



Office of
the Schools
Adjudicator

Determination

Case reference: ADA4649

Objector: Clerk to Admissions Appeals Panel, West Sussex County Council

Admission Authority: South Downs Education Trust for Worthing High School

Date of advice: 21 October 2026

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements determined by South Downs Education Trust for Worthing High School, for 2027.

I have also considered the arrangements under section 88I(5) and find that they do not comply with requirements relating to admission arrangements in the 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 schools adjudicator. In this case, the date by which revisions need to be made is 30 October 2026.

The reason for requiring amendments to be completed quickly is that the deadline for applications to secondary schools for places in Year 7 is 31 October 2026. The delay in this determination has been caused by the late determination of the admission arrangements for the School as required by the School Admissions Code. Amended arrangements, including changes to oversubscription criteria, should be applied to applications for September 2027 before places are offered in March 2027.

The referral

1. Under section 88H(2) of the School Standards and Framework Act 1998 (the Act), an objection has been referred to the adjudicator by the Clerk to the Admissions Appeal Panel for West Sussex County Council (the Objector), about the admission arrangements (the Arrangements) for September 2027 for Worthing High School (the School). The School is a non-selective mixed academy for 11 to 16-year-olds, located in Worthing, West Sussex.
2. The Local Authority (LA) for the area in which the School is located is West Sussex County Council (WSCC).
3. The LA is party to this objection, the objector is a representative of the LA. Other parties to the objection are South Downs Education Trust (the Trust) and the School.
4. The objection is to oversubscription criteria in the admission arrangements that prioritise “Children of staff who work (on a permanent contract) for South Downs Education Trust” and “Children attending a school that is part of South Downs Education 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 foundation and voluntary aided schools.
6. These arrangements were determined under section 88C of the Act by South Downs Education Trust which is the admission authority for the School. The arrangements were not determined by the 28 February 2026 as required in the School Admissions Code. Following communication with the Trust they confirmed that arrangements for 2027/28 had been determined on 14 October 2026. Although late, they have been determined and so fall within my jurisdiction to consider.
7. The Objector submitted their objection to the determined arrangements on 6 May 2026, following the publication of admission arrangements on the School website, prior to formal determination of those arrangements.
8. I am satisfied the objection has been properly referred to me in accordance with section 88H of the Act and it is within my jurisdiction.
9. In the response to the objection, the Trust cite the fairness of admission arrangements for staff employed in distinct roles within the Trust. It is not within my jurisdiction to consider the terms of employment that apply to staff employed by the School or the Trust.

Procedure

10. In considering this matter I have had regard to all relevant legislation and the Code.
11. The information I have considered in reaching my decision includes:
 - the objection dated 6 May 2026;
 - a copy of the minutes of the meeting of admission authority from 14 October 2026 at which the arrangements were determined, received on 20 October 2026;
 - the determined Arrangements for 2027/28;
 - responses from the LA, and the School to the objection and to my requests for further information;
 - maps, including Google Maps, and those showing the location of the School;
 - information available on the websites of gov.uk (including the 'Get Information About Schools' (GIAS), the LA, the Trust, the School, and Ofsted;

Background

12. The School became an Academy in December 2012. It is one of two schools within the South Downs Education Trust, the other being Clapham and Patching Church of England Primary School in Clapham, Worthing.

13. The arrangements set out that children with education, health and care (EHC) plans will be admitted first. Then, in times when oversubscribed, children will be prioritised according to the oversubscription criteria. These are stated in the Arrangements as follows:

“1. Looked after children and all previously looked after children, including those children who appear (to the admission authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted. Previously looked after children are children who were looked after but ceased to be so because they were adopted or became subject to a child arrangements order or special guardianship order.

2. Children of staff who work (on a permanent contract) for South Downs Education Trust.

3. Children with brothers or sisters already at the school and who will still be attending when the child starts who reside in the Borough of Worthing.

4. Children attending a school that is part of the South Downs Education Trust.

5. Other children who reside in the Borough of Worthing.

6. Children with brothers and sisters at the school who will still be attending when the child starts who reside outside the Borough of Worthing.

7. Other children who reside outside the Borough of Worthing.”

14. The arrangements include a tiebreaker when two applications are given the same priority within oversubscription criteria that states:

“The tie-break used is a straight-line distance. All distances are measured by a straight line from the school to the child’s home address, using Ordnance Survey address point data from a central point in each building”.

15. I note here that the oversubscription criteria are outlined in the School Admissions Policy published on the School website and are the arrangements that the objector referred to in their submission. These arrangements were not determined by the Trust prior to 28 February 2026 which has led to a delay in this determination.

