



Office of
the Schools
Adjudicator

Determination

Case reference: ADA4609

Objector: A parent

Admission Authority: Avanti Schools Trust for Avanti House School

Date of advice: 30 October 2026

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements determined by Avanti Schools Trust for Avanti House School for September 2027.

I have also considered the arrangements under section 88I(5) and find that they do not comply with requirements relating to admission arrangements in the 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 view of the deadline of 31 October 2026 for parents to express their preferences for places at secondary schools in September 2027, the Trust must revise its arrangements as soon as possible.

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 (the arrangements) for September 2027 for Avanti House School (the school), a coeducational academy free school for children aged 11 to 18. The school is designated as having a Hindu religious character.

2. The Local Authority for the area in which the school is located is the London Borough of Harrow Council (the Council, the LA). The LA is a party to this objection. Other parties to the objection are:

- The objector
- The Avanti Schools Trust (the Trust)
- The school's faith body, The International Society for Krishna Consciousness (ISKCON). I note here that Schedule 3 of the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 (the Regulations) the representative bodies for all Hindu schools as "The I-Foundation". The Trust was asked to provide further information and it gave the contact details for ISKCON.

3. The objection is to the combined effect on admissions to the school caused by the priority given in the arrangements to children who have a sibling already at the school, or who have attended one of the named feeder schools, or who are prioritised because of their Hindu faith. The objector has expressed this as a number of specific objections which I will set out below.

Jurisdiction

4. The terms of the academy agreement between the Trust and the Secretary of State for Education require that the admissions policy and arrangements for the school are in accordance with admissions law as it applies to maintained schools.

5. These arrangements were determined under section 88C of the Act by the Trust, which is the Admission Authority for the school on 5 February 2026.

6. The objector submitted his objection to the determined arrangements on 25 March 2026. The objector has asked to have his 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 his name and address to me.

7. 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.

8. The objector has made a suggestion as to how the arrangements for 2027 for the school could be changed to make them, in his view, 'fairer'. As an adjudicator, my role is not to give advice. My jurisdiction is in relation to the arrangements which have been determined

and to decide whether they comply with all relevant legal requirements. It is not open to me to determine how the arrangements should be. If I uphold this objection, or any part of it, it is for the admission authority to address any non-compliance issues within the required timeframe.

9. Since my jurisdiction is solely for the determined arrangements for the school, I do not consider the following matter, which the objector referred to in the objection, to be within my jurisdiction:

- That the admission arrangements of the two named feeder schools and those of the school do not operate independently but are “strikingly similar”.

There is, in any case, no prohibition on schools, even if one is a feeder schools for the other, having identical admission arrangements.

10. 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

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

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

- the objection dated 25 March 2026 and subsequent correspondence from the objector;
- a copy of the minutes of the meeting of the Trust at which the arrangements were determined;
- the determined arrangements for 2027/2028 which includes the Supplementary Information Form (SIF);
- the determined admission arrangements for Avanti House Primary School for September 2027;
- responses from the LA, the Trust, the LA and ISKCON including to my requests for further information;
- the LA’s composite prospectus for secondary school admissions in 2027-2028;
- details of the guidance on admissions provided to the school by the faith body;

- a map of the area showing the location of schools;
- a copy of the school's Supplemental Funding Agreement with the Secretary of State for Education dated 2012 and the Deed of Variation dated 2017;
- Annex 1 of the school's current Supplementary Funding Agreement which sets out the requirements concerning the admission of pupils;
- information available on the websites of gov.uk (including the 'Get Information About Schools' (GIAS) the LA, the school and Ofsted.

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

Background

14. The school was last inspected by Ofsted in June 2025 when it was judged to be "outstanding" in all categories.

15. The published admission number (PAN) for admissions to Year 7 at the school in September 2027 is 180. Data shown on the LA's website for parents reveals that the school has admitted up to this figure in each of the last six years (including in September 2026) and also that it was heavily oversubscribed in each of these years. The objector included with his objection further data from this same source which shows how places were allocated against the school's oversubscription criteria in these years. I have myself seen this same data. I shall refer to it and to the objector's analysis and the comments of the parties concerning it below.

16. The arrangements state that children with education, health and care (EHC) plans will be admitted first. Then, when oversubscribed, children will be prioritised according to the oversubscription criteria. These can be summarised as follows:

- a. Looked after and previously looked after children (as defined);
- b. Children with a sibling (as defined) at the school at the time their application is made;
- c. Children who attend Avanti House Primary School or Krishna Avanti primary School at the time their application is made;
- d. Children of a member of the school's staff (as defined);

- e. Hindu children with a practicing Hindu parent who worships at an ISKCON temple (up to 15 places) with priority given to:
 - (i) children with a parent who has taken initiation (diksha) and attends Sanga (which is defined), then
 - (ii) children with a parent who attends Sanga.
- f. Up to 15 children with a practicing Hindu parent.
- g. Other children, with those whose home is closest to the school having priority.

