



Office of
the Schools
Adjudicator

Determination

Case reference: ADA4717

Objector: A parent

Admission Authority: Helix Academies Trust for Marple Hall School

Date of advice: 28 October 2026

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objection to the admission arrangements determined by Helix Academies Trust for Marple Hall School for 2027/28.

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

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

The referral

1. Under section 88H(2) of the School Standards and Framework Act 1998 (the Act), an objection has been referred to the adjudicator by a parent (the Objector), about the admission arrangements for September 2027/28 (the Arrangements) for Marple Hall School (the School or MHS). The School is an academy secondary school located in Stockport and is part of Helix Academies Trust.
2. The Local Authority (LA) for the area in which the School is located is Stockport Metropolitan Borough Council.

3. The LA is a party to this objection. Other parties to the objection are the Objector and Helix Academies Trust (the Trust, the Admission Authority) which is the admission authority for the School.

4. The objection concerns two matters. Firstly, the consultation which took place prior to the determination of the Arrangements. Secondly, the criteria used to prioritise applicants in the event that the School is oversubscribed. These include the priority afforded to children of members of staff, and that afforded to children who attend Romiley Primary School (RPS), which is part of the Trust.

5. I would like to take the opportunity to give my thanks to all parties for the way in which they presented their views and for their prompt responses to my requests for further information or data.

Jurisdiction

6. 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.

7. The Arrangements were determined under section 88C of the Act by the Trust on 5 February 2026.

8. A consultation period took place prior to the determination of the Arrangements, between 22 October and 7 December 2025.

9. The Objector submitted their objection to the determined arrangements on 13 May 2026. The Objector 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.

10. 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.

11. The Objector made reference to a previous adjudicator's findings in respect of MHS, case reference number ADA4424. This concerned an objection to the catchment area of the School and was not upheld. The Objector has raised no objection in respect of the catchment area.

12. I make it clear that whilst previous determinations by other schools adjudicators may be relevant and informative, they do not set precedents. I have considered the Arrangements and the consultation process 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.

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

Procedure

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

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

- the objection dated 11 May 2026 and supporting documents, including “Helix Academies Trust Consultation Frequently Asked Questions and Answers”, from 2022, which concerned the academisation of MHS and RPS and the formation of the Trust (the academisation FAQ document);
- subsequent comments made by the Objector;
- confirmation of when consultation on the Arrangements took place and details of the nature of the consultation. This includes the following documents which were published as part of the consultation:
 - the proposed admission arrangements for 2027/28 (the proposed arrangements); and
 - “Marple Hall School Admissions consultation for admissions in 2027 to 2028”, which set out the Trust’s rationale for the prioritisation of children from RPS and addressed questions frequently asked during the early stages of the consultation period (the consultation rationale and FAQ document);
- the following documents which were written or compiled following the consultation period:
 - a copy of the comments that were submitted in response to the consultation (the consultation responses);
 - the minutes of a meeting of the Trust of 5 February 2026, at which the consultation was discussed and the Arrangements determined (the Trust minutes);
 - “Helix Academies Trust Admissions Arrangements consultations for entry 2027 onwards Management report”, a report which Trustees considered at the above meeting (the management report); and

- “Changes to the Romiley Primary School and Marple Hall School admissions criteria for September 2027 onwards” (the consultation summary document). This was intended, the Trust told me, to “clarify the decisions made and the rationale for such decision [sic]” and is published on the School’s website;
- the determined Arrangements for 2027/28;
- responses from the LA and the Trust to the objection and to my requests for further information;
- a previous determination for the School, case reference number ADA4424 (the previous case; the previous determination);
- maps, including Google Maps and those showing the location of the School; and
- information available on the websites of gov.uk (including the ‘Get Information About Schools’ (GIAS) website), the LA, the School and Ofsted.

Background

16. The School is part of Helix Academies Trust, a multi-academy trust which comprises MHS and RPS. Both schools opened on 1 March 2025 as academy converter schools.

17. According to GIAS, the School is a co-educational secondary school for children aged 11 to 16 years. The School does not have a religious character and has not yet received an Ofsted inspection.

18. GIAS shows that RPS provides education for children aged four to eleven years and is 1.15 miles (as a straight-line distance) from MHS. Both schools afford some priority for admission to applicants who live within their catchment areas, and the catchment area of RPS is entirely within that of MHS.

19. Since 2022, the Trust has maintained a published admission number (PAN) of 300 for the School but admitted 330 pupils each year; it intends to do so again in 2027/28 providing sufficient applications are received. This is in response to a ‘population bulge’. I make it clear that, as set out in paragraph 1.5 of the Code, admissions above the level of the PAN do not constitute an increase in the PAN.

20. The previous determination recognised this pattern of admissions over PAN and stated, at paragraph 28:

“It is of course possible for an admission authority to admit more children than in its PAN (as stated in paragraph 1.4 of the Code), since a PAN represents the number below which prejudice to the provision of efficient education or efficient use of resources may not occur, for the normal year of admission. However, from the information which I have been given, the LA has been aware for some time that more places at the school would be needed, year-on-year, than are stated in the PAN, and I read the Code to assume that in such a case the admission authority would set a PAN accordingly, in line with the requirement to do so in paragraph 1.2. Otherwise, the PAN itself becomes meaningless.”

21. During the course of this case the Objector made reference to the above paragraph and stated:

“We note the 2025 OSA determination (ADA4424, Maple Hall School Stockport), paragraph 28, which makes it clear that continuing to utilise a higher admission limit than the PAN renders the PAN meaningless and is in breach of the admissions code...

Despite this unambiguous OSA feedback last year, Helix Trust is again going to administer September 2027 admissions based on an admission limit rather than a PAN. We object to the continuing resistance to commit to a higher PAN of 330.

Furthermore, we provide evidence... that the intention of the LA/Helix Trust is to continue to offer places above a PAN of 300 in the years to come. So there is an even stronger argument for increasing the PAN to 330.”

22. I agree with the adjudicator who considered the previous case that a repeated and planned pattern of admissions above the level of the PAN may render the PAN meaningless. However, that does not mean that this practice is a breach of the Code and that is not what the previous determination says. There is nothing within the Code to prevent such an approach and it is not within the power of the adjudicator to forbid it. I also note that paragraph 3.3 of the Code states that objections about an own admission authority’s decision to increase or keep the same PAN cannot be brought. Consequently, although what the Objector has said can be construed as an objection to the PAN, this is clearly ruled out by paragraph 3.3 of the Code, and so I need not consider it as such.

23. The Arrangements for 2027/28 set out that children with an education, health and care (EHC) plan which names the School will be admitted first. Then, in times when oversubscribed, children will be prioritised according to the oversubscription criteria. These can be summarised as follows:

- A. Looked after children (LAC) and previously looked after children (PLAC).
- B. Children considered to have “highly exceptional medical/social reasons” for attending the School.

