Office of the Schools Adjudicator

Determination

Case reference:	**ADA4655 – 4711, 4731, 4732**
Objector(s):	**Parents, members of the public, a local councillor, the local authority, a representative of local schools, a Church of England Diocese, the local Member of Parliament.**
Admission Authority:	**King's Group Academies for King's Academy Binfield, Bracknell Forest**
Date of advice:	**30 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 King's Group Academies for King's Academy Binfield, for 2027.

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

By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of this determination, unless an alternative timescale is specified by the schools adjudicator. In this case, the Trust must amend the arrangements as soon as possible and within one month at most.

The deadline for parents to express their preferences for places for admissions to secondary school places is 31 October 2026. The shorter timescale for redetermination in this case is to enable the local authority to begin the coordination of allocations knowing the amended arrangements at the earliest reasonable date.

The referral

1. Under section 88H(2) of the School Standards and Framework Act 1998 (the Act), objections have been referred to the adjudicator by 59 objectors (the objectors), about the

admission arrangements (the arrangements) for September 2027 for King's Academy Binfield (the school, KAB). The school is an all-through school for children aged 3 to 19, located near the Binfield area of Bracknell, in Berkshire.

2. The local authority (LA) for the area in which the school is located is Bracknell Forest Council.

3. The LA is a party to this objection and has also submitted its own objection. Other parties to the objection are:

- The objectors
- The local authority
- The admission authority (the Trust)
- The governing body for King's Academy Binfield
- The local Member of Parliament

4. The objections were all submitted in the period 1 May 2026 to 15 May 2026, the last date on which objections could be submitted. Table 1 sets out the case reference numbers and information about the objectors.

Table 1. Information about the objections

Case reference numbers (ADA)	The objectors
4655-4673, 4675-4678, 4680-4689, 4691-4697, 4699-4702, 4706-4711, 4732	Parents
4674,4703,4704	Members of the public
4679	The Oxford Diocesan Board of Education
4690	A representative of two schools
4698	The local authority
4705	A local councillor
4731	The local Member of Parliament

5. Some parents asked to have their identity kept from the other parties. The case reference numbers are:

ADA4657, 4660, 4663-4, 4671, 4673, 4675, 4677, 4681-2, 4685, 4689, 4692, 4695-7, 4700, 4702-4, 4708, 4710-11.

The objectors have 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 names and addresses to me.

6. Although the arrangements provide the arrangements for admissions to the school at both Year R and Year 7, the objections all relate to the latter. The objections have their origin in the addition of a second feeder school, King's Academy Meadow Vale Primary School (KAMV), to the named feeder schools in the admission arrangements for KAB in 2027. There is another school which is also named as a feeder school, Kings Academy Oakwood Primary School (KAO). The school and both primary schools are part of the King's Group Academies Trust.

7. As an aid to the reader, I am providing here a list of the abbreviations for some of the schools which I will use when referring to them in what follows:

King's Academy Binfield (the school): KAB

King's Academy Meadow Vale Primary School: KAMV

King's Academy Oakwood Primary School: KAO

Binfield Church of England Primary School: Binfield

Warfield Church of England Primary School: Warfield

8. Table 2 describes the matters raised in the objections, and the number of objectors who raised them, with references made by objectors to paragraphs in the School Admissions Code (the Code) being shown.

Table 2. The objections

Objection (and Code reference)	Number of objectors
A. King's Academy Meadow Vale named as a feeder school not on reasonable grounds (Code 1.15)	Seven mention the Code reference. Five others made objections relevant to this paragraph but did not refer to the Code.

Objection (and Code reference)	Number of objectors
B. Unfair arrangements (paragraph 14) and/or arrangements contain unreasonable or procedurally unfair oversubscription criteria (paragraph 1.8)	Eight objectors mention Code references. 26 others made objections relevant to these paragraphs
C. The arrangements breach one or more of the prohibitions set out in paragraph 1.9 of the Code	Two objectors
D. Consultation defective (paragraphs 1.45 to 1.48 of the Code)	Three objectors
E. The arrangements give rise to indirect discrimination on the grounds of religion (paragraph 1.8, Equality Act 2010)	Three objectors. Two others made objections relevant to these provisions
F. Failure to cooperate with local authority. (Children's Wellbeing and Schools Act 2026)	One objector
G. The arrangements fail to be reasonable for reasons given by the objectors (paragraph 1.8 of the Code)	33 objectors made objections relevant to this paragraph.