Distance of the child's home, followed by random allocation, if necessary, is used to determine priority within a given oversubscription criterion.

17. A supplementary information form is provided for parents wishing to have their application given priority under oversubscription criteria e. and f. above.

18. The school became a separate secondary school in 2017, having been an all-through school since its inception in 2012. Avanti House Primary School, which is now a named feeder school for admissions, was part of the school until 2017. The objector has stated, and the Trust has not challenged this, that the combined number of places offered under oversubscription criteria e. and f. was capped at 10 until September 2023, when it became 30.

Consideration of Case

19. 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.

20. The following are the objections which have been raised, and which are within my jurisdiction to consider:

- A. That the arrangements fail to comply with the requirement that the practices and criteria used to allocate places are fair because they result in too few places being available to children who are neither siblings of children at the school, who attend a named feeder school or who are prioritised because of their Hindu faith. (Paragraph 14 of the Code)

- B. That the oversubscription criteria used in the arrangements fail to be reasonable because they have the effect of denying a reasonable number of places to parents new to the area or who are not of the Hindu faith, and because they contain no “cap” on the number of places available to children given priority under oversubscription criteria a.to f. above (the sibling, feeder and faith priorities combined). (Paragraph 1.8 of the Code)
- C. That the two feeder schools named in the arrangements have not been selected on reasonable grounds, as required under paragraph 1.15 of the Code, since both are Hindu faith schools whose combined PAN results in an unreasonable number of places at the school being available to children who have attended them. (Paragraph 1.15 of the Code)
- D. That the number of places available under oversubscription criteria e. and f. is unreasonably high and as a result denies places to children not of the Hindu faith in contravention of paragraphs 1.8, 1.36 and 1.37 of the Code.

21. I have determined that paragraphs 14, 1.8, 1.15 , 1.36 and 1.37 of the Code, as identified by the objector, are relevant. The objector has confirmed in correspondence seen by all parties that his objection also includes the following (which was not explicitly stated in his form of objection, but which was implied):

- E. That the arrangements fail to comply with the Public Sector Equality Duty set out in the Equality Act 2010.

I have accepted this as a further element of the objection.

22. The objections all relate to the same phenomenon, which is the number of places at the school which are in practice available to children to whom the oversubscription criterion “other children” applies. The objector said that there are insufficient such places and set out in his form of objection comprehensive data concerning these places (to which I have referred above) which the Trust has seen and which it has not challenged. The LA’s comprehensive prospectus provides historical data showing how places at the school have been allocated against the determined oversubscription criteria in different years, and this was provided for admissions in September 2021 to 2025 by the objector. I have confirmed the accuracy of this data by visiting the same source, and I have added the (allocation day) data for 2026 also shown there which the objector has also provided in further correspondence. I will summarise that information here (Table 1) in order to be able to refer to it when considering the different objection raised which relate to it.

23. The school has been very heavily oversubscribed in each of these years, with the total number of expressed preferences meaning that each of the available 180 places has consistently been the subject of 4 or 5 expressed preferences.

Table 1. Historical admissions data: Admissions under oversubscription criteria

Oversubscription criterion	2022	2023	2024	2025	2026
Students with EHC plans and students looked-after	3	6	9	11	14
Siblings	66	69	70	58	65
Feeder school	70	69	64	75	74
ISKCON + Hindu	10 (all ISKCON)	27 (12 ISKCON, 15 Hindu)	30 (15+15)	30 (15 +15)	26 (15 +12)
Other children	31	9	7	4	nil
Furthest distance from school of final child above	0.478 miles	0.295 miles	0.325 miles	0.196 miles	N/A

24. The objector has pointed out that until 2023 the number of places for which there was a direct priority for admission on the grounds of faith, which had been 10 in 2022 became 30 in 2023 and subsequently. He complains that the effect since that time of the combination of the priority given to siblings and that given to children from the feeder schools has generated a “self-perpetuating admissions pool” because the feeder school priority generates future siblings who in turn will ultimately deny places to other local children. He says that “new local families have no means of breaking into this cycle”.

25. The objector added that the expansion of the number of places for which some children are given priority on the grounds of faith (e. and f. above) since 2022 has caused the number of places available to local children (who cannot claim such priority) to “collapse”. He says that he is objecting to the “cumulative and unchecked effect of these criteria operating together without any cap, without any minimum guarantee for local children.”

26. Although his objections were originally expressed in slightly different words, the objector has confirmed that my summary of them (above) is accurate. I will now address these in turn.

Are the arrangements fair?

27. I need to be clear at this point that my concern is in respect of the school's admission arrangements for 2027 and that my reference to evidence which relates to admissions in previous years, such as that presented in Table 1 above, is for the purpose of coming to a view about how admissions in 2027 are likely to operate.

28. The objector cited paragraph 14 of the Code which requires that:

"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."