- C. Children who are attending RPS at the closing date for secondary school applications.
- D. Children of staff.
- E. Children who live in the catchment area of the School and will have a sibling at MHS at the time of admission.
- F. Other children who live in the catchment area of the School.
- G. Children who will have a sibling at the School at the time of admission and reside outside the catchment area.
- H. Any other applicants.

24. In the event of oversubscription within any one criterion, applicants are prioritised on the basis of distance with those living closest to the School afforded greatest priority.

25. I note that in the Arrangements, the oversubscription criteria are labelled slightly differently from those set out above. The Arrangements contain two criteria labelled “E”; I assume this is a typographical error and it should be corrected. Where this determination refers to a criterion by the letter assigned to it (such as ‘criterion D’), this is correct both in the Arrangements and in the list above; I do not refer to any incorrectly labelled criteria in this way.

26. The oversubscription criteria for 2027/28 have changed from those previously in use. RPS has been named as a feeder school for the first time, and applicants from RPS are, after those children with exceptional medical or social reasons for attending the School, afforded the greatest priority possible under the Code. Children of members of staff have been afforded greater priority than was previously the case.

27. To aid comparison I have set out in Table 1 a summary of the oversubscription criteria for 2026/27 and those for 2027/28.

Table 1: A summary of the oversubscription criteria for 2026/27 and 2027/28.

Criterion	2026/27	2027/28
A	LAC and PLAC.	LAC and PLAC.
B	Highly exceptional medical / social reasons.	Highly exceptional medical / social reasons.
C	In-catchment children with a sibling at MHS.	Children who are attending RPS.
D	Other in-catchment children.	Children of staff.
E	Children of staff.	In-catchment children with a sibling at MHS.
F	Out of catchment children with a sibling at MHS.	Other in-catchment children.
G	Any other applicants.	Out of catchment children with a sibling at MHS.
H		Any other applicants.

Consideration of Case

28. My summary of the objection, which the Objector agrees to be accurate, is as follows:

- A. The Objector asserts that the consultation failed to meet the Gunning Principles because:
 - i. The proposal to prioritise pupils from RPS pre-dated the consultation; therefore the decision may have been pre-determined.
 - ii. The Trust failed to provide sufficient information to allow for “intelligent consideration” of the proposals.
 - iii. The criterion of “geographical hardship” was not defined, meaning that consultees could not assess its impact.
 - iv. The consultation did not provide adequate time for consideration and response.

- v. Documentation which records the decisions taken following consultation does not demonstrate that concerns raised by consultees were taken into account or influenced the outcome.
 - vi. Data provided to decision makers did not demonstrate the impact of the proposed changes; this undermined the evidential basis for the decisions made.
- B. The Objector asserts that the oversubscription criteria are contrary to the requirements of the Code to be fair, clear and objective because:
- i. The Arrangements, under oversubscription criterion B, afford some prioritisation to applicants on the basis of “geographical hardship”. The Arrangements lack clarity in this regard, and the absence of defined parameters by which this aspect of the criterion would be satisfied means that the Arrangements are not objective.
 - ii. Children who attend RPS, and children of MHS staff, will displace children living within the catchment area; this is unjustified and unfair.

29. I will now set out my consideration of the matters raised by the Objector, in the order set out above. 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.

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

The consultation failed to meet the Gunning Principles.

31. The Objector asserts that the consultation did not meet the “Gunning principles”. This refers to *R v Brent London Borough Council, Ex p Gunning* (1985) 84 LGR. In summary, a consultation which satisfies the Gunning principles or tests is one which:

- i. takes place when proposals are at a formative stage;

- ii. provides sufficient reasons for the proposal “to permit intelligent consideration”;
- iii. allows adequate time for consideration and response; and
- iv. can show that the decision-maker has taken the consultation responses, or a summary of them, into account before the decision is made.

32. The Code sets out requirements in respect of consultation in the following paragraphs:

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. Where the admission arrangements have not changed from the previous year there is no requirement to consult, subject to the requirement that admission authorities **must** consult on their admission arrangements at least once every 7 years, even if there have been no changes during that period.”

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.”

1.48: “For the duration of the consultation period, the admission authority **must** publish a copy of their full proposed admission arrangements (including the proposed PAN) on the school’s website or its own website (in the case of a local authority) together with details of where comments may be sent and the areas on which comments are not sought. Admission authorities **must** also send, upon request, a copy of the proposed admission arrangements to any of the persons or bodies listed above inviting

comment. Failure to consult effectively may be grounds for subsequent complaints and appeals.”

33. The Trust complied with the requirement in the Code that consultation must last for a minimum of six weeks and take place between 1 October and 31 January in the determination year.

34. Two documents were made available to consultees during the consultation period: the proposed arrangements (which were published for the entirety of that period), and the consultation rationale and FAQ document, which was published part-way through.

35. I shall now consider, in turn, each aspect of the objection which concerns the consultation process.

The proposal to prioritise pupils from RPS pre-dated the consultation; therefore the decision may have been pre-determined.

36. The first of the Gunning principles is relevant to this aspect of the objection. The Objector questions whether the consultation “operated as a meaningful opportunity to inform the final decision” and states:

“Evidence indicates that the proposal to prioritise pupils from RPS pre-dated the 2027/28 admissions criteria consultation. The Helix Academies Trust had indicated an intention to introduce such changes as early as 2022...

Furthermore, the consultation decision making minutes...indicate that maintaining pupil numbers at RPS for financial reasons was a relevant consideration for the introduction of RPS prioritisation (Criterion C) in the MHS admission criteria for 2027/28.

This raises a question as to whether the consultation took place at a point when options remained genuinely open. Where a proposal has been developed in advance, the scope for consultees to influence the outcome may be limited.”

37. The Objector referred to the academisation FAQ document, specifically the following:

“Would MHS be happy to change your admissions policy to give priority to RPS children?

Yes, this is something we would support. Of course, this is something that would have to be discussed and agreed by the trust board. It is also worth pointing out that if, at some point, all feeder schools had this amendment to the admissions policy, there would no longer be any benefit to this.”

38. In response to this aspect of the objection the Trust told me:

“There was no pre-determination of the outcome of the consultation. In forming the Helix Academies Trust, which is based at Marple Hall School, leaders at the school approached all local primary schools within catchment between 2016 and 2024 and welcomed them to work with MHS to form a Trust. In all cases, it was made clear that one potential action post conversion would be to consult on changes to the admissions criteria to prioritise children from academy primary schools for admission to MHS... However, no guarantee of agreeing to such changes was ever given. Furthermore, the following statement within [the consultation summary document] ‘decision making rationale’ shows that the Trust is not promising any automatic change to admissions arrangements for any future school who may join at a later date.