9. A further four objectors referred to the planning permission given for the school some years ago, and one to the law governing charities or Trusts. Since my jurisdiction concerns only the lawfulness or otherwise of the admission arrangements for a school, I have decided that I do not have jurisdiction to consider these matters. Five objectors said that they objected to the arrangements but provided no reason which I could consider.

10. It will be clear from the above that some objectors raised more than one objection to the arrangements. Many objectors also raised some of these same, or other related issues in the copious correspondence which there has been in this case. These additional points were made after the latest date on which objections could be made to school's admission arrangements for September 2027, which was 15 May 2026, and so they are not being treated as further objections. However, I will make every effort to represent the views which have been expressed in relation to the matters in front of me in what follows.

11. An exchange of views concerning the objections began (unusually) in this case before I had the necessary information to issue my Jurisdiction and Further Information Paper (JFIP)

to the parties setting the objections out formally and seeking responses to them and the other matters set out there. Aspects of the objections were also responded to by the Trust during this early correspondence, resulting in further exchanges with objectors. When the JFIP was issued, I referred to this correspondence and the LA, the Diocese and the Trust were each invited to provide any further information they wished me to take into account in my consideration of the objections. The Trust decided not to respond to the individual points raised by objectors in relation to the naming of KAMV as a feeder school, saying:

> "…….. due to the volume of objections received (most of which follow similar themes), we have not responded specifically to these, but rather set out why we consider the selection of KA Meadow Vale as a feeder school to have been transparent, made on reasonable grounds, and fair."

I shall refer below to what the Trust has said to me.

12. I would like to take the opportunity to give my thanks to all parties for the way in which they presented their views, responded respectfully to each other's submissions, and for their prompt responses to my requests for further information / data. All have acted conscientiously throughout the lengthy correspondence which has attended this case, especially the LA, with which I have had a major exchange of correspondence. Unfortunately, it has been necessary for me to seek some key information more than once and to ask for explanations of matters referred to by parties which have not been obvious in their meaning to me. As a result, there has been an extensive exchange with the LA as I have sought to obtain relevant, reliable information to assist my consideration of the objections. All of this material has been made available to all of the parties. Objectors have also been keen to support points made by others of their number by writing to me, even though attempts have been made to explain that the adjudicator is not influenced by the number of people expressing a given opinion. As a result of all of these matters, this has been a lengthier process than might have been necessary.

13. I have read all of the correspondence which I have received at least once and have informed all of the parties of the matters contained within it which I consider may not conform with the requirements concerning admission arrangements, and which I will address in this determination. I must make clear that the process which I must follow is to consider the school's admission arrangements and the objections which have been raised concerning them in the context of the Code and other relevant legal provisions, and no more than this.

Jurisdiction

14. The terms of the academy agreement between the King's Group Academies 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.

15. These arrangements were considered under section 88C of the Act by the local governing body (of the school) on 13 January 2026 under the Trust's scheme of delegation and were formally determined by the Board of the Trust on 5 February 2026.

16. A consultation period took place prior to the determination of the arrangements between 6 October 2025 and 24 November 2025.

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

18. Some objectors have made a suggestion as to how the arrangements for 2027 for the school 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. It is not open to me to determine how the arrangements should be. 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 the suggestions made.

19. 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

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

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

- the objections dated 1 to 15 May 2026 and supporting documents, together with further correspondence from a number of objectors;
- a copy of the minutes of the meeting of the admission authority at which the arrangements were determined;
- the determined arrangements for 2027;
- responses from the Trust to the objections and to my requests for further information;
- further information provided at my request by the LA and the Oxford Diocesan Board of Education;

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

- maps showing the location of the school and other relevant schools;

- information available on the websites of gov.uk (including the 'Get Information About Schools' (GIAS)), the LA, the school and Ofsted.

22. I have been provided with a substantial amount of information and data by the objectors, the LA and the Trust. I have referred only to that which has a bearing on my determination, and so it is not possible for me to report all of the points made by objectors in the large amounts of correspondence which I have received. However, I have made every effort to do so where they bear upon a material consideration regarding the objections as set out above.

23. In much of the correspondence which I have received, objectors refer to more than one of the elements of the objections which I have set out above. I shall therefore provide a substantial amount of background information which will have general relevance, and to which I can refer subsequently.

Background

24. According to GIAS, the school is a non-selective, all-through school for children aged 3 to 19. It was last inspected by Ofsted in November 2022 . Ofsted judged the school to be "good" in all categories.