His view was that the arrangements "fail this test" because the school's arrangements in recent years (which have used the same oversubscription criteria in the same order as those determined for 2027) have resulted in too few places being available to children who are not either siblings of children at the school, children who attend a named feeder school or children who are prioritised because of their Hindu faith. Table 1 shows the relevant data, which are the number of admissions of children under each of the school's oversubscription criteria since September 2022.

29. I have noted in particular that the data for 2026 shows that on national offer day in April no children in the group the objector is concerned about were allocated places at the school for September 2026. I have received no information that this position has changed since that date, and it would seem that oversubscription occurred under the criterion giving priority to up to 15 children with a practicing Hindu parent, since only 12 were allocated a place. This means that the next three children to be admitted (had there been more places available at this point) would in all probability also have been from this group. Secondly, I note (as the objector has pointed out) that the rapid falling off of the number of places for "other children" between 2022 and 2023 coincides with the increase that took place between those years in the number of places for which children of the Hindu faith were given priority.

30. When the Trust responded to the objection, it said that the Code permits admission arrangements for schools to give priority to siblings, and to those attending named feeder schools. It noted that the data provided by the objector showed that far fewer than the 120 children who might do so (the combined PAN of the two feeder schools) had applied for a

place at the school each year. It then referred to the number of faith-based places provided for in the arrangements, saying that the school's Supplemental Funding Agreement "allows for it to prioritise up to 50% of applicants whose parents are practicing Hindus." It said that the number of such places is determined "only to the extent that there is a shortfall in the applications reaching PAN from numbers qualifying under oversubscription criteria [a. to d. above]."

31. In other words, the Trust has told me that it fully intends there to be as few remaining places as possible for "other" children, since its stated intention is to reach PAN with the number of children given priority because of their Hindu faith (as happened in 2026). It then argued that since it was possible for PAN to be reached before the faith-based oversubscription criteria are reached, there may be no such admissions under the arrangements which "may be considered to be unfair to children whose parents are practising Hindus" (but don't have a sibling at the Academy and did not attend one of its two feeder schools). I shall consider admissions to the school more broadly below.

32. For the moment, I am considering whether the arrangements are fair. The Trust said to me that "It is unfortunate and regrettable" that each year, it having been "as fair as it can be to its 'community', interpreted as its community of children who are siblings of its current pupils, pupils on the roll of one of its feeder schools and children of practising Hindu parents....this leaves a relatively small number of places for 'other' children". It says however that this is "not evidence of inherent unfairness of the Academy's admission arrangements but of the extent to which it is oversubscribed."

33. The test which I must apply is not whether there is the sort of "fairness" which I think both the Trust and the objector have in mind, which is whether there is an evenhandedness in how the arrangements allocate places, but rather whether the effect of the arrangements in practice is to cause an actual unfairness to a person or persons. In this case, the person would be a child, and an unfairness would arise for example if the effect of the arrangements was that a child denied a place at a school because of them cannot be provided with the education to which they are entitled within a reasonable travelling distance or time from their home. Such a child would suffer a meaningful, and in all likelihood, a harmful disadvantage which could have been avoided had different admission arrangements allowed them a place at the school in question.

34. At my request, the LA has provided me with admission data for the last three years for the three secondary schools which are those nearest to Avanti House School, and which would therefore be those most likely to act as alternatives for children unable to secure a place there. Of these, the two nearest (Park High School, 0.62 miles away and Canons High Schools, 0.94 miles away) did not reach their respective Year 7 PAN in any of the years 2024, 2025 and 2026, and these are of course the data at the end of the allocation process, when unsuccessful applicant for a place at the school will already have been allocated a

school place. Any child whose parents applied for a place at either of these schools would have been admitted in those years, and the number of such “available” places in 2026 (24 and 86 respectively) means that there is every likelihood that this would remain the case for admissions in 2027. Since both schools were rated by Ofsted as “good” in all categories when last inspected, the evidence that I have is that any local child not admitted to Year 7 at Avanti House School because of its admission arrangements for 2027 would be able to secure appropriate good quality alternative education at a nearby school. The LA’s composite prospectus also shows that there are seven other secondary schools within three miles of Avanti House School, some of which remained undersubscribed in 2026.

35. There is no evidence that the arrangements will give rise to unfairness, and I do not uphold this aspect of the objection.

Are the oversubscription criteria taken together reasonable?

36. I have summarised the objector’s arguments under “B” above. When it responded to this aspect of the objection, the Trust said that:

- (i) there is a cap on the number of admissions under oversubscription criteria e. and f.;
- (ii) it was therefore “interpreting” the objection to be about the oversubscription criteria for sibling and those attending feeder schools;
- (iii) it considered that removal of the priority given to siblings, or placing a cap on numbers, “would be potentially deeply divisive in terms of community relations, and therefore unreasonable”;
- (iv) it had made the decision to prioritise those “who are already within its ‘community’”, repeating how it “interpreted” this notion (see above), and that therefore it had not placed a cap on the number of places that it offered to children who had attended one of its feeder schools.

