Output Areas (LSOA). Commonly an LSOA is identified by the decile within which its IDACI measure falls, with 10 being the least deprived and 1 the most deprived. The IoD website[1] explicitly says:

> "The IoD25 cannot be used to quantify how deprived a neighbourhood is, identify deprived people or levels of affluence, compare small areas in other UK countries or measure absolute change in deprivation over time."

50. Originally, in its response to the JFIP dated 21 July 2026, the School provided data which it described as summarising "the socio-economic context of the schools named in the final version of the policy". However, the key data is that relating to individual children and not a school or a school's location (which is what IDACI data is derived from). Not every child in a school which is in a relatively deprived location will suffer from deprivation. Not all children are educated in school. I asked the School whether it had considered using IDACI data based on a child's home address and the School told me it considered the possibility but

[1] English indices of deprivation 2025: statistical release - GOV.UK

dismissed it based on the possibility of fraud/gaming the system; the administrative burden on the School and the risk of creating a housing price bubble around the School.

51. The School subsequently told me that:

> "The demographic data … was used retrospectively to audit and validate the proposed feeder group as a whole, rather than as an initial filtering threshold to select or exclude individual primary schools."

The School has not provided any further information on the purpose or outcomes of the audit and validation process, so it is not clear what value the data added to the process of selecting feeder schools.

52. I have been provided with several versions of IDACI and FSM data, from the School and from several of the Objectors. However, there is no dispute on the conclusions that can be drawn from the data. Table 2 shows, for each of the twenty primary schools closest to the School, the IDACI decile according to the 2025 IoD tables, the IDACI rank used by the School (which it tells me comes from the Torbay School Public Data Hub) and the FSM data currently displayed on GIAS. The School only provided data for the fifteen feeder schools.

Table 2 : data sets used to identify deprivation for primary schools within 5 miles of the School

Primary school	IDACI decile from IoD 2025	School's IDACI rank	FSM percentage (GIAS)	School's FSM rank	Feeder
Galmpton Church of England Primary School	4	Low	9.5%	Low	Yes
White Rock Primary School	6	Low	18.1%	Low	Yes
St Margaret Clitherow Catholic Primary School	5	Low	50%	High	Yes
Eden Park Primary School	5	Low	37.5%	High	Yes
Furzeham Primary School	3	Low	25.4%	Average	Yes
Roselands Primary School	6	Average	18.4%	Average	Yes
Brixham Church of England Primary School	5	Low	25.4%	Average	Yes
Hayes School	3	High	42.6%	High	Yes
St. Michael's Church of England Academy	2	High	22.8%	Low	Yes
Curledge Street Academy	2	High	41.7%	High	Yes
Stoke Gabriel Primary School	8	N/A	12.5%	Low*	No
Collaton St. Mary Church of England Primary School	4	High	28.1%	Average	Yes
Sacred Heart Catholic School	1	High	24%	Average	Yes
Oldway Primary School	3	High	16.3%	Low	Yes

Kings Ash Academy	2	High	61.7%	High	Yes
Dartmouth Academy	7	N/A	26.1%	Average*	No
St. John the Baptist Roman Catholic Primary School	7	N/A	23.7%	Average*	No
Preston Primary School	9	Low	10.8%	Low	Yes
Marldon Church of England Primary School	8	N/A	14.4%	Low*	No
Cockington Primary School	3	N/A	34.5%	High*	No

*My assessment based on the ranking given by the School to feeder schools with similar percentages.

53. Aside from the issues of (i) the value of using IDACI data derived from a school's location and (ii) using FSM data where a criterion relating to FSM already exists, it has been asserted by all of the Objectors that the data used by the School does not prove that the selection of the feeder schools supports the School's aim of social justice. None of this data appears to have been given to governors or discussed at meetings. Although the School has now said that the data was not used to select the feeder schools, given the importance of social justice in the Arrangements, it is surprising it does not appear to have informed any discussion before the ratification of the Arrangements (nor the 2026 Arrangements where the criterion was first introduced).