16. I also note that the arrangements have some changes from the 2026/27 arrangements that were not consulted upon. Notably, the wording of the oversubscription criteria related to staff changed from:

“Children of staff who work (on a permanent contract) for the South Downs Education Trust, have worked for more than two years for the Trust or have been recruited to fill a vacant post for which there is a demonstrable skills shortage”.

to

“Staff who work (on a permanent contract) for the South Downs Education trust.”

17. Paragraph 1.45 of the Code requires that “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 in the following school year.” I will consider this under the heading “Other matters” below.

Consideration of Case

18. I will now set out my consideration of the matters raised by the objector. I will conclude each section with a statement as to whether or not I uphold that particular aspect of the objection, preceded by my reasons for that conclusion. Where I state that I uphold an aspect of the objection, that does not necessarily imply that I fully endorse the reasoning expressed

by the Objector, nor that the Objector has necessarily correctly interpreted which Code provision applies. Rather, it means that I have found that the particular aspect of the Arrangements drawn to my attention by the Objector does not conform with a requirement of the Code identified by me and is in breach of the Code for the reasons I have given.

19. The Objector expressed concerns raised by the LA School Admissions Appeals Panel which “identified that there may be oversubscription contrary to the admission code 2021”. Specifically the Objector states that:

“The Panel identified that the oversubscription criteria to provide staff priority (Criteria [sic] 2), gives priority to staff across the trust, not just the school. The Panel believe this is contrary to 1.39 of the code.

In addition, the Panel found that criteria [sic] 4 (children attending a school part of the South Downs Education Trust) is vague and required more clarity as they considered that this could apply if there was an additional secondary school which becomes part of the Trust”.

20. I will consider each part of the objection in turn.

Children of staff

21. The second oversubscription criterion states that priority will be given to:

“Children of staff who work (on a permanent contract) for South Downs Education Trust”.

The relevant parts of the Code are:

- paragraph 1.9 (f): admission authorities “must not...give priority to children according to the occupational, marital, financial, or educational status of parents applying. The exceptions to this are children of staff at the school and those eligible for early years pupil premium, the pupil premium and the service premium who may be prioritised in the arrangements in accordance with paragraphs 1.39 -1.42.”;
- paragraph 1.39: “Admission authorities may give priority in their oversubscription criteria to children of staff in either or both of the following circumstances:
 - a. where the member of staff has been employed at the school for two or more years at the time at which the application for admission to the school is made; and/or

- b. the member of staff is recruited to fill a vacant post at the school for which there is a demonstrable skill shortage.”

- Paragraph 1.40: “Admission authorities **must** specify in their admission arrangements how this priority will be applied, for example, which groups of staff it will apply to.”

22. The Trust have prioritised staff in the school admission arrangements since the last consultation on admission arrangements for the School in October 2023 for the 2025/26 admission arrangements.

23. The Trust state that:

“The admission authority introduced the staff oversubscription criterion to support the recruitment and retention of high-quality staff across the South Downs Education Trust and, in doing so, support the educational outcomes of pupils.

Staff are employed by the Trust rather than by individual schools. The Trust has deliberately adopted a “one staff” philosophy, recognising that all employees contribute to the success of its schools regardless of whether they are teaching staff, support staff, or centrally employed colleagues. The Trust seeks to avoid distinctions between different categories of employee and between the schools at which staff may be primarily based.”

24. Although the Trust’s rationale is clear, the Code is explicit in paragraph 1.39 that the admission authority may prioritise “staff employed at the school”. This is different from staff who are “employed by the Trust.” The Code imposes mandatory requirements for the admission authorities of maintained schools as defined by Section 88(1) (a) and (b) of the Act.

25. The Code applies consistently to schools within multi-academy trusts that include small trusts with a limited geographical reach and those with a national presence. The provision in paragraph 1.39 ensures that the prioritisation of “staff employed at the school” have a geographical link to the School.

26. When applied to schools in different contexts it is necessary for “staff employed at the school” to be defined clearly within admission arrangements as outlined in paragraph 1.40 of the Code. Staff employed at the school could include those working in a range of roles “in the school”, including support staff, teaching staff and those employed centrally by the Trust to work for a significant proportion of time in the school, however, that should be more clearly defined than all staff “employed by the Trust.”

27. The Code is concerned with the admission of children to the School. It is for the Trust to consider whether or not the prioritisation of staff contradicts Trust wide priorities for a “one staff culture”, however, admission arrangements must comply with the Code.

28. I find that the oversubscription criterion that prioritises “Staff who work (on a permanent contract) for the South Downs Education Trust.” does not comply with the mandatory requirements of paragraph 1.39 of the Code. **I therefore uphold this aspect of the objection.**

Feeder Schools

29. The second aspect of the objection is to oversubscription criterion 4: “Children attending a school that is part of the South Downs Education Trust.” The Objector states that:

“Criteria 4 [sic]...is vague and required more clarity as they considered this could apply if there was an additional secondary school which becomes part of the Trust”.