37. First, it is clear that the objection concerns how the oversubscription criteria work together and that the objector believes that it is their combined effect which makes the arrangements as a whole unreasonable. So, it is a little inappropriate for the Trust to make its own decision that it need only respond to this aspect of the objection on the basis of the oversubscription criteria which do not have their own individual cap. In doing so, it has chosen not to address the objection as it was made, in spite of having been given the opportunity to do so.

38. Instead, the Trust has asked me to consider the objection in its own terms. That is, in respect of matters which in isolation are easy to defend. It is of course the case that a priority

for siblings of children already at a school is a permitted oversubscription criterion, as the Trust has pointed out to me, and of course this is commonly used, for good reasons. Similarly, the Trust's argument against placing a cap on the number of children given priority on the basis of their attendance at a feeder school are well made, because they are easy to make. It is clearly appropriate only to give priority to all such children, or to none of them.

39. I set out in Table 2 my understanding of how the school's oversubscription criteria have changed over time. This has benefitted from the Trust's comments on an earlier draft.

Table 2. Changes affecting Year 7 admissions at the school

Year	Event	Feeder school	Whether there was any faith-based priority
2012	All-through school opens	Krishna Avanti Primary school named Y7 feeder	Trust unable to provide information
2017	Separate schools open	Avanti House Primary added as feeder for Y7	Trust unable to provide information
2017-2022		Both are feeders	10 ISKCON children given priority
2023-2027		Ditto	15 ISKCON + 15 practicing Hindu priority

40. The school was established on 1 September 2012 as a new faith-based free academy school. From 2010 onwards, such schools were required under their funding agreement to limit the proportion of their intake who are given priority on the grounds of faith to 50 per cent. It was necessary for me to ask the Trust to provide me with a copy of its Supplemental Funding Agreement (SFA) and specifically Annex 1 to that document which sets out the requirements concerning the admission of pupils, on repeated occasions. Even

though the Trust had referred to the SFA itself in correspondence, this was not forthcoming more than once when I had asked to be given a copy. I am bound to comment also that apparent misunderstandings concerning other information which I had requested from the Trust have led to repeat requests having to be made, all of which have resulted in delays in the progress of this case. The Trust has now provided me with a copy of Annex 1 to its current SFA.

41. Annex 1 to the school's SFA, which was not amended from the version which was part of the SFA made in 2012 when the school split in 2017 into the current primary and secondary schools by means of a Deed of Variation (which I have seen) says:

"The Company will:

.....

c. adopt admission criteria that provide that, if oversubscribed, at least 50% of its places available each year will be allocated without reference to any faith-based admission criteria."

42. For the most part, schools which have a religious character are permitted to give priority in their admission arrangements to children on the basis of faith on an unlimited basis. That is, if they are oversubscribed it is permissible for their admission arrangements to give priority to children on this basis for all of the places which they have available. There is therefore no expectation that these schools will provide, with certainty, places which are not prioritised on religious grounds. However, that is not the case for the school.

43. Until 2017, Avanti House School was a single all-through school and the cap on faith-based admissions therefore applied to its Year R admissions, as it does now to admissions to the separate primary school, as well as to the Year 7 admissions at the secondary school. The Trust has told me that it considers it reasonable to assume that the proportion of children admitted to Year 7 at the school under the priority given to children attending what are now the named feeder schools in recent years who are practising Hindus will have been 50 percent as a result. Nevertheless, it says that these children are not to be taken into account when considering whether the school is making 50 percent of its places available without reference to faith. It says that all of the places in the school's oversubscription criteria which give priority to children from feeder schools have been allocated without reference to faith, which is of course technically correct. It says that it would be impossible for it to require children from a feeder school to prove that they were not of a particular (or any) faith.

44. The objector's complaint is that the increase in the number of faith-based places under oversubscription criteria e. and f. shown in Table 2 in recent years has meant that the number of remaining "other" places are now too small, rendering the arrangements unreasonable. As I have said, the Trust has expressed its intention to fill remaining places

with children who are given priority on the basis of faith, and there were no remaining places for “other” admissions in 2026.

45. I think there are two matters to which I must have regard when considering the reasonableness of the school’s oversubscription criteria. The first is the 50 percent rule itself, and whether the Trust is acting reasonably with respect to it, in and of itself. The second is whether it is acting reasonably regarding the consequences of the limitation imposed by its SFA as this affects the admission of other children to the school.

46. The total number of children transferring under the feeder school oversubscription criterion in recent years is shown above, in Table 1. The Trust has pointed out that these have been significantly fewer than the total number on roll at the two feeder schools (120), ranging from 80 (in 2021, not shown in the table) to 64 in 2024. My own view is that the Trust’s assumption that no more than 50 per cent of these children would have been practising Hindu parents because of the restriction imposed by these schools’ own SFAs may be inaccurate. It is quite possible that the proportion would be higher.