‘Finally, when discussing this issue, Trustees were clear that making this change for children of Romiley Primary School does not automatically mean that any future schools joining the trust will automatically be offered the same provision, especially if outside the MHS catchment. Should one or more primary schools within the catchment join the trust then a decision on future admissions to MHS will be made on an individual basis.’

I believe that this shows that no pre-determination was made.”

39. The Trust told me that it “does not accept the suggestion that the admission arrangements have been designed to manipulate enrolment at Romiley Primary School” and that “The fact that trustees also considered the sustainability of the Trust’s schools does not displace or invalidate [the Trust’s] educational rationale”.

40. The Objector states that, “Where a proposal has been developed in advance, the scope for consultees to influence the outcome may be limited” and questions whether the consultation took place “at a point when options remained genuinely open”. This suggests that consultation should be an entirely open process; that consultation should, say, ask consultees what they think the admission arrangements of a particular school should be. However, that is not what the Code says.

41. Paragraph 1.48 of the Code requires an admission authority to publish, for the period of consultation, a copy of the full proposed arrangements. It was therefore incumbent upon the Trust to develop a proposal in advance of the consultation process.

42. The evidence shows that, at the time at which both schools became academies, the Trust intended to consider affording RPS pupils some priority for entry to MHS. There is nothing to preclude such an intention, and I have seen no evidence that a final decision had been made prior to the consultation process being concluded.

43. For the reasons set out above I do not uphold this aspect of the objection.

The Trust failed to provide sufficient information to allow for “intelligent consideration” of the proposals.

44. The second Gunning principle is relevant to this aspect of the objection. The Objector's reasons for their assertion that the consultation failed to provide sufficient information to allow for intelligent consideration of the proposals can be summarised as follows:

- a. Consultation materials did not include displacement data, despite its availability.
- b. Public facing statements suggested minimal impact, while internal Trust analysis identified "increasing displacement".
- c. Public facing statements understated the parental preference of those attending RPS for MHS.
- d. Earlier data provided to stakeholders was not current and understated the scale of impact.
- e. Consultation decision making minutes indicate that maintaining pupil numbers at RPS was a relevant consideration, but this was not presented in the consultation rationale.

45. The statutory requirement for consultation is that admission authorities publish a copy of the proposed arrangements; by definition this must be adequate, and the Trust fulfilled that requirement. It is unarguable that it will always be good practice for an admission authority to highlight and explain any proposed changes, and if it chooses to provide additional material to consultees then that is likely to be of assistance. However, failure to do so does not amount to a breach of the Code. Consequently, I have not considered the Objector's assertions that additional information should have been available.

46. In my view, the consultation would have failed to meet the second of the Gunning principles and may have been contrary to the Code if it relied on information which was inaccurate or misleading. I have found an example of this in the consultation rationale and FAQ document, which states:

"What is the rationale for feeder school status being given to Romiley Primary?

There are no official 'feeder schools' for Marple Hall school. The school operates within a catchment area, not a feeder school system. RPS is a school located within the catchment area of MHS, and has been for a considerable time. We are not aware of a time when RPS was not a school within the MHS catchment."

47. The proposed arrangements include prioritisation for "Children who are attending Romiley Primary School at the closing date for secondary school applications". In other words, the proposed arrangements name RPS as a feeder school for MHS, as defined in paragraph 1.15 of the Code. Consequently, I asked the Trust to provide an explanation of the above statement. The Trust told me:

“The statement above was written as part of a FAQ/rationale document designed to address some misconceptions that were apparent in the initial responses to the consultation, received in the first week/ten days of the consultation c. 22nd October to early November. It was clear that several responders misunderstood the admissions process in Stockport, assuming that attendance at any given primary school would guarantee access to the relevant secondary school. Eg, attendance at RPS would grant access to MHS irrespective of where the child lived at the time of application to MHS, whether in catchment or not. This was not the case at the time, and will only change in the case of RPS if the proposed changes to the admissions arrangements are enacted. The document was seeking to address this misconception.

In addition, the document was also seeking to address a different but linked misconception that, if feeder schools did exist, then RPS was not a feeder school for MHS (responders believed it would be a feeder for Werneth School. The statement above and others in [the consultation rationale and FAQ document] was trying to clarify that whilst there were not any feeder schools (in that attendance at the primary would affect admission to secondary), RPS has in fact always been in the MHS catchment and that any assumption that the proposals meant an entirely new population of 60 children would be displacing learners within the MHS catchment was wrong.

Therefore we believe that the document was accurate and as clear as possible at the time. The proposed arrangements do in effect make RPS a feeder school, and so such statements above would no longer be accurate, but they were made mid-consultation and therefore we believe accurate and well intentioned at the time.”

48. It was perhaps technically correct for the Trust to state in the consultation rationale and FAQ document that, “There are no official ‘feeder schools’ for Marple Hall school”, as at the time the statement was made the Arrangements had not been determined. However, given the question which that statement purported to answer, I find that it was misleading to consultees. In my view, anyone reading it would be given to understand that, under the proposed arrangements, RPS was not a feeder school for MHS.

49. For the reasons set out above, I find that the Trust failed to provide sufficient information to allow for intelligent consideration of the proposals. Consequently, I uphold this aspect of the objection.

50. As I have upheld this aspect of the objection, I have not found it necessary to consider other reasons given by the Objector in its support.

51. For the avoidance of doubt, this flaw in the consultation process does not render the Arrangements contrary to the Code, and the Trust is not required to rerun the consultation.

The criterion of “geographical hardship” was not defined, meaning that consultees could not assess its impact.

52. This aspect of the objection concerns oversubscription criterion B in the proposed arrangements, which prioritises children “considered to have highly exceptional medical/social reasons” for attending the School. An accompanying note states (my underlining for emphasis):

“Where applicants wish to be considered under the highly exceptional medical or social reasons criterion, they should indicate this on application and state the nature of the condition and/or circumstances. The applicant must also provide Helix Trust School Places and the School Admissions Team written evidence in support of their application. The supporting evidence must relate specifically to the child or family and this school and must clearly demonstrate why this is the only school that could cater for the child’s specific requirements/needs. It should also explain any difficulties that would arise if the child had to attend an alternative school for example, having to travel more than the statutory walking distance (3 miles) to the next nearest Stockport high school. This evidence must be submitted along with the application to the School Places, Admissions & Transport Team by the closing date for applications at the latest.”

53. The objection refers to geographic, or geographical hardship, which I understand to mean that which I have underlined above. I use the same term for the purposes of this determination.

54. The Objector drew my attention to the following part of the consultation rationale and FAQ document, which seeks to provide some clarification regarding geographical hardship:

“Will children from Marple Bridge, Mellor, and Compstall still have a fair chance of admission?”