25. The published admission number (PAN) of the school for Year R is 60 and that for Year 7 is 180 for admissions in 2027. The school opened in 2018 and admitted children initially at Year R and Year 7 only. As the school has grown, the Year R and Year 7 PANs have also changed to their present figures.

26. At my request, the admission authority provided data showing the number of children in each year group (in July 2026), together with the PAN for each year group when it was a relevant year group for school admissions.

Table 3: July 2026 numbers on roll with relevant PAN on entry, by Year group

Year Group	Number on roll (July 2026)	PAN when relevant group
Year R	60	60
Year 1	62	60
Year 2	60	60

Year Group	Number on roll (July 2026)	PAN when relevant group
Year 3	62	60
Year 4	30	30
Year 5	29	30
Year 6	30	30
Year 7	210	180
Year 8	207	210
Year 9	208	210
Year 10	194	210
Year 11	207	210

27. It is worth noting at this point the following in relation to the above information:

(i) Since children who are already on roll at the school in Year 6 remain on roll ("automatically transfer") when they reach Year 7, the 2025-26 Year 7 number on roll is correctly stated in the table as 210, 30 children having been admitted to the school as Year R in 2018 and 180 external students being admitted to Year 7 in September 2025. The school has told me that its published arrangements for that year failed to set this out correctly and wrongly stated that the Year 7 PAN was 210.

(ii) The Year 7 PAN, which had been 210 until September 2025, has been 180 from that date.

(iii) The position for 2027 remains that the Year 7 PAN is 180, and 30 children (admitted to Year R in 2021) will complete the year group.

(iv) In September 2029, the 2022 Year R intake of 60 children will be part of the school's Year 7. The school has told me that "In September 2028, we are likely to need to consult on a proposed reduction in the Year 7 PAN to 150 (for external applicants)". This is a matter complained about by a number of the objectors, but I record here that the arrangements for 2028 and 2029 have not yet been determined and are not the subject of my consideration.

28. The arrangements for admissions to Year 7 for 2027 set out that children with education, health and care (EHC) plans which name the school will be admitted. Then, if the relevant year group is 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 whose exceptional medical or social needs require attendance at the school (as defined)

c. Children attending either King's Academy Oakwood or King's Academy Meadow Vale Primary School

d. Children whose sibling (as defined) attends the school

e. Children of staff members (as defined)

f. Children living within the defined catchment area for secondary school admissions

g. Other children.

29. The Trust has supplied copies of the school's admission arrangements for September 2024, 2025 and 2026. The oversubscription criteria for Year 7 admissions have remained unaltered in those years and differ from those for 2027 only in that a sole feeder primary school was named (KAO) in them. The preferences expressed, and the allocation of places against the oversubscription criteria in those three years (as corrected for 2025 as explained above) were:

Table 4. Allocation of Year 7 places at KAB against oversubscription criteria

O/S Criterion	2024 (538 preferences, 241 first preferences) PAN 210	2025 (473 preferences, 204 first preferences) PAN 180	2026 (483 preferences, 185 first preferences) PAN 180
EHC plan	15	9	16
LAC/PLAC	3	0	0
Social/medical	0	0	0
Feeder school	23	29	19
Siblings	66	76	56
Children of staff	5	2	2
Living in designated area	98	68 (I understand 26 progressed from Year 6)	87

30. There are four primary schools which are located in the catchment area of KAB, together with its own primary provision. Table 5 shows the number of children in Year 4, Year 5 and Year 6 at these schools in September 2026 (primary school data from LA on 14 September 2026):

Table 5. Numbers on roll: Primary provision in KAB catchment area

School (and current Year PAN)	Year 4	Year 5	Year 6
KAB (60, see above)	30	30	29
KAO (30)	30	30	30
KAMV (90)	77	84	85
Binfield CE (60)	61	64	64
Warfield CE (60)	60	58	60
TOTAL	258	266	268

The children shown under the Year 6 heading will transfer to secondary school in September 2027, and those shown under Year 5 will do so in September 2028, and so on.