47. It is also the case that many children admitted to the school in Year 7 under the priority given to siblings of older children will have attended one of the two feeder schools. At least some of these children will have been the brothers and sisters of children admitted in previous years on the basis of faith, and so will also be of the Hindu faith. The Trust has provided me with the following information concerning these admissions in the last three years (with the assistance of the LA). The number of children admitted as siblings of older children who themselves had attended one of the two feeder schools as Year 6 in the previous year was:

2024: 36	2025: 24	2026: 33
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48. This means that the total feeder school transferees into Year 7 at the school in the last three years has been (adding the above to the figures in Table 1):

2024: 100	2025: 99	2026: 107
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49. There are 180 Year 7 places available at the school. It is therefore required by its SFA to admit no more than 90 children through faith-based oversubscription criteria.

50. I have tried to ascertain the actual numbers of children admitted to the two feeder schools under their own faith-based oversubscription criteria as a way obtaining a clearer picture of the likely proportion of children attending them who will be of the Hindu faith, since these numbers would provide a minimum for the number of such children in the primary schools. The Trust has told me that specific priority for children of Hindu parents was not included in the admission arrangements of Avanti House Primary School until 2022. These children will reach Year 7 age in September 2029. A faith-based priority was included at

KAPS Harrow much earlier, and in 2020 39 such children who will be eligible for transfer under the feeder school priority in the school's admission arrangements in September 2027 were prioritised on the grounds of faith. I have no data concerning the nature of admissions prior to 2020 at KAPS Harrow and so cannot make an accurate estimate of the number of children of the Hindu faith who might have transferred to Year 7 in 2026 and before.

51. However, if I use the Trust's own assumption that half of the children admitted to the school under the feeder school priority in recent years are likely to be children of Hindu parents (which I consider may be a conservative assumption, as I have said) and adding the number of children admitted in these years under oversubscription criteria which prioritise children of Hindu parents (from Table 1), the possible number of such children who were admitted to the school in these years will have been something like:

2024: 80 2025: 80 2026: 79

52. These figures do not include children of the Hindu faith admitted as LAC/PLAC, which are also shown in Table 1 and which have averaged more than 10 in these three years and many of whom are likely to have been of the Hindu faith. It includes no siblings of older children at the school who did not attend one of the feeder schools. It therefore seems to me that while I make no suggestion that the letter of the requirement in the school's SFA has actually been broken, nevertheless there is a strong likelihood that very close to the number of children of the Hindu faith implied by a 50 per cent limit for direct admissions have entered the school annually in recent years, and the figure may be higher.

53. The Trust has given me (again with the help of the LA) the number of children admitted to Year R at Avanti House Primary School and at KAPS Harrow under a priority for Hindu children, for every year between 2020 and 2026. For the two schools, the combined figure is shown below in Table 3, which also shows the year in which each group will become Year 7 children.

Table 3. Children admitted to feeder primary schools under priority for Hindu children

Year of admission to Year R	Combined total of children prioritised under Hindu faith criterion on entry to feeder schools	Year in which this group becomes Year 7
2020	39	2027
2021	27	2028

2022	38	2029
2023	42	2030
2024	53	2031
2025	48	2032
2026	50	2033

54. That is, while the Trust has been acting in recent years (and continues to act in the arrangements for 2027 for the school) in a way which runs at the very least a considerable risk of offending against the spirit of the restriction set out in its SFA, the picture for future years is of there being a consistently larger number of children in the primary schools who have been admitted to them as Hindu children, making the risk of so offending greater in those years if current patterns of transfer continue. I must make clear however that this observation does not influence my consideration of the objection, which concerns only the admission arrangements for 2027.

55. The second issue for me, and the terms in which the objector raised his complaint, is whether the oversubscription criteria (and therefore the arrangements) are reasonable as a whole. In practice this means “are the arrangements reasonable in providing faith-based priority for up to 30 students in the context of the requirement set out in its Supplemental Funding Agreement and the Trust’s knowledge about children being admitted annually from its feeder schools and as siblings of older children already on roll”.

56. It seems to me to be plain that the wording of the SFA means that at least 50 percent of places at the school must not be allocated by reference to faith-based admission criteria. There would have been no need for the stipulation in the SFA if there was no intention to make the admissions to the schools to which it applies different from those for existing schools with a religious character, as described above. So, on this basis, I take the intention to be that for a school to which the stipulation applies, at least half the available places should potentially be available to children to whom faith-based criteria would not apply.

57. The Trust must have been aware of this from the time the school opened, and it seems from the information that I have shown above that prior to 2023 its admission arrangements allowed for a “reasonable” number of places to remain available to “other” children. Since that time, the number of children admitted solely on the basis of distance to the school has dwindled and was nil in 2026. The focus of my consideration must therefore be the changes made at that time and subsequently. That is, the increase in the number of children given direct priority on the grounds of their Hindu faith, and the effect which this has.

The arrangements for 2027, which are the subject of the objection, provide for up to 30 children to be given such priority, as was the case in 2026 and 2025.