54. From Table 2, the following conclusions can be drawn:

(a) Of the 15 feeder schools selected, in respect of the most up to date (2025) IDACI data, using 1-3 as high deprivation, 4-7 as medium and 8-10 as low, then seven of the feeder schools would be high, seven would be medium and one would be low. On the School's measure that it used to audit and validate its selection, seven of the feeder schools would be classed as high, one as medium and seven as low.

(b) Of the 15 feeder schools selected, using FSM data, five of the schools would be ranked as low, five as average and five as high.

(c) Of the 15 feeder schools selected, only three score as high on both IDACI and FSM and three schools score as low on both.

(d) It is clear that there is not always a correlation between the IDACI data and FSM data used by the School. This illustrates that just because a school is situated in an area of

deprivation, it does not follow that the majority of children at the school would be considered “under-resourced”.

55. When asked about the use of this data, the School told me that to select only a few feeder schools would create an “unmeetable demand at a select few primary schools”. While this might be the case, it is common and is in fact the reason all schools have oversubscription criteria. The corollary is that identifying a smaller number of feeder schools would mean more places are available on ranking under Categories B and D.

56. I note here that there is no cap on the number of children that can be admitted under Category C(c): the requirement is that they attain the eligible score and they attend one of the feeder schools. Their rank in the list of scores is irrelevant unless all the places available at the School would be filled under that criterion. For admission in 2026/27, 88 children attained places under Category C(c) and in total 118 children of the 160 places offered attended a feeder school.

57. Under Category B, “Highest Qualifying Children” which, in the 2026 Arrangements, was children with a qualifying score equal to or higher than the score of the 50th ranked child, 15 children were admitted in 2026/27. The relatively low number of admissions under Category B is likely to be because some children scoring highly in the test expressed a first preference for one of the other two grammar schools in Torbay. For the Arrangements (for 2027/28), the School has amended this to align with the score of the 75th ranked child. Under Category D, any remaining places are allocated to eligible children according to their rank and in 2026/27 five children were admitted under this criterion.

58. The School told me that for admission in 2026/27 there had been a far larger number of applications than predicted and that “this phenomenon was not one we factored into our predictions of the impact of our new policy”. The School also told me that this, coupled with the new sibling criterion “significantly reduced the number of places we offered under Category D”. This suggests that the 2026 Arrangements did not have the impact that the School intended them to have in terms of admitting children who did not attend a feeder school.

59. Table 3 shows, for the twenty primary schools within five miles of the School, the data used by the School to determine whether a community is under-resourced and the difference in admissions figures for those schools for 2025, before the feeder schools were introduced, and for 2026 once the feeder schools had been introduced.

Table 3: the number of children admitted to the School from all primary schools within five miles of the School, before and after the inclusion of the feeder schools criterion

Primary school	IDACI decile from IoD 2025	School's IDACI rank	School's FSM rank	2025	2026	Change
Galmpton Church of England Primary School	4	Low	Low	15	20	+5
White Rock Primary School	6	Low	Low	12	26	+14
St Margaret Clitherow Catholic Primary School	5	Low	High	3	1	-2
Eden Park Primary School	5	Low	High	4	5	+1
Furzeham Primary School	3	Low	Average	7	4	-3
Roselands Primary School	6	Average	Average	5	7	+2
Brixham Church of England Primary School	5	Low	Average	6	4	-2
Hayes School	3	High	High	4	1	-3
St. Michael's Church of England Academy	2	High	Low	0	0	N/A
Curledge Street Academy	2	High	High	6	7	+1
***Stoke Gabriel Primary School**	8	N/A	Low	2	0	-2

Collaton St. Mary Church of England Primary School	4	High	Average	4	10	+6
Sacred Heart Catholic School	1	High	Average	1	10	+9
Oldway Primary School	3	High	Low	8	14	+6
Kings Ash Academy	2	High	High	2	2	0
***Dartmouth Academy**	7	N/A	Average	0	0	N/A
***St. John the Baptist Roman Catholic Primary School**	7	N/A	Average	1	2	+1
Preston Primary School	9	Low	Low	8	7	-1
***Marldon Church of England Primary School**	8	N/A	Low	4	3	-1
***Cockington Primary School**	3	N/A	High	2	0	-2

*not a feeder school

60. Table 3 shows that in some cases, admissions from feeder schools have increased as a result of the criterion being introduced. However, looking at the three schools which meet the School's definition of "under-resourced" on both IDACI and FSM data, Kings Ash Primary School sent the same number of children, Curledge Street Academy sent one additional child and Hayes Primary School sent three fewer. Conversely, of the feeder schools that increased their intake, two ranked as low for both IDACI and FSM purposes and one of these, White Rock Primary School more than doubled the number of children it sent, from 12 to 26. More importantly, these data show that being selected as a feeder school has not had a consistent or proportionate impact on admission numbers.