31. King's Academy Binfield is located on the northern edge of Bracknell in Berkshire, close to the village of Binfield. Maps provided by the LA show that the primary schools which are physically located within the school's catchment area are Binfield Church of England Primary School (Binfield), King's Academy Oakwood (KAO), Warfield Church of England Primary School (Warfield), King's Academy Meadow Vale (KAMV) and the school's own primary age provision. Unsurprisingly, since each is located in the KAB's catchment area, they are close to it. I have used the LA's maps in conjunction with Googlemaps to measure these distances as:

Table 6. Straight-line distances of catchment area primary schools from King's Academy Binfield

School	Distance (miles)
Binfield C of E Primary School	0.5
King's Academy Meadow Vale Primary School	0.7
King's Academy Oakwood Primary School	1.1
Warfield C of E Primary School	1.25

32. Binfield (and its own designated area for admissions, that is, its catchment area) is situated in the village of Binfield, which is almost directly due west of KAB. This places it at the edge of the LA's area, with the designated area (like that of KAO to the south) being next to the neighbouring LA's area (Wokingham Borough Council). KAMV is to the south east of KAB, and its designated area for admissions includes the area in which KAB is located and also part of the urban area of Bracknell. Warfield C of E Primary School is to the east of KAB on the northern edge of Bracknell's urban area.

33. The LA explained (at my request) that the seven secondary schools in Bracknell Forest (other than one Church of England secondary school) all use what it calls "Designated Areas" in their admission arrangements. These contiguous areas cover the LA's own area and the LA says that their purpose is to "ensure that families have some assurance that a local school place is, if not guaranteed, extremely likely." I understand the LA's statement to be its response to the question which I had asked as to whether primary schools in its area have "designated" secondary schools, since this had been stated by at least one of the objectors. This is clearly not the case therefore, but a misunderstanding of the effect of school catchment areas in practice, perhaps not helped by the use of the term "designated" in relation to them. I shall refer to "catchment areas" for what are termed locally "designated areas" from here onwards.

34. The LA uses a planning area approach and forecasts future demand using the DfE methodology via the annual School Capacity (SCAP) return. The planning area in this case is called the Bracknell North Planning area and it contains 11 primary schools, KAB (which is an all-through school) and a secondary school (Garth Hill College). Garth Hill College is about 1.5 miles from KAB.

35. This methodology produces area forecasts, not forecasts of the numbers to be expected at individual schools. The forecast provided to me by the LA of year group sizes for the primary age range for the Bracknell North Planning area shows relatively stable year group sizes for the foreseeable future. For example, the figures given to me by the LA for the total Year 6 group size across the planning area show:

2026/27: 579 2027/28: 551 2028/29: 582 2029/30: 569 2030/31: 546

36. The LA says that there is some uncertainty concerning the pace of recent housing development which will affect these figures. However, I have noted that the data provided to me simply rolls forward known year group sizes without annual amendment, so I regard them as crude estimates. They simply show at least a constant level of local demand. The LA says that it bases forecasts on where children live, and that this very frequently does not correspond with where they go to school. It is also the case that some children living in the planning area are closer to secondary provision in neighbouring local authorities.

37. As far as KAB is concerned, the LA says that since it is very popular with parents, it can be assumed that it will be full. It has not however offered me any explanation as to why the data it gave me for the current (May 2026 census) number on roll at KAB shows that none of the secondary year groups (other than Year 7) is at capacity, although I have sought to have this explained.

Consideration of Case

38. I will now set out my consideration of the matters raised by the objectors concerning which I have jurisdiction. 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 an 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 or another aspect of legislation, for the reasons I have given.

A. Has KAMV been named as a feeder school on reasonable grounds?

39. I have stated above the number of objections received on this point, and the extent to which objectors themselves made reference to paragraph 1.15 of the Code.

40. Paragraph 1.15 of the Code 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."

41. For the sake of completeness, there is no doubt that KAMV has been selected transparently. The only requirement is that the school is specifically named, which it is. The question of whether that selection has been reasonable is more complicated.

42. I note here that objectors have introduced a variety of arguments in support of their objection about the reasonableness or otherwise of the naming of KAMV as a feeder school for 2027. Many have referred to their view that the effect of the naming will be unreasonable and say that the grounds on which the school was named must therefore be unreasonable. These are, however, slightly different matters and paragraph 1.15 refers to the grounds of the naming of a feeder school, not to its effect. It is possible that a decision taken on reasonable grounds can nevertheless have an unfair effect and I shall deal with the effect of the naming of the additional feeder school when considering whether the arrangements have an unfair effect, but not here.

43. In order for a feeder school to be named on reasonable grounds, the admission authority must be able to give reasons for having selected it as such. That is to say, reasonableness must be judged in terms of the rationale behind the decision.