58. 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. My understanding of an appropriate test of reasonableness in such decision making is whether or not the decision has been “within (or outside) the range of reasonable decisions open to the decision-maker”. There are two aspect to my consideration: whether the rationale for the decision is unreasonable, and whether its effect in practice is unreasonable.

59. The Trust has told me that it has increased the number of children who are given direct priority on the grounds of their Hindu faith in the oversubscription criteria for Year 7 precisely so that all the places remaining at this point in the application of its oversubscription criteria will be allocated to such children. In the context of the undoubted awareness of the Trust as to the composition of the school population in terms of what it has described as “its own community” as a result of the operation of its other oversubscription criteria, this mirrors, or at least moves the school towards mirroring, admissions in schools which have a religious character which are not subject to the restriction which its own SFA imposes.

60. Nevertheless, it is also the case that, as I have said, the arrangements do not breach the letter of the school’s SFA. While, as I have shown above, it may well be that the Trust is not acting within the spirit of what the SFA implies, to remain within the letter of the law and to do its best to serve its “own community” must be within the range of reasonable approaches for the Trust.

61. The effect of the arrangements is evident. It is already the case (admissions in 2026) that children living locally who do not have a Hindu faith affiliation (for example) would not obtain a place at the school unless they had attended one of its feeder schools, or unless they had an older sibling at the school, since all the available places after the application of the sibling and feeder school criteria were allocated to those of the Hindu faith. I shall refer below to what the objector has called a “pipeline” effect of the arrangements on the composition of the school in terms of children of the Hindu faith. However, I need to be plain that I am considering here not that effect, but the effect of the arrangements on the availability of local places allocated without reference to faith in the arrangements for 2027. While there were no admissions to the school in 2026 under the final oversubscription criterion for “other children”, the earlier oversubscription criteria provide places for local children which are ostensibly prioritised without reference to faith, notwithstanding their actual composition in terms of the religious affiliation of those to whom the places are provided. It is also the case that some of the children admitted under oversubscription criteria e. and f. are likely to be those of Hindu parents new to the area. What the arrangements effectively fail to provide is a certainty of access to the school for children new to the area who are not of the

Hindu faith. However, there is no requirement that this should be the case in spite of what might be implied by the school's SFA and, given the school's religious character, I do not find this an unreasonable effect.

62. I do not uphold the objection that the arrangements fail to be reasonable because of the combined effect of the determined oversubscription criteria.

Are the two feeder schools named on reasonable grounds?

63. The objector says that the proportion of the available 180 places at the school which could be taken up by children transferring from the two feeder schools, which could be as many as 120, is a disproportionate figure, citing paragraph 1.15 of the Code, which says:

“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.”

64. As already stated, the history of admissions to the school shows that in practice fewer than 120 children appear under the number admitted under this oversubscription criterion in recent years. For the five years shown in Table 1 the average is just over 70 children, and the Trust argues that “...this is not an ‘unreasonable number of places’, nor does it demonstrate that the two feeder schools have not been selected on reasonable grounds.”

65. I shall again apply a two-stage approach to my consideration of the issue of reasonableness in the naming of the feeder schools. First, the Trust says that the rationale for selection is “... not just because they too are Hindu schools (although arguably this would be sufficient for them to [be] reasonably selected as feeder schools), but because of their shared faith and spirituality, ethos and values which are distinct within the multi-academy Trust.” These are of course perfectly acceptable reasons for the schools to be selected.

66. Second, the practical effect is that about 70 children annually are given priority because they have attended one of the schools, which is equivalent to just less than 39 percent of the available 180 places. Although the objector comments that “It cannot be reasonable for a single criterion to consume over a third of all available places every year while the open criterion delivers fewer than 5 places.” He points out that the ratio between these admissions in 2025 was approximately 19:1.

67. Nevertheless, considered in isolation, I do not think it unreasonable for one-third of a school's places to be taken up by admissions from its feeder school or schools. Such a figure is not uncommon, or beyond the bounds of what might be considered acceptable. The issue for the Trust of course, as I have discussed above, is that the school's oversubscription criteria do not operate in isolation. Were all 120 places to be taken up annually by parents of

children who have attended a feeder school (or two-thirds of all places available) this would be very different. In practice however, many such parents will not need to rely on this criterion, because the arrangements give an earlier priority to children with an older sibling at the school. As I have said earlier, for admissions in 2024, 2025 and 2026 children attending the feeder schools who were given priority for admission to the school because they had a sibling link was as follows:

2024: 36 2025: 24 2026: 33

68. I have considered above the effect of the school's oversubscription criteria as they operate as a whole and found that this effect is not unreasonable, for the reason I have given. Against the test of reasonableness I have applied, and considered in isolation as is appropriate, I do not find the naming of the feeder schools to be unreasonable, and I do not uphold this aspect of the objection.

Is the number of places available under oversubscription criteria e and f. unreasonably high?