The school and local authority is aware of families living at the edges of the catchment area who, based on the distance criteria, are unlikely to be offered a place at MHS and are instead offered the next nearest secondary school in Stockport, which could be well over 3 miles away. The proposed changes to the admissions policy recognises [sic] this under the definition of criteria B.”

55. The objection stated:

“the detailed operation of the updated Criterion B in respect to geographic hardship was not defined at the time of consultation, meaning the public could not properly assess its impact. In addition, [the consultation rationale and FAQ document]...gave the impression that a meaningful concession was being introduced for children living more than 3 miles from their next nearest Stockport school...This interpretation was widely understood by local parents. Subsequent attempts at clarification...indicate this may not apply in practice.”

56. The Objector supplied emails they had exchanged with the Trust, after the consultation period had ended, as evidence that the proposed arrangements were inaccurate or misleading; these are the “subsequent attempts at clarification”. I have not considered those emails, for two reasons. First, I am concerned with the documents that were used during the consultation process and whether or not they were sufficiently clear to consultees. Secondly, as an admission authority is under no obligation to determine arrangements which are the same as those proposed, whether or not the proposed arrangements have been contradicted by later documents, including the Arrangements themselves, is not of relevance.

57. The Objector states that the proposed arrangements did not allow consultees to assess the “impact” of criterion B. I make it clear that there is no requirement in the Code that consultation sets out the impact of changes that are being proposed. Nevertheless, proposed arrangements should be clear to consultees.

58. The proposed arrangements set out that where MHS is “the only school that could cater for the child’s specific requirements/needs” applicants should “also explain” any geographical hardship. I interpret this to mean that geographical hardship would only be considered relevant to applicants who have other needs and requirements. In other words, that geographical hardship would not, on its own, be sufficient to afford priority under criterion B. However, the consultation rationale and FAQ document, in the excerpt I have set out above, contradicts this interpretation. Consequently, I find that the proposed arrangements were unclear.

59. For the reasons set out above, I uphold this aspect of the objection.

60. For the avoidance of doubt, this flaw in the consultation process does not render the Arrangements contrary to the Code, and the Trust is not required to rerun the consultation.

The consultation did not provide adequate time for consideration and response.

61. This aspect of the objection concerns the third Gunning principle. The objection stated:

“The consultation did not provide adequate time for informed responses. The [consultation rationale and FAQ document] was published in early November 2025, at least two weeks after the consultation commenced, reducing the effective period for informed consideration.”

62. I asked the Trust to explain how and when consultees would have been able to access the proposed arrangements and each of the other documents in use during the consultation. The Trust told me:

“Information relating to the proposed changes to the admissions arrangements for MHS (and RPS, although that consultation is not the subject of this objection) was posted on the Local Authority website along with information relating to consultations at other schools. The information can still be seen here [weblink provided].

The headteacher at Marple Hall School made all recipients of his weekly blog, approx. 95% of the families of students at the school, aware of the consultation. The blog was posted on 22nd October, the first day of the consultation, and was also sent directly to recipients on 23 October 2025. . .

[The consultation rationale and FAQ document] was written as a Q+A/rationale document in response to the initial feedback received during the first week of the consultation, which coincided with the half term break. [This] was published on the relevant page of the school website on 6th November, with a blog highlighting this being sent to all recipients on 7th November”.

63. The weblink the Trust provided is to a page on the LA website which hosts the proposed arrangements and the rationale document. That the proposed arrangements were published for the entirety of the consultation period is not in dispute.

64. The statutorily prescribed time period for consultation must by definition be adequate for consideration and response. Whilst publication of a rationale or other additional information is undoubtedly good practice, statute requires only that proposed arrangements are published; therefore this must be adequate.

65. The Trust published the proposed arrangements for the duration specified by the Code, and within the timeframe prescribed for doing so. Consequently, I do not uphold this aspect of the objection.

Documentation which records the decisions taken following consultation does not demonstrate that concerns raised by consultees were taken into account or influenced the outcome.

66. The fourth Gunning principle is relevant to this aspect of the objection. The objection cited various evidence sources and stated:

“There was overwhelming and substantial opposition to the consultation: 473 (91%) out of 522 respondents were opposed [as shown in the consultation responses and the Trust minutes].

The Trust acknowledged that [in the management report]:

“Overall, the responses reflect a strong preference for maintaining the admissions arrangements that continue to prioritise children living closest to Marple Hall and those currently within its established catchment area.”

Outside of the consultation process, the level of opposition among the local community also led to the local MP raising concerns with the Trust regarding the impact on catchment families [letter supplied].

In addition, concerns were raised by consultation respondents regarding fairness,

clarity and lack of supporting evidence [as in the management report] there is no indication that these concerns were substantively addressed in the decision-making documentation [the management report and the Trust minutes].

Despite the level of opposition expressed through the consultation:

- all proposed changes were implemented in full
- no material amendments were made to the admission arrangements

The decision making documentation does not demonstrate how the substantive concerns raised by consultees were taken into account or influenced the outcome.”

67. The fact that the decision taken was different from the majority of views gathered cannot be relied upon as evidence that the Trust did not take those views into account. Consultation is a process which seeks comments from interested parties on proposed arrangements. Following consultation, it is for the admission authority to decide whether to determine arrangements which are the same as, or different from those proposed. An admission authority does not need to do what the majority of consultees want it to do; it must consider the views of consultees but may choose to adopt a different course of action where it has legitimate reasons for doing so.

68. In advance of the Trust meeting of 5 February, at which the Arrangements were determined, Trustees were provided with the management report and a number of appendices including: the consultation responses; cohort data showing percentages of children at RPS living within and outside of the MHS catchment area; and LA data showing projected pupil numbers at MHS in future years. The management report includes data which summarises the consultation responses and provides examples of concerns raised. I find no reason to doubt that Trustees, as the decision makers, had full access to the outcomes of the consultation. The Trust minutes show that the scale of the opposition to the proposals was presented, and discussions took place before the decision was made. Those minutes record that a discussion regarding the proposed priority for RPS pupils comprised an “extended debate of at least 50 minutes”.

69. A consultation is not a referendum; there is no requirement on an admission authority to go with the majority view. I have found no evidence that the Trust did not take proper account of the responses to the consultation.

70. For the reasons set out above, I do not uphold this aspect of the objection.

Data provided to decision makers did not demonstrate the impact of the proposed changes; this undermined the evidential basis for the decisions made.

71. The objection stated:

“Appendix 6 in [the management report] provided to decision-makers combined data across multiple schools rather than presenting MHS in isolation...This is significant.

MHS is oversubscribed and experiencing a shortfall of places, whereas some other schools in the dataset may have surplus capacity. Aggregation in this context obscures the specific demand pressures at MHS and masks the extent to which the changes will displace catchment pupils.