44. When it wrote to me following its receipt of the JFIP, the Trust said that KAMV had joined the Trust in 2024 and in the previous year (2023/24) it had been an associate member. The Trust then referred to "robust educational and operational alignment" with KAB and KAO, illustrating what it meant by describing, across the three schools:

(i) A joint Headteacher/Principal forum and other curriculum-related activity;

(ii) A common framework for teaching and learning;

(iii) Shared curriculum models for core and foundation subjects;

(iv) A unified quality assurance approach involving cross-school peer reviews;

(v) Established transition arrangements;

(vi) Common back-room services, such as IT and HR, and

(vii) Shared governor training.

It describes the "operational alignment" as a support to pupils "transitioning from KAMV".

45. Some objectors have asked me to agree with their view that such considerations should not take precedence over what they see as the fairness of the arrangements, which (as I say) I will deal with below. Others have said that they consider that the true motivation of the Trust is to ensure that KAMV is full and have quoted from the minutes of the meeting of the school's Local Governing Body of 13 January 2026 at which the arrangements were determined. Comments were made there that its naming "could increase the popularity of KAMV", and objectors say that the Trust's true motivation lies in this organisational consideration. The LA in its objection has referred to this possibility with respect to its own pupil place planning responsibilities and the Children's Wellbeing and School's Act. I shall consider this below as a separate element of the objection.

46. The Trust has responded to these points, re-stating that its rationale in naming KAMV as a feeder school is based on educational considerations and that it reflects "what we believe is a unique relationship [between KAB and the two named feeder schools] that reflects the authentic operational ethos of King's Group Academies." At least one objector has challenged the term "unique relationship", referring to the separate senior school leadership arrangements which are in place for KAMV compared to the common leadership

for KAB and KAO. I do not think that this objection invalidates the Trust's stated reasoning, however.

47. Further points made by objectors include the following:

- The rationale for naming is not stated in the school's admission arrangements.
- An alternative approach of increasing the PAN at KAB was available but not adopted.
- The prioritised feeder school is further away from KAB than Binfield Church of England Primary School, which is not prioritised.
- That since many children attending KAMV already transfer to KAB for their secondary education, its naming as a feeder school is unnecessary.
- The naming is not reasonable in the light of the overwhelmingly negative response to the proposal during consultation.

48. I set out my comments on these points below:

(i) It is understandable that parents and others should feel that consultation should be meaningful and therefore that its outcomes should have some effect. It is however a requirement only that the body carrying out a consultation makes the feedback from consultees available to decision-makers for their consideration. A decision to pursue a proposal in the face of opposition, whatever its size, may seem unreasonable in the ordinary sense of the word, but it is not unlawful. I shall give more consideration to the Trust's consultation in this case below.

(ii) An admission authority is not required to set out its reasons as part of its determined admission arrangements. The Code makes no such statement, but instead its emphasis is on the lawful nature of arrangements and that these be stated clearly so that parents can see how they result in the allocation of places at a school (paragraph 14).

(iii) The availability of an alternative does not in itself make the approach adopted by an admission authority unreasonable. The alternative might be preferable for some of those affected, but that is a different matter.

(iv) It might be considered unreasonable if an admission authority were to name a feeder school which was at some great distance from it. I have stated the distances which are relevant in this case in Table 3, and they are by any reasonable standard not significant, meaning that (for the most part) children

attending the newly named feeder school are more than likely to live relatively locally. The existence of a nearer school which is not named as a feeder school does not make unreasonable the naming of a school which is sufficiently close for its own naming to be reasonable, in my view.

(v) Data provided by the LA shows that of the 212 children in Year 7 at KAB in September 2026, 44 had transferred from KAMV out of a total of 83 children leaving the school. The Trust told me that in the previous year 52 children from KAMV had been admitted to KAB. So something like half of the children who attend KAMV are likely to be able to obtain a place there on the basis of their home address, since this would have been the oversubscription criterion under which they would have been admitted in 2026 and 2025. This fact does not invalidate what the Trust has stated as its rationale, but it does also throw a light on the issue of the likely effect of KAMV being a named feeder school in 2027, which as I say I shall consider below.

49. I turn now to the Trust's rationale, and the extent to which it is or is not reasonable. 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".

50. It would probably not be reasonable were a Trust to name a school as a feeder school with which it had no connection, or (as I say) one which was very distant from it. Neither is the case here. There is a history of children transferring from KAMV to KAB, and they are part of the same Trust, with the existing links articulated to me clearly by the Trust. These are perfectly sound reasons for the school to become a feeder school, and I record here that many objectors who have nevertheless objected on other grounds, say that the principle of feeder schools is not what concerns them, and that is what I am dealing with here.

51. If an admission authority for a school sought to act in a way which would be likely to ensure that its available places were filled, which objectors have said is the Trust's true motivation here, I cannot see that this would, in and of itself, be unreasonable as a rationale.