69. The objector cites paragraphs 1.8, 1.36 and 1.37 of the Code in support of his view that the expansion of faith-based places which has taken place, particularly since 2022 (see Table 1), is itself a breach of the requirements of the Code but does not explain his reasons for doing so. These paragraphs state:

"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."

"1.36 As with other publicly funded mainstream schools, these schools are required to offer every child who applies, whether of the faith, another faith or no faith, a place at the school if there are places available. Schools designated by the Secretary of State as having a religious character (commonly known as faith schools) may use faith-based oversubscription criteria and allocate places by reference to faith where the school is oversubscribed."

"1.37 Admission authorities **must** ensure that parents can easily understand how any faith-based criteria will be reasonably satisfied. Admission authorities for schools designated with a religious character may give priority to all looked after children and previously looked after children whether or not of the faith, but they **must** give priority to looked after children and previously looked after children of the faith before other children

of the faith. Where any element of priority is given in relation to children not of the faith, they **must** give priority to looked after children and previously looked after children not of the faith above other children not of the faith.”

70. The objector’s concern is that it is the expansion of these places which “directly and materially reduces access for local children”. I understand this to include local children who would not be eligible to be given priority for admission on the grounds of their Hindu faith. In terms of the school’s arrangements for admissions in 2027 I take this to be an objection that the continued priority given to 30 children on this basis will have the same effect as, for example, was the case in 2026, which I have discussed above, and which the objector says leads to the arrangements being unreasonable.

71. While paragraphs 1.36 and 1.37 of the Code provide the context for faith-based admissions at schools which have a religious character (for example, paragraph 1.36 includes the requirement that such schools must admit all children applying for a place if one is available, and paragraph 1.37 regulates the admission of looked after and previously looked after children) I can discern no direct relevance in them to the situation here. The school’s arrangements comply with paragraph 1.37 by admitting looked after and previously looked after children without reference to faith, and with paragraph 1.36 by including an oversubscription criterion which allows places to be allocated to children without reference to faith if any remain after the earlier oversubscription criteria have been applied.

72. I can see that the objector considers that paragraph 1.8 may be breached with respect to a potential disadvantage to children from “a particular social or racial group”, but I do not take the view that (for example) local children who are not of the Hindu faith constitute such a group and I have already come to the view that if there is disadvantage to children unable to obtain a place at the school, it is not an unfair disadvantage. I do not uphold this aspect of the objection.

73. However, for the avoidance of doubt, I have said above that I consider (for the reasons I have explained) that the arrangements, while adhering to the letter of the school’s SFA, do not reflect its spirit. It can also be seen from the history of admissions to the school that it is the introduction and continued presence of 30 places for children whose parents are practicing Hindus which gives rise to this situation, given the school’s other oversubscription criteria.

Do the arrangements fail to comply with the Public Sector Equality Duty?

74. The Trust has seen the correspondence referred to above in which I accepted this further complaint by the objector as an additional element to the objection. However, it has not provided me with any comments concerning it.

75. The objector has expressed the concern that there is a “pipeline” effect which he says the arrangements have created through a “closed loop admissions system” created by the sibling, feeder school and faith-based oversubscription criteria which together “progressively and systematically reduces access [to the school] for children who are not members of the Hindu/ISKCON faith community and who did not attend the named feeder school.” I have described that effect above. The objector has asked me to consider whether this “pipeline” “may - in practice if not in stated intention - be operating in a manner that correlates with race and/or religion as protected characteristics.”

76. Admission authorities for schools are subject to the Equality Act 2010 and therefore to the Public Sector Equality Duty which the Act sets out. They must therefore “have regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity, and foster good relations in relation to persons who share a relevant protected characteristic and persons who do not share it” (Code, Appendix 1, paragraph 7). Protected characteristics for these purposes include race and religion or belief.

77. Section 10 of the Equality Act 2010 prohibits discrimination on the grounds of religion or belief (generally), and section 85(1) of the same Act applies this prohibition (as well as those arising from other protected characteristics such as disability) to schools concerning admissions. Section 89(12) then applies exceptions to these requirements, and these are set out in Schedule 11 to the Act. Paragraph 5 of Schedule 11 disapplies section 85(1) “so far as relating to religion or belief” to any school designated by the Secretary of State under section 69(3) of the School Standards and Framework Act 1998 as having a religious character (and to schools listed in the register of independent schools as having a religious character.) So, such a school may discriminate on the grounds of religion or belief in the arrangements it makes for deciding who it admits as a pupil.

78. Section 6 of the Academies Act 2010 has the effect that a voluntary school designated under section 69(3) of the SSFA which converts to academy status is to be treated on conversion as an independent school which has the same religious character. A Free School (or other new academy set up from scratch) with a religious character is the same as an independent school with a religious character. The provisions relating to maintained schools are applied to academies through their Funding Agreement.