In the absence of school-specific analysis, the documentation does not demonstrate that the impact of the proposed changes - particularly in terms of displacement of catchment children - was properly understood or assessed. This undermines the evidential basis for the decision and calls into question whether the requirement for fair arrangements, as set out in the School Admissions Code, has been met.

Furthermore, elements of the data presented in the appendices in [the management report] lacked sufficient explanation (e.g. inadequate labelling of graphs and lack of explanatory footnotes). This limits transparency and restricts the ability of decision-makers to interpret the data reliably. As a result, the supporting evidence cannot be regarded as a robust or sufficient basis for informed decision making.”

72. I have examined Appendix 6, which sets out demand for places in the planning area to which the School belongs and the availability of places in that area. This is the aggregation to which the Objector refers. Local authorities use planning areas, which are groups of schools in the same geographical area, for school place planning purposes. Data regarding a planning area is likely to be useful when considering an individual school, as it provides a wider view of demand and capacity. Consequently, I do not find its inclusion to be a flaw.

73. The Objector alleges that there was an “absence of school-specific analysis”, and that documentation provided to Trustees “does not demonstrate that the impact of the proposed changes - particularly in terms of displacement of catchment children - was properly understood or assessed”. Appendix 6 includes a graph showing forecasted demand for places at MHS in future years and sets out “indicative year group totals” for those years. Appendix 6 also shows the number of children living in the catchment area of the School likely to be displaced by the prioritisation of children from RPS. Appendix 5 sets out cohort data for RPS, with the number of children in each year group who reside within, and outside of, the MHS catchment area. The Trust minutes show that the expected impact of greater priority being afforded to children of staff was discussed and quantified.

74. I am satisfied that Trustees were provided with data showing, as the Objector puts it, the specific demand pressures at MHS.

75. The Objector asserts that the data presented to Trustees lacked sufficient explanation. I have studied the data in question and have found it to be clear. The Trust minutes do not demonstrate that any issues were raised regarding the clarity of information provided.

76. For the reasons set out above, I do not uphold this aspect of the objection.

The oversubscription criteria are contrary to the requirements of the Code to be fair, clear and objective.

77. The following paragraphs of the Code are relevant to this part of the 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: “Oversubscription criteria **must** be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation. Admission authorities **must** ensure that their arrangements will not disadvantage unfairly, either directly or indirectly, a child from a particular social or racial group, or a child with a disability or special educational needs, and that other policies around school uniform or school trips do not discourage parents from applying for a place for their child. Admission arrangements **must** include an effective, clear, and fair tie-breaker to decide between two applications that cannot otherwise be separated.”

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.”

1.16: “If admission authorities decide to use social and medical need as an oversubscription criterion, they **must** set out in their arrangements how they will define this need and give clear details about what supporting evidence will be required (e.g. a letter from a doctor or social worker) and then make consistent decisions based on the evidence provided.”

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.”

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

78. Parents may apply for a place for their child at any school of their choice; this does not have to be one for which they are in catchment, if such areas are in use, or even one in the local authority area in which they live. Some schools will inevitably attract more applications than others; there are many reasons why a school may be popular and no child

(except one with an EHC plan which names a school) can be guaranteed a place at the school which their parents most want them to attend. Oversubscription criteria must be included in admission arrangements to make clear how admission will be prioritised when the number of applications is greater than the number of places available in the relevant age group¹.

79. I will first consider the matter of 'geographical hardship'. The objection stated:

"The amendments to Criterion B...relating to geographic hardship lack clarity. The published wording introduces reference to distance (including the statutory walking distance of three miles) but does not define how this factor will be applied . . .

At the time of publication of the 2027/28 MHS admissions policy [the Arrangements] (March 2026), the criteria for geographic hardship...were undefined in operational terms. Parents are therefore unable to understand how places will be allocated, contrary to the requirements of the Code".

80. Criterion B prioritises "Children considered to have 'highly exceptional medical/social reasons", and a note in the Arrangements which clarifies that criterion states (my underlining for emphasis):

"Where applicants wish to be considered under the highly exceptional medical or social reasons criterion, they should indicate this on application and state the nature of the condition and/or circumstances. The applicant must also provide School Places, Admissions & Transport Team with written evidence in support of their application. The supporting evidence must relate specifically to the child or family and this school and must clearly demonstrate why this is the only school that could cater for the child's specific requirements/needs. It should also explain any difficulties that would arise if the child had to [attend] an alternative school for example, having to travel more than the statutory walking distance (3 miles) to the next nearest Stockport high school. This evidence must be submitted along with the application to the School Places, Admissions & Transport Team by the closing date for applications at the latest."

81. The provision underlined, which the Objector refers to as geographic, or geographical hardship, did not appear in the 2026 admission arrangements.

82. Paragraph 14 of the Code requires that admission arrangements are clear, and that parents can look at a set of arrangements and understand easily how places will be allocated. Paragraph 1.16 requires that where admission authorities decide to use social and medical need as an oversubscription criterion, they must set out in their arrangements how that need will be defined.

¹ This is the age group at which pupils are or will normally be admitted to the school e.g. Reception, Year 7 and Year 12 where the school admits external applicants to the sixth form (Section 142 of the School Standards and Framework Act 1998).

83. In response to this aspect of the objection the Trust stated:

“Trustees were mindful of the particular geography of the Marple Hall catchment. The eastern part of the catchment is more rural in nature and pupils living in those areas can face fewer realistic alternatives if they are unable to secure a place at Marple Hall School. The proposed arrangements seek to recognise these circumstances and reduce the risk of children living at the furthest reaches of the catchment being required to travel significantly longer distances to alternative schools...Further objective criteria have been drafted ready for use to ensure that the application of the proposed changes meets the requirement of the code, but the Trust believes that suitable information was shared as part of the consultation process.”

84. I recognise that the Trust has completed work on “further objective criteria”, but this sits outside the Arrangements, is not accessible from the Arrangements, and consequently has no effect on compliance with the Code. The consultation process is not relevant to this aspect of the objection.

85. I find the Arrangements to be unclear in respect of geographical hardship as they do not set out how clearly such needs will be defined. It is not clear how decisions regarding the prioritisation of applicants on this basis will be made or what is meant by “difficulties”. The Arrangements imply that travel difficulties would afford an applicant priority under criterion B only when combined with other exceptional circumstances; this would appear not to be what the Trust intends.

86. For the reasons set out above, I find that the Arrangements are contrary to paragraphs 14 and 1.6 of the Code and I uphold this aspect of the objection.

87. For the avoidance of doubt, the Trust must revise the Arrangements to ensure that Criterion B, and any notes which support it, are clear.