52. I can see nothing in the rationale or motivation of the Trust's decision to name KAMV as a feeder school which falls outside the range of reasonable decisions open to it. I do not uphold this aspect of the objections.

B. Are the arrangements fair and are the oversubscription criteria reasonable?

53. I have stated above the number of objections received on this point, and the extent to which objectors themselves made reference to paragraphs 14 and 1.8 of the Code. These say:

> "14. In drawing up their admission arrangements, admission authorities **must** ensure that the practices and the criteria used to decide the allocation of school places are fair, clear, and objective. Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated.
>
> 1.8 (in part) Oversubscription criteria **must** be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation."

54. Fairness is a concept that is used in the Code but it is, again, not defined. The test of whether admission arrangements are fair is focussed on their effect, rather than being related to the everyday meaning of "fair" which has more to do with "even-handedness". For admission arrangements to be unfair, they must result not simply in a disadvantage to some children, since all oversubscription criteria will do that. To be unfair they must give rise to an actual unfairness which is meaningful and detrimental and which could have been avoided if the admission arrangements in question had been different. Such an unfairness is capable of being caused, for example, if a child who does not gain a place at the school in question because of them must travel to another school which is not within a reasonable distance or travelling time of their home.

55. When it responded to the objections that the admission arrangements are unfair because of the addition of KAMV as a feeder school, the Trust initially made a number of points, including the following:

> "Proximity and catchment remain central to KAB's oversubscription criteria, ensuring that local children living in the area retain strong, realistic access to their secondary school."
>
> "Bracknell Forest secondary place planning and demographic projections show that there are sufficient local secondary places across the borough to accommodate local children."
>
> "Because feeder schools [those named in the 2027 arrangements] sit within KAB's immediate geographic area, feeder status compliments the local catchment."
>
> "…the Trust's legal and operational definition of fairness is rooted in objective, transparent and non-discriminatory criteria that strictly adhere to the 2021 School Admissions Code."

"If future demand rises, the Trust will consult on expanding capacity so that no local child is displaced."

56. These comments clearly show that the Trust rejects this aspect of the objection. However, its assertions (and the extent to which they are relevant to my actual consideration) are what I will test in what follows in order to decide whether or not the arrangements comply with the Code as the Trust says they do. I emphasise also that in doing so my concern will be only with the arrangements for 2027, and their effect. Whether the Trust may or may not expand provision to meet demand at a future date is not material to that consideration but I must in passing point out that the Trust has also said that it was likely to start a consultation in September 2028 (irrespective of these considerations) to reduce KAB's PAN for 2029 to accommodate the larger Year 6 group that will transfer from its own primary provision at that date (as shown in Table 1).

57. When it responded to the objections as set out in my JFIP, the Trust said:

(i) that children living near Binfield will not be "disenfranchised….as KA Meadow Vale's pupil demographic is mainly drawn from the immediate neighbourhood."

I understand this to be a statement that fears about children living at some distance from KAB gaining places there ahead of Binfield children through attendance at KAMV will not materialise, because children at KAMV live locally.

(ii) that no unfairness will arise because there are other local secondary schools and that "place planning data demonstrated [sic] that secondary capacity across the northern and central Bracknell planning area is sufficient to absorb non-feeder demand."

The Trust does not say which place planning data it is referring to, but I assume that it is data produced by the LA, to which I will refer below. I need not point out that if what the Trust asserts in (i) is accurate, the places it refers to in (ii) will not in any case be needed.

58. In response to what the Trust said, one objector told me that information on the LA website "appears to indicate that some Meadow Vale pupils may live in areas that are geographically closer to, or traditionally served by, alternative secondary schools such as Garth Hill College." The objector says that the Trust has not provided adequate evidence as to the number of such children that there might be, and the consequential effect on children living in the Binfield area. The Trust has seen this comment but has not responded to it.

59. The question before me is whether the addition of KAMV as a feeder school is likely to result in some children living locally being unable to secure a place at the school in 2027. If that is the case, I need to decide whether there is a further likelihood that the alternative schools for these children will not be within a reasonable traveling time and distance from

their homes, and whether the oversubscription criterion is reasonable. I have shown in Table 5 the number of children in Year 6 of the primary provision located within KAB catchment area. That total is 268, and 29 children are at KAB's primary provision and so will take up 29 of the 210 places, leaving 239 children, of whom 115 attend the two named feeder schools. If all these were to take up the places afforded by feeder school priority, there would be 66 remaining places, and a total of 124 children in Year 6 at the two remaining schools. On the face of these figures, that leaves 58 who could not be accommodated.