30. Relevant areas of the Code are:

- Paragraph 1.9 b): “admission authorities...**must not**...take into account any previous school attended, unless it is a named feeder school.”
- Paragraph 1.15: “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.”

31. Paragraph 1.15 of the Code requires the selection of a feeder school or schools to be transparent and reasonable. This can only be achieved on a school-by-school basis. If schools leave or join the Trust, and the admission authority wish to make a substantive change to the arrangements by changing the named feeder schools, then the Code requires that relevant bodies should be consulted before determining arrangements for the relevant year.

32. The Code is clear in paragraph 1.9 b) that feeder schools **must** be named. This is unambiguous and means that oversubscription criterion 4 as written does not comply with the mandatory provision in the Code. **I therefore uphold this aspect of the objection.**

Other matters

33. The admission authority has not determined admission arrangements as outlined in the Code. Paragraph 1.49 of the Code states:

“All admission authorities **must** determine their admission arrangements, including their PAN, every year, even if they have not changed from previous years and a consultation has not been required by **28 February** in the determination year.”

34. The Trust were unable to provide confirmation that the 2027/28 arrangements were determined as required. Initially, the Trust provided minutes of a board meeting from July 2025 where changes to the admission arrangements were discussed, however they confirmed that:

“The July 2025 Trustee minutes do not represent the formal determination of the 2027/28 arrangements. The minutes were provided as evidence of the approval of the relevant admissions policy framework and associated admission arrangements by the trust.”

They then went on to confirm that:

“The formal determination of the 2027/28 admission arrangements was undertaken in accordance with the Trust’s delegated governance arrangements.”

However, they have been unable to provide evidence this happened. Subsequently, I met with the Trust and confirmed that formal determination had not been undertaken. They since convened an additional Trust board meeting to determine the arrangements which took place on 14 October 2026.

35. The arrangements published on the School website for 2027/28 that are subject to this objection, prior to their formal determination, have changes from the previous arrangements for 2026/27, for example, the wording of oversubscription criterion 2 related to the prioritisation of children of staff as illustrated in paragraph 16 above.

36. The Trust confirmed that consultation took place in October 2023 before determining arrangements for 2025/26. They stated that:

“The Trust has undertaken consultation on admission arrangements at the intervals required by the School admissions code.”

37. There is some misunderstanding by the Trust about what is required in terms of admission arrangements consultation and determination. The Supplementary Funding Agreement between the Secretary of State and the Trust (March 2018) says that:

“The Academy Trust will act in accordance with ...the School Admissions Code and Appeals Code (the Codes) published by the DFE and all relevant admissions law as they apply to foundation and voluntary aided schools, and with equalities law. Reference in the Codes or legislation to “admission authorities” will be deemed to be references to the Academy Trust.”

38. Paragraph 1.45 of the Code states that “When changes are proposed to admission arrangements, all admission authorities **must** consult on their admission arrangements...”. This means that when the admission authority (Trust) changes aspects of the arrangements such as the wording of oversubscription criteria, they are required to consult with the relevant groups outlined in paragraph 1.47 of the Code.

39. The Trust’s intent to consult every seven years as mentioned in paragraph 1.45 of the Code is a requirement, even if no changes to arrangements have been made. In this case, the Trust have changed arrangements and therefore consultation should have been undertaken.

40. Paragraph 2.18 of the Code states that “Admission authorities **must** make clear in their admission arrangements the process for requesting admission out of the normal age group”. This is not clear in the published arrangements and should be addressed by the admission authority.

41. The distance measurement referred to in the tie-break of the arrangements states distance will be measured “from a central point in each building”. It is unclear where this is on the School site which has multiple buildings. The admission authority has said that it:

“accepts that the wording within the published arrangements could be more specific in identifying the exact point from which distance measurements are taken.”

42. The admission authority notes that a fixed and objective measurement point has been used consistently in the administration of the arrangements. It is that point which needs to be clarified in the arrangements.

43. The admission authority must address these matters, as permitted by paragraph 3.6 of the Code, by 30 October 2026.

44. I note that the minutes of the Trust board meeting to determine the 2027/28 arrangements that took place on 14 October 2026 include how the Trust will respond if the objection to arrangements is upheld.

Determination

45. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements determined by South Downs Education Trust for Worthing High School, for 2027.
46. 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.
47. 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 schools adjudicator. In this case the date by which revisions need to be made is 30 October 2026.

Dated: 21 October 2026

Signed:

Schools Adjudicator: Mr Philip Lloyd