88. I turn now to the matter of displacement. That is, whether applicants living in the catchment area of MHS are likely to be displaced due to the prioritisation of children from RPS and children of staff; and, if so, whether this is contrary to the requirements of the Code to be reasonable and fair.

89. The objection referenced pressure on places at the School and stated:

“The objection does not challenge the permissibility of feeder school or staff priority criteria under the School Admissions Code. Rather, it concerns the application and impact of those criteria in the specific circumstances of MHS, where there is clear and evidenced oversubscription, a population bulge and a known shortfall of places for children living within the established catchment area. . .

Due to the forecast shortfall of places at MHS for the next few years (even if the school admits above PAN), each place allocated to a non-catchment child under these new arrangements will result in a catchment child being unable to access MHS.”

90. The objection also stated:

“While catchment areas are not required by the Code, where they are long established and relied upon, any reduction in access must be supported by clear and proportionate evidence”.

91. I make it clear that admission authorities must determine their arrangements annually and, subject to the requirements for consultation being met, may revise their arrangements each year should they so wish. Consequently, there is no reason under the Code to assume that the admission arrangements of any school will remain unchanged. As I have said, the Code requires that admission arrangements are reasonable and fair; it does not require admission authorities to evidence revisions to them as the Objector asserts.

92. ‘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; its requirements will depend on the circumstances. Fairness is focused on the effect of the Arrangements on any relevant group. This must be considered in context. It may be the case that the justification for the adoption of a particular set of oversubscription criteria could override any unfairness. Where the available evidence does not establish disadvantage, there cannot be any unfairness. This also means that oversubscription can be fair but if, over time, the situation changes, they may become unfair.

93. 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.

94. To determine whether the oversubscription criteria in question are reasonable, I will apply what I will refer to as the ‘reasonableness test’. This is a two-stage objective test in which the first stage is the consideration of the rationale for adopting that which is the focus of the objection. The second is the effect of its practical operation.

95. I asked the Trust for its rationale for the oversubscription criteria. In respect of why it had chosen to name a feeder school in the Arrangements the Trust stated:

“The Trust chose to name a feeder school in the admission arrangements because it wishes to develop a coherent and consistent educational experience for children across the primary and secondary phases of education. The proposal forms part of the Trust's strategic objective of creating a stronger 4-16 educational pathway between its schools, enabling greater curriculum alignment, enhanced transition arrangements

and improved pastoral continuity. This rationale was discussed extensively by Trustees when considering the outcome of the statutory consultation.

Trustees considered that effective transition from primary to secondary school is one of the most significant stages in a child's education. By formally recognising an established educational pathway within the admissions arrangements, the Trust is better able to plan learning progressively across phases and ensure that pupils experience greater continuity in their educational journey.

The Trust also considered the practical impact of any change. Trustees reviewed local authority forecasts showing that pupil numbers are projected to decline over time and that, beyond a relatively short period of increased demand, capacity pressures are expected to reduce. This gave Trustees confidence that introducing a named feeder school could be achieved without significant long-term detriment to local families.”

96. The Trust also provided its rationale for the choice of feeder school (that is, why RPS has been named):

“Romiley Primary School was selected because it is the Trust's only primary-phase school and has an established educational relationship with Marple Hall School. The proposal was not intended to create an entirely new pathway from an unconnected primary school to MHS, but rather to recognise and strengthen an existing and long lasting pathway.”

97. In respect of the priority afforded to children of staff the Trust told me:

“The Trust chose to prioritise children of staff because it believes the criterion supports the recruitment and retention of high-quality employees. Trustees considered evidence that recruitment across the education sector is becoming increasingly challenging across a range of teaching and support staff roles and that schools require appropriate tools to compete effectively for talented staff.

Specific consideration was given to recruitment challenges in hard-to-fill areas, including science, mathematics, pastoral support and SEND-related roles. Trustees concluded that a staff criterion provides a modest but valuable incentive to prospective and existing employees and therefore supports workforce stability, which ultimately benefits pupils.

Trustees also considered the likely impact on admissions. Historic evidence demonstrated that very few children gain admission through the staff criterion each year, typically between zero and three pupils. The criterion is therefore limited in effect and does not materially alter the overall pattern of admissions. Trustees concluded that the recruitment and retention benefits significantly outweighed the very small impact on the allocation of places.”

98. I also asked the Trust why it has chosen to prioritise children from RPS, and children of staff, above others living in the catchment area. The Trust responded:

“The Trust carefully considered the position of catchment-area families before reaching its decision. Trustees recognised that some children living within the catchment area who would otherwise have been offered a place may be affected in a small number of years. However, the Trust concluded that the educational and operational benefits associated with the proposed criteria justified this limited impact.

In relation to Romiley Primary School pupils, Trustees considered that these children form part of a recognised educational pathway between the Trust's primary and secondary schools. The majority of children who attend RPS already gain places at MHS through existing admission arrangements. However, for those living outside the catchment the new criterion promotes educational continuity, strengthens transition arrangements and supports the Trust's ability to develop a coherent 4-16 curriculum and pastoral offer. Trustees considered these to be legitimate educational objectives that distinguish this group from the wider catchment cohort.

In relation to children of staff, Trustees concluded that supporting recruitment and retention is a legitimate objective which directly contributes to school effectiveness. Maintaining a stable and high-quality workforce is fundamental to delivering the best possible outcomes for all pupils, including those living within the catchment area.

In reaching their decision, Trustees reviewed local authority forecasts, pupil number projections and modelling of potential displacement. Even using cautious assumptions, the projected impact on catchment-area applicants was limited, temporary and expected to reduce further as pupil numbers decline. Trustees also noted that Marple Hall School had historically agreed to admit additional pupils above its published admission number to support local demand and was willing to continue discussions with the Local Authority regarding the continuation of that arrangement in order to minimise any impact on families.

Having weighed all relevant factors, Trustees concluded that the feeder school and staff criteria were proportionate measures that support educational continuity, workforce stability and the strategic development of the Trust, whilst having only a limited impact on the wider catchment population.”

99. The Trust has provided a clear rationale for the oversubscription criteria. I find nothing unreasonable in the Trust's rationale and I find that the oversubscription criteria are reasonable in seeking to achieve that rationale. Consequently, I find the oversubscription criteria are of themselves reasonable and that the Arrangements meet the first stage of the ‘reasonableness test’. I will now consider the effect of the application of the oversubscription criteria.

100. Not all parents of children living within the catchment area of MHS wish their children to attend the School. LA data shows that, in 2025, first preference applications for children in that area were to 14 different secondary schools. Nevertheless, the majority (324 out of 386 in-catchment applications) were to the School, and MHS is popular and oversubscribed. Although the Trust has made offers above the level of the School's PAN in recent years, it cannot accommodate all children who wish to attend. The Trust provided the data below: table 2 sets out the total number of applicants and offers made for places at the School on National Offer Day (NOD) in recent years, plus the number of applicants and offers organised by preference for first, second and third preferences. Table 3 shows the number of children with EHC plans offered a place at the School in each of 2024, 2025 and 2026, and the numbers of children who were offered a place under each oversubscription criterion. In each of these years, the PAN of the School was 300 but 330 places were offered on NOD.