60. To obtain a more nuanced understanding of this situation, I have asked the LA to provide further relevant information, and the Trust has sent me more data in response to points made by objectors. I have had some difficulty in ensuring that the various data about pupil numbers which I have received from both parties is internally consistent, since inevitably all these figures change slightly over time. However, I am confident that I have a sufficiently clear picture and that any inconsistencies are small. I will indicate where such variations occur.

61. Concerning the admissions to Year 7 at KAB which took place in September 2026:

(i) I have set out in Table 4 the oversubscription criteria under which pupils were admitted to Y7 at KAB in 2026. The only feeder school was KAO and 19 pupils are shown as having been admitted in the table. More recent data from the LA says that this number was 21.

(ii) Also in 2026, 44 of the cohort of 83 pupils leaving KAMV were admitted to KAB, with 31 transferring to Garth Hill College. The LA had earlier told me that there had been 45 first preferences expressed by parents for a place at KAB.

(iii) The group leaving Warfield numbered 54. 14 were admitted to KAB, 22 to Garth Hill College and 18 to Raneleigh School.

(iv) 42 pupils were admitted from Binfield, making a total of 100 from the non-feeder primary schools. These will have been admitted either as younger siblings of children at the school, or because they lived nearest to the school – and I assume mostly the latter. The LA had earlier told me that 52 parents living in the catchment area had expressed a first preference for a place at the school.

62. The Trust has told me that the number of children admitted to KAB from Binfield in previous years was:

2023: 48 2024:45 2025: 46

So there has been a consistently significant proportion of the children leaving Binfield in the last 4 years (Year R PAN is 60) who have been admitted to KAB.

63. The Trust was also able to provide a map showing the locations of the homes of all the children attending KAMV who will be eligible for transfer to KAB under the 2027 arrangements. Although this did not show the school's own catchment area or that of KAB, I have seen maps of both and what the Trust has given to me shows that a significant proportion of the homes of children at KAMV appear to be outside both the school's own and that of KAB, and are widely spread across the area to the west, south and east of it.

64. I have therefore sought more accurate information on this point. The LA has told me that the number of children (on 14 September) in the current Year 6 of Binfield and KAMV, (those transferring under the arrangements for 2027) whose home is within the catchment area for KAB is as shown in Table 7.

Table 7. Location of homes of current Year 6 children at Binfield and KAMV

Primary School	Year 6 number on roll	Number living in KAB catchment area	Percentage of Year 6 number on roll living in catchment
Binfield	63	52	82.5
KAMV	85	38	44.7

65. I have to say that I am not able to reconcile this information with the statement made by the Trust about where KAMV's "demographic is located". It is plain that, for this year group at least, over half the children live outside KAB's catchment area and so would not have been admitted under the arrangements that have applied up until 2026. Under the determined arrangements for 2027 all these children will have a higher priority for admission than the 52 children attending Binfield who do live in the KAB catchment area. That is, the clear evidence is that what objectors have said about the likelihood of children from outside the area displacing local children, especially those from Binfield, is a reality. It is obviously not possible to know what choices parents will make, but it can be seen from the destinations of children in September 2026 shown above that the principal alternative for KAMV children is Garth Hill College which for many is their local school. KAB is much more sought-after than Garth Hill College, which has not been fully subscribed in recent years. Table 8 shows the relevant information about levels of subscription of local secondary schools in September 2026 which I have obtained from the LA document "Guide to Secondary Education 2027/2028" concerning Year 7 admissions on its website.

Table 8. 2026 oversubscription data of local secondary schools

School	Distance from KAB (straight line) (from Google)	2026 Preferences (and number of appeals)	PAN	2026 Year 7 unfilled places
Garth Hill College	1.5 miles	443 (nil)	270	10
Brackenhale School	2.7 miles	276 (nil)	210	35
Ranelagh School	1.6 miles	464 (23)	180	nil
King's Academy Easthampstead Park (KAEP)	2.1 miles	309 (4)	210	nil

I also note that information on the LA's website shows that in addition to the remaining Year 7 places, a number of places were allocated (at the end of coordination by the LA) to children who had not had any of their preferences met, as follows:

Garth Hill College: 26 children / Brackenhale School: 28 children / KAEP: 7 children

66. There are a total of seven secondary schools, and so the above table shows more than half the total of 2026 Year 7 admissions for the LA's area. This data supports the Trust's statement concerning the likely availability of alternative places for children unable to gain a place at KAB in September 2027. However, that by itself is insufficient to support its view that no unfairness would arise for these children.

67. In the JFIP, I asked the LA to state the number of children whose parents it considered would be likely in 2027 to express a first preference for a place at KAB in 2027 and who would be likely to be unsuccessful under the arrangements as determined based on historical trends. I also asked it to tell me the schools to which such unsuccessful candidates would be likely to be admitted and the distances that would need to be travelled compared to that to KAB.

68. The LA was able to comply with this request and presented the data which I shall discuss below. I subsequently obtained confirmation from the LA that in order to do so, the procedure which it followed was to use the 2025 and 2026 cohorts of children who had expressed a first preference for a Year 7 place at KAB and for each (separately) it then used the determined arrangements for 2027 to run the allocation exercise. When it did so, it identified unsuccessful first preference applicants and their most likely alternative school, and

its distance from their home. It told me that as part of this exercise it had assumed that "given the reputation of KAB" the uptake by parents of children attending KAMV who will have automatic access to a place at the school but who do not live in its catchment area under the 2027 arrangements will "be high". I have discussed the potential scale on which this might take place, and its likelihood, above. I consider the assumption made by the LA to produce the following information to be a justifiable one.

69. The results of the LA's exercise provided data which I have analysed as follows:

Table 9. Effect of 2027 arrangements applied to 2025 and 2026 cohorts

Year	Unsuccessful first preferences	Unsuccessful first preferences living in KAB catchment (and total such preferences in relevant year)	One alternative school more than 1.5 miles**	Both alternatives more than 1.5 miles	Both alternative schools greater than 2 miles away	TOTAL
2025	51	22 (36)	8	9	4	21
2026	54	39* (52)	18	7	3	28

*The LA gave this as 33. Figure in table from source data provided by LA.

**All distances have been given by the LA as "travelling distances".

70. The LA told me that unsuccessful applicants would in all probability be offered places either at Garth Hill College or at Brackenhale School, which also seems to be a reasonable assumption in the light of the vacancy data shown above. The distances in the table use that assumption.

71. The LA has pointed out that the outcome under then admission arrangements which applied in 2025 and 2026 was that no children living in the catchment area of KAB failed to secure a place at the school, and that three children were unsuccessful in 2026.

72. The LA then gave me its assessment of the likely position for 2027 admissions using only historical trends, since it is obviously impossible to predict individual parental preferences. It said that it estimated that there would be 91 Year 7 children living in the catchment area who will not have been in attendance at one of the two named feeder

schools. It assumed a continuation of previous trends in the proportion of these children whose parents would be likely to express a first preference for KAB in 2027 and told me that this led to an expectation that 20 to 35 children living in the area would be unsuccessful under the 2027 arrangements. I pointed out to the LA that a simple calculation using existing cohort sizes at the feeder schools and assuming again high levels of preference for places at KAB, led to a figure of 28 of the 91 other children from the area being unable to gain a place. It agreed, but said that its own assessment allowed for fluctuations in this figure because of known uncertainties such as actual parental preferences.

73. The Trust has seen all this information but has not commented on it.

74. There is no definition of what is likely to constitute an unreasonable alternative travelling distance for a secondary aged pupil, since this depends on the local context and particularly the sparsity of population and the distance between schools concerned. In a very rural area, 3 miles might be considered a reasonable travel distance, while in an urban area, where there is a much shorter distance between schools this distance would be smaller. I am aware that in previous determinations a mile and a half has been considered a maximum in an urban context by the adjudicator. In this present case, the location could be described as urban for some children and semi-urban (or semi-rural) for others. It seems to me reasonable to take note of travelling distances which are over 1.5 and 2 miles, and so I have chosen to illustrate the potential effect in Table 9 using these as reference figures.

75. What Table 9 shows is that in 2025 there would have been 14 successful first preference applications from within the catchment area, and 22 unsuccessful first preference applications, of which all but one would have had to travel more than 1.5 miles to one of the possible alternative schools. Eight more children would have had to travel more than this distance to either school and for four children both alternative schools would have been more than two miles away. Using the 2026 pupil data, seven children would have had a journey of over 1.5 miles to either alternative school, and for three the distance to either would have been more that two miles. I reiterate here that I am conscious that the exercise carried out by the LA is theoretical in nature only. However, it uses real data and I am content that the pattern of outcomes which it reveals can be taken into account when considering the determined arrangements for 2027.

76. So I am left