61. Moving to consider “geography”, the final position of the School is that the feeder schools were selected because they fall within a “boundary … established around the Paignton and Brixham peninsula (south of the Preston line) within the Torbay Local Authority area”. The Arrangements set out that “our aim is to ensure that academically able children in South Devon, most particularly in the Paignton and Brixham areas, have the opportunity to benefit from a grammar school education.”

62. The School has also said that to “prevent system distortion and unmeetable parental demand at a subset of primaries, every state primary school within this geographical zone under Torbay LA authority was included”. I have therefore considered whether using the boundary of the Torbay local authority to select feeder schools was reasonable.

63. I have been sent the papers for the consultation process for the 2026 Arrangements when the concept of feeder schools was first introduced. Originally 17 schools were included in the list: Stoke Gabriel Primary School and Marldon Primary School were subsequently removed from the list after the consultation. I asked the School for the reasons for the exclusion of these two schools. The School has told me:

> “They were originally included because of an oversight; the communities of Marldon and Stoke Gabriel are very much considered part of the Bay, even though technically they are outside Torbay council’s boundaries. The Headteacher, who is not local to the Bay, was not aware of the exact line of the boundary and had initially incorrectly assumed it to follow the line of the River Dart.”

64. Having looked at the consultation responses for the 2026 Arrangements, I am not satisfied this is correct. In response to a question about including schools outside Torbay, the response from the School was:

> “All but one of the schools in that area are in Torbay (our local authority) - to have excluded Stoke Gabriel on a technicality as it is in the South Hams seemed silly.”

65. Removal of the two schools is also attributed to two responses to the consultation for the 2026 Arrangements which came from the headteacher of King Edward VI Community College (KEVICC) and the Chief Executive Officer of the corresponding Multi Academy Trust. The objection was based on the fact that because as Stoke Gabriel and Marldon were already feeder schools for KEVICC then it would be unfair for them to have priority at the School “because parents and carers at these schools would in effect have priority admission to two secondary schools, whilst those in others would have only one”. I make no observation on whether or not this would be fair: however, I note that Brixham College in Torbay gives priority to children living in the TQ5 postcode which is also one of the stated target areas for the School and the home postcode for 29 of the children admitted to the School in September 2026.

66. The School told me that “there are pockets of deprivation particularly in Paignton and Brixham in TQ3, TQ4 and TQ5 postcodes”. Of the 15 feeder schools chosen, Preston Primary School has a TQ2 postcode, and Marldon Primary school with a TQ3 postcode was excluded. I asked the School whether any analysis had been done to understand where the children of the households in the TQ3, TQ4 and TQ5 attend primary school. The School responded that “no specific analysis has been done, beyond qualitative discussions with primary school leaders”.

67. In response to my JFIP dated 21 July 2026, the School told me that prior to the introduction of the feeder schools criterion, the vast majority (over 75 per cent) of its pupils attended one of the 17 primary schools in the zone originally designated. This suggests that it was already catering substantially to the local community, especially given its status as a grammar school.

68. The School has not provided any reason for using the local authority boundary as part of the area for selecting feeder schools and it follows there is no reason given for excluding schools from outside Torbay. A range of reasons have been given for excluding the two schools originally included and none of these are, in my view, reasonable. In particular, using the LA boundary has actually resulted in close local schools not being included, while schools further away have been. This does not correlate with the School’s stated aim of sustainability. Further, on the School’s own data, there is at least one local school that meets its criteria of being “under-resourced” in terms of both IDACI and FSM data and is less than 5 miles away that has not been included.