79. It is therefore clear that it is lawful for the school’s arrangements to discriminate in favour of children of the Hindu faith (as described in the arrangements) in the provision of school places. Such discrimination is direct discrimination on the grounds of religion, but it is rendered lawful by the above provisions.

80. The school’s arrangements (and those of both feeder primary schools) give priority to up to 15 children whose parents worship at an ISKCON temple and a further 15 places to “Hindu children with a practising Hindu parent”. The term “practicing Hindu” is defined

appropriately (in terms of the frequency and duration of practice required) in the arrangements. My research has made it clear to me that Hinduism in general, and the ISKCON conception of Hinduism in particular, are open to membership by anyone wishing to join them, including (if it is relevant) those of all castes. There is therefore no connection between a person's race and the potential to practice the Hindu faith, and so I can rule out any direct discrimination on the grounds of race resulting from the school's admission arrangements.

81. However, discrimination (which includes being disadvantaged by a school's admission arrangements) may also be indirect discrimination which is not intentional or even conscious. Indirect discrimination applies where a rule/policy, which applies in the same way to everybody, places a person with a protected characteristic at a disadvantage. I have ruled out any necessary connection between religious affiliation and ethnicity in this case, and so the question for me is whether the arrangements indirectly disadvantage persons with any of the protected characteristics (which do not include religion or belief, because of the provisions described above) and if so whether that disadvantage is justified. To be justified, the provision, criterion or practice would need to be a proportionate means of achieving a legitimate aim, and that would also mean that it was not discriminatory. This is a separate question to that of fairness, which I have considered above.

82. However, the objector has not alleged that a group of people with a specific protected characteristic (which does not include religion or belief, because of the provisions described above) is being indirectly discriminated against.

83. I do not uphold this aspect of the objection.

84. Both the DfE and the Equality and Human Rights Commission have published guidance for schools concerning their exercise of the PSED. The former says that this is not intended to be over-burdensome on schools and although a school cannot be required (including by the adjudicator) to carry out an Equality Impact Assessment, this is also referred to as a "useful tool". It is certainly much less likely for a school (or an admission authority) to inadvertently fail in its duty as a public body to exercise its PSED if some assessment of this sort is performed.

85. Although I do not consider that the school is failing in its Public Sector Equality Duty, I strongly counsel the Trust to engage in an Equality Impact Assessment of its admission arrangements, since I have been given no evidence of this having taken place.

Other matters

86. 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 Trust. These matters are:

(i) That the term “ISKCON” in the oversubscription criteria is not defined, which may contravene the requirements of paragraphs 14 and 1.8 of the Code. I have quoted both paragraphs above and my concern is the clarity of the arrangements and of the oversubscription criteria within them.

87. The Trust has agreed that this lack of definition causes the arrangements to be unclear and has said that it will add “International society for Krishna consciousness” to the table of definitions given in the arrangements. As determined, however, the arrangements breach paragraph 14 and paragraph 1.8 of the Code, for the reason I have said.

(ii) That the requirement of “attendance” at Sanga in order to be given priority under oversubscription criterion e (i) above is not defined and may breach paragraphs 14

and 1.8 of the Code because this makes the arrangements and the oversubscription criterion unclear.

88. The Trust has replied saying that it is willing to clarify what constitutes attendance for this purpose. However, as determined, the arrangements do not do this and so fail to comply with paragraphs 14 and 1.8 of the Code.

That the use of the term “falling within” [an oversubscription criterion] to describe parents given priority under oversubscription criteria e and f in the explanation of who should complete the school’s SIF may be misleading since the children concerned should also be considered under oversubscription g (if they were not allocated one of the faith-based places and further places remain). My concern was that this wording may imply to parents that such children would not be eligible for consideration under the final oversubscription criterion, and so that the arrangements are not clear and so in contravention of paragraphs 14 and 1.8.

89. The Trust has accepted this and has said it will amend the wording of the arrangements. However, as determined, they breach paragraphs 14 and 1.8 of the Code.

(iii) The statement that “further evidence may be requested” [where it is unclear whether a child meets any of the oversubscription criteria] may not conform with the requirements that admission arrangements and oversubscription criteria must be objective in nature such that parents can look at a set of arrangements and understand how places will be allocated (paragraphs 14 and 1.8).

90. The Trust has said that it will delete this section of the arrangements. However, as determined, the arrangements breach paragraphs 14 and 1.8 of the Code.

(iv) The arrangements appear to fail to contain the required statement concerning the operation of waiting lists as required under paragraph 2.15 of the Code.

91. The Trust has agreed to include the required statement, but the determined arrangements do not do so and fail to comply with paragraph 2.15 of the Code.

Determination

92. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements determined by Avanti Schools Trust for Avanti House School for September 2027.

93. 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.

94. 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 view of the deadline of 31 October 2026 for parents to express their preferences for places at secondary schools in September 2027, the Trust must now revise its arrangements as soon as possible.

Dated: 30 October 2026

Signed:

Schools Adjudicator: Dr Bryan Slater