Table 2: Applications for places at the School and offers made on National Offer Day.

	2024 entry		2025 entry		2026 entry	
	Applied	Offers	Applied	Offers	Applied	Offers
Total applications and offers	823	330	723	300	793	330
First preference applicants	400	319	373	287	389	318
Second preference applicants	213	9	201	14	219	5
Third preference applicants	126	1	97	2	110	2

Table 3: Numbers of children with EHC plans offered a place at the School, and offers made under each oversubscription criterion as abbreviated.

Numbers offered for Year 7	2024	2025	2026
EHC plan	13	23	11
LAC/PLAC	6	8	15
Medical /social	2	0	1
Sibling in-catchment	91	171	123
In-catchment	218	128	180
Staff	0	0	0
Sibling not in catchment	0	0	0
Other children	0	0	0

101. The data show that almost all places at the School have, in recent years, been allocated to applicants afforded priority due to living within the catchment area. In the three years shown, no children living outside that area were offered a place unless they were prioritised on the basis of having a medical or social need, were a LAC or PLAC, or had an EHC plan naming the School. The data also show that no offers were made under the criterion which afforded priority to children of staff.

102. The Trust supplied data which show that in 2026, 43 children from RPS were offered a place at MHS, 40 of whom lived within the catchment area. In 2025, 38 offers were made to RPS pupils (37 in catchment); and in 2024 there were 41 such offers (40 in catchment). In these years, the RPS pupils offered a place at MHS under non-catchment criteria were either LAC/PLAC or were prioritised under criterion B; I do not know whether any of these children also lived within the catchment area.

103. The objection stated:

“there is no fair justification for the new arrangements under which children who do not live in the MHS catchment area, but attend RPS, are prioritised above catchment children.”

104. Affording priority to children from RPS means that some children living in the catchment area of the School may be displaced; the Trust has recognised this as part of its rationale. If, say, the parents of all the children now in Year 6 at RPS expressed a first preference for MHS they would, given the priority which the Arrangements afford them, be almost certain to secure a place for 2027/28. However, many of those children live within the MHS catchment area; the Objector is concerned with non-catchment children and the effect their admittance is likely to have on in-catchment applicants.

105. The Trust provided data from April 2026 showing the total number of children in each year group at RPS, and the number of those living within the catchment area of MHS (based on information gathered at the point of admission to RPS). This shows that all 62 children in Year 6 at RPS are within the MHS catchment. There are 58 pupils in the Year 5 cohort, which is due to enter Year 7 in 2028, 12 of whom are not in MHS catchment.

106. The Trust estimates that the prioritisation of RPS children would result in the displacement of seven catchment children in 2027/28. Using the expected admission number of 330, this is equivalent to 2.1 per cent of admissions. The Trust forecasts that 14 children will be displaced in 2028; If admissions are made only up to the level of the PAN, this is equivalent to 4.7 per cent of all admissions. These estimates are slightly higher than the numbers of RPS children recorded as not living within MHS catchment and it may be, of course, that some children have left or joined RPS, or there are children who were in catchment but no longer reside there. In any case, the data do not suggest that the prioritisation of RPS pupils for admission to MHS will result in large numbers of in-catchment children being displaced.

107. I note that the LA told me, in respect of criterion C:

“Within the Stockport area, some schools do have feeder primary schools as part of their admission arrangements and this has worked well. The prioritisation of children who have attended Romiley Primary School as part of the oversubscription criteria for Marple Hall School does not appear to Stockport Council to be unfair or unjust given they are in the same Trust. Data produced by the Trust as part of the consultation showed that the number potentially being displaced is minimal. Stockport Council does not have any objection to this oversubscription criteria.”

108. Children of members of staff may, due to the priority afforded to them in the Arrangements, displace children living within the catchment area of MHS. In respect of the likely scale of this displacement, the Objector referenced the Trust minutes which record that the “real-world impact” of the priority afforded to the children of staff is “typically between 0–3 pupils per year”. The Objector stated:

“the reference to “typically between 0–3 pupils per year” does not appear to reflect the likely impact of the proposed changes. That figure seems to be based on historical data from when the criterion for children of staff sat below catchment children in the oversubscription hierarchy. Given that MHS is heavily oversubscribed, it would be expected that very few children of staff would have secured places under those previous arrangements.

No evidence has been provided demonstrating that the actual forecast impact has been reassessed under the revised priority order. In an oversubscribed system, even small numbers directly affect allocation outcomes when priority is changed.

A fairer approach would be to have the children of staff criterion below children living in catchment and to tighten the definition of qualifying staff in line with the stated aim of the change, i.e. STEM subjects, pastoral and SEND support only.”

109. The Objector has made a suggestion as to how the Arrangements could be changed to make them, in their view, ‘fairer’. 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. If I uphold this objection, it is for the Admission Authority to address any non-compliance issues within the required timeframe. I cannot, therefore, advise on any suggestions made.

110. The Objector disputes the Trust estimate of “0-3 pupils per year” on the basis that previously such applicants were unlikely to secure a place. I asked the Trust how many first preference applicants for MHS sought prioritisation on the basis of being a child of a member of staff in recent years, irrespective of whether or not a place was secured. The Trust told me that there were two such applicants in 2024, four in 2025 and four in 2026. The Objector made the following comment in response to this:

“Historic data on children of staff applications are not representative of (and are very likely to underestimate) the potential demand under the new criteria, given children of staff were previously unlikely to secure a place at an oversubscribed school when they ranked below catchment children, hence much less likely to apply historically. It should be noted that MHS has around 1600 pupils and therefore a very large number of staff.”

111. The Objector is of the view that members of staff may be more likely to apply for a place for their children at MHS under the new oversubscription criteria. I accept this may be the case but am not able to forecast any likely effect. I am not aware of any data which shows, say, the number of staff at the School with children and the ages of those children, and it would be far beyond the jurisdiction of the adjudicator to request this. In addition, parents may take many different factors into account when choosing a school and some members of staff may indeed live within the catchment area of MHS.

112. The Trust has a rationale for the oversubscription criteria of MHS which I find to be reasonable. I have seen no evidence to suggest that large numbers of in-catchment children will be displaced by children from RPS, or those of members of staff, who do not live within the catchment area. Consequently, I find that this particular likely effect of the oversubscription criteria is reasonable.

113. As I have said, fairness is not defined in the Code. I must be clear however that simply not being able to obtain a place at your school of choice is not of itself unfair. Data on the Explore Education Statistics website show that for entry to secondary school in England in 2026, 16.4 per cent of applicants were refused an offer at their first preference school.