69. In summary, the School has stated aims for selecting the feeder schools that are reasonable and using feeder schools to fulfil its aims is also reasonable. However, I find that the selection of feeder schools was neither transparent nor made on reasonable grounds. Using the location of primary schools as a proxy for the circumstances of individual children and selecting schools on the basis of geography and the LA boundary, has not resulted in a selection of schools that meets the stated aims of social justice, sustainability or addressing gender skew. I am not convinced by the position put forward by the School on several counts including the inclusion/exclusion of schools outside Torbay, and the reason for including schools where the data clearly shows that, on their own criteria for “under-resourced”, there was little deprivation. I do not consider that the selection of the feeder schools was reasonable, transparent, clear or objective. I, therefore, find that the criterion giving priority to children who have attended a feeder school is in breach of paragraphs 14, 1.8 and 1.15 of the Code.

70. The issue of fairness was explicitly raised by the Objectors in cases ADA4635, ADA4636, ADA437 and ADA4638. All oversubscription criteria will favour some groups of children over others. Fairness cannot be defined in universal terms, but its requirements will depend on the circumstances. Fairness is focussed on the effect of the Arrangements on any relevant group. A factor which is relevant in the consideration of substantive unfairness is the

reasons (or justification) for adopting a particular oversubscription criterion. Whilst I have already found that the selection of feeder schools was such as to render that criterion unreasonable and therefore in breach of the Code, I have also considered the impact of that criterion on children who have achieved an eligible score but do not attend a feeder school.

71. Based on the number of children admitted in 2026/27, over 50% of the places at the School were given to eligible children attending a feeder school, regardless of their position in the ranking of test scores. In addition, children admitted under Category C(c) only have to achieve an eligible score to secure a place whereas children not attending a feeder school would have to achieve a score that puts them in the top 75 achievers (I am told that 1005 children took the test for entry in 2025/26) or sufficiently high to secure any remaining places in Category D (noting that this was five places in 2026/27). The lack of correlation between the selection of feeder schools and the School's aims means that the criterion is unfair to those children disadvantaged by not attending a feeder school.

72. Accordingly, I uphold the objection.

Objection (b) – removal of the sibling criterion (including the lack of consultation)

73. An oversubscription criterion giving priority to the siblings of pupils already on the roll of the School was introduced in the 2026 Arrangements following feedback from the consultation for those Arrangements. It is clear that the School originally intended to keep this criterion as it was included within a letter about the consultation for the Arrangements sent to parents in December 2025.

74. The School told me that the criterion was removed following advice from a "senior policy adviser" from Devon County Council that to include a sibling criterion was a breach of paragraph 1.9(j) of the Code. The reason for the removal for the criterion was explained differently to parents which has raised concerns for some of the Objectors. The School subsequently told me that if it were not for the advice given, then it would have retained the sibling criterion.

75. Paragraph 1.9(j) of the Code, as set out at paragraph 33 above, means that, where arrangements for admitting pupils to a grammar school are wholly based on selection by reference to ability and provide only for those pupils who score highest in any selection test, no priority can be given to siblings. This aspect of the Code does not apply to the School because not all places are allocated to those who score highest. For the year 2026/27, only 20 places were allocated on the basis of ranking alone. Accordingly, I determine that the School has acted on mistaken advice and was not required to remove the sibling criterion.

76. I raised the removal of the sibling criterion and the failure to consult on its removal with the School. It has confirmed that it did not consult on the removal of the sibling criterion

as it believed it had no choice but to remove it. The School has also told me that it wishes to reinstate it in the Arrangements if possible.

77. For this reason, I do not consider the School acted unreasonably in removing the criterion or in failing to consult on its removal. However, the School's response creates a different issue on the sibling criterion relating to unfairness.

78. If the School wishes to include a sibling criterion in the arrangements for 2028/29 then they will need to consult on this before determining those arrangements. Given that the School has confirmed it is their intention to include the criterion going forwards (subject to consultation) then the practical effect of my determination in paragraph 77 above is that for the year 2027/28 there would be an anomaly. Siblings applying for entry for 2027/28 would not have preference, whereas siblings benefitted from preference for 2026/27 and would be likely to do so for 2028/29 and following years. Accordingly, for those siblings who apply for entry in 2027/28, the practical effect of the Arrangements - given the fact that the School acted on mistaken advice and its intention for the future - is unfair.

79. I, therefore, uphold the objection on this basis.

Objection (c) - lack of clarity in describing what is meant by "Eligible children with a qualifying score equal to or higher than the score of the 75th ranked child"

80. In the Jurisdiction and Further Information Paper (JFIP) sent to the parties on 21 July 2026, I raised this issue for comment by the School as, in my view, parents would not easily understand how places for the School would be allocated under this criterion. The School responded with a more detailed explanation:

> "The 75th ranked child is the child whose age-standardised 11+ score is the 75th highest among all applicants who named the school as a preference."

I did not consider this to be sufficient as it does not take account of the fact that applicants can name preferences for more than one school in their application and I asked the School for further information.

81. The School has further responded:

> "The school accepts that this has not been at all clear. The 75th ranked child is the child whose age-standardised 11+ score is the 75th highest among all applicants who named the school as a preference, irrespective of which preference the school was named as."

I am content that if the Arrangements contained a description to this effect that they would then comply with paragraphs 14 and 1.8 of the Code.

82. Accordingly, I uphold this objection on the basis that the Arrangements are unclear.

Objection (d) - the lack of consultation for the change of the ranking number for the Highest Qualifying Children from the score of the 50th child in the arrangements for 2026/27 to the score of the 75th ranked child in the Arrangements

83. This objection was raised solely by the Objector in ADA4638. The School has provided me with a letter to parents dated 12 December 2025 setting out the intention to change the ranking number from the score of the 50th child to the score of the 75th child. The letter also included a link to a more detailed explanation of the intended change. I am therefore satisfied that the School did consult on this change and accordingly I do not uphold this objection.

Objection (e) - the Arrangements "do not meet the definition of a grammar school"

84. This objection was raised solely by the Objector in ADA4636. No further detail was provided by the Objector in their objection. The School is defined as a grammar school by section 104(5) of the School Standards and Framework Act 1998. I therefore asked, as part of the JFIP sent to the Objector on 21 July 2026, for the Objector to set out specifically the ways in which it is said the Arrangements "do not meet the definition of a grammar school" with reference to the Code. I have not received any response to this request. Accordingly, I do not uphold this objection.

Other matters

85. Having considered the Arrangements as a whole it appeared to me that there is another matter which does not conform with requirements of the Code and so I brought it to the attention of the Admission Authority. This matter is that under sub-clause d. of Category C (Social Justice Priority), there is an oversubscription criterion described as the "rank order of Selection Test score". It is not clear how these children differ from those listed under Category D (Other Eligible Children) which provides for:

- "Eligible children who do not meet any of the criteria listed in Categories A, B or C, ranked by the Selection Test score."

I raised this issue with the School as this could cause confusion to an applicant and may therefore be a breach of paragraphs 14 and 1.8 of the Code as set out in paragraph 33 above.

86. The Admission Authority told me:

> "To clarify, within each subcategory, the rank order of score establishes the final rank order of children returned to Torbay Council for place allocation. For example, looking at the order of children in Category C, a child with a qualifying score in receipt of Free School Meals who did not attend one of the 15 named feeder schools would be placed ahead of a child with a qualifying score who did not qualify for Free School Meals but

who was on roll in one of the 15 named feeder schools. Where there are multiple children within a subcategory - being on the roll of one of the 15 named feeder schools for example - rank order of score determines the place in the order. Category D therefore returns to applicants without any other considerable factor listed in Categories A, B or C, rank ordered by their 11+ score."

87. It is not clear, on the face of the Arrangements, that the reference to rank order in Category C relates to each sub-category within Category C. This is, therefore, a breach of paragraphs 14 and 1.8 of the Code.

88. 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."

89. The Admission Authority must address these matters, as permitted by paragraph 3.6 of the Code, within two months of this determination.

Determination

90. **In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objections to the admission arrangements determined by the Board of Trustees for Churston Ferrers Grammar School Academy for 2027/28.**

91. **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.**

92. **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: 6 October 2026

Signed:

Schools Adjudicator: Miranda Barnett