114. It is my view that admission arrangements could be considered unfair if their effect were to be that children could not attend a school within a reasonable distance of their home.

115. MHS is, as described on GIAS, in a location which is “Urban: Nearer to a major town or city”. GIAS shows that there are four other secondary schools within three miles of the School and nineteen within five miles. The LA provided data showing the demand for places at the four other secondary schools within three miles of MHS. This showed that three of these schools received, in 2026, a number of first preference applications lower than their PANs.

116. The matter of the geography of the area around MHS has been raised by parties during the course of this case. The LA described issues relating to this:

“Due to the population bulge moving through primary schools into secondary schools for the last few years and for the next three or four years, there have been changes to traditional patterns of those children who have been allocated places at some of Stockport’s secondary schools. This has been particularly acute in the catchment area of Marple Hall School where the eastern side of the catchment area borders Derbyshire and Cheshire East Council areas and is mainly rural in nature. Children in the most eastern areas have not been able to secure a place at Marple Hall School

due to the distance tiebreaker within the catchment oversubscription criteria and have been allocated schools some distance away, often travelling past Marple Hall School to get to the allocated school. This is particularly an issue where Stockport Council have not been able to allocate any of the preferred schools and have allocated the nearest available school with room which has mostly been Werneth School. It is acknowledged that New Mills School may be closer than Werneth School but as this is in another council area, it cannot be allocated by Stockport Council. Addresses on the western side of the catchment area generally have access to a greater number of alternative schools within a reasonable distance. . .

The Council believe that [criterion B] is reasonable to assist applicants from the areas that have struggled to gain a place at the school due to their geographical isolation in the borough. . .

As numbers coming into Year 7 begin to fall, the pressure on places at the school from within the catchment area will decline.”

117. The management report includes a graph which shows the spread of home addresses for all RPS children; most of those not within MHS catchment live toward the west. Those children have access to, as the LA says, a greater choice of secondary schools within a reasonable distance of their homes than do pupils living at the eastern side of the catchment area. The recognition of geographical hardship in criterion B is intended to provide some mitigation in respect of this. To be clear, there is no requirement in the Code for all children to have, say, an equal number of schools from which to choose, within a certain distance of their homes, and the geographical imbalance which the LA describes does not mean that the Arrangements are unfair.

118. The Code provides at paragraph 1.9 that it is for admission authorities to formulate their arrangements provided that they do not breach certain requirements. There is no requirement to give priority to pupils for whom the school is the nearest, ahead of pupils who live further away. Schools are not required to have a catchment area, and where such an area is in use there is no requirement that children living within it are afforded priority above other applicants. Admission authorities have the power to decide how they give priority for places, provided they do not use practices that the law prohibits and provided their arrangements are fair, clear and objective as required by paragraph 14 of the Code. Inevitably, the oversubscription criteria that admission authorities choose, and the way they are ordered, will provide some groups of children with an advantage over others; this is, after all, the purpose of oversubscription criteria.

119. I have weighed this case carefully. I find that the rationale of the Trust is reasonable, and the effect of the oversubscription criteria which afford priority to RPS pupils and children of staff is likely to be reasonable. The number of out-of-catchment applicants likely to be admitted to the School as a result of these criteria is low and will form a small proportion of total admissions; consequently the scale of displacement will be low. There are likely to be

surplus places at alternative schools within a reasonable distance of the homes of the children who are displaced.

120. For the reasons set out above, I do not find the oversubscription criteria to be unreasonable or unfair and I do not uphold this aspect of the objection.

Other matters

121. Having considered the Arrangements as a whole it appeared to me that there are other matters which do not conform with requirements of the Code and so I brought them to the attention of the Admission Authority. These matters are set out below (paragraphs of the Code are indicated where relevant).

122. The Arrangements state, “The Governing Body are [sic] the Admissions Authority for Marple Hall School”. As the Trust is the admission authority for the School, this is inaccurate and contrary to paragraph 11 and paragraph 14 of the Code.

123. The Arrangements afford greatest priority to LAC and PLAC, as required by paragraph 1.7 of the Code. However, as those children are not defined, including to make clear that previously looked after children include those who appear (to the Admission Authority) to have been in state care outside of England, the Arrangements are contrary to the Code. (Paragraphs 14 and 1.7).

I note that in its response, the Trust provided wording it intends to use to rectify this matter. I am unable to comment on that wording as my jurisdiction is limited to the determined Arrangements. Admission authorities generally find it helpful to mirror the definitions set out in the Code.

124. The Arrangements state:

“If there are two or more applications with distances which are exactly the same competing for a final place random allocation will be used to determine which applicant will be allocated the final place. The random allocation will be carried out in a public place. All the names will be entered into a hat and the required number of names will be drawn out.”

I was concerned that the Arrangements may be contrary to paragraph 1.35 of the Code, which requires that the random allocation process is supervised by someone independent of the School, and to paragraph 1.34 which requires that the process is clear. When I drew this matter to the attention of the Trust it stated:

“The school uses the Local Authority admissions process to administer the admissions arrangements. The Trust has no objection to amending the process to include supervision by a person independent of the school following the determination.”

The process described in the Arrangements does not seem to be one generally utilised by local authorities; however, I have not asked the LA to set out the approach it uses.

For the avoidance of doubt, the random allocation process may be supervised by the LA if the Admission Authority so chooses. The Arrangements must be revised to make this clear and must set out how random allocation will operate.

125. The Arrangements afford some priority to applicants who live in the catchment area of the School. The Arrangements make no attempt to define that catchment area. Consequently, they are contrary to paragraph 1.14 of the Code, which requires that catchment areas are clearly defined. In respect of this matter the Trust stated:

“The school web page covering admission and transition states that the school uses the Local Authority admissions process. Under this statement are links to Stockport LA information, the second of which provides access to catchment area maps. [Three weblinks provided]. The school is happy to provide a direct link to the catchment area page of the LA website in order to make this information easier to find for parents and carers.”

In the interest of completeness, I visited the School website and found that the Admissions page contains a statement that “Marple Hall uses the Stockport Local Authority admissions process”, as the Trust described. Under that statement are three links to the LA website, none of which take users directly to information on the catchment area of the School.

For the avoidance of doubt, the Code requires that, where an admission authority has chosen to use a catchment area, that area is clearly defined as part of the admission arrangements. The catchment area may be defined on the School website or that of the LA, but this must be accessible via a single-click link from the Arrangements.

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

Determination

127. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objection to the admission arrangements determined by Helix Academies Trust for Marple Hall School for 2027/28.

128. 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.

129. 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: 28 October 2026

Signed:

Schools Adjudicator: Jennifer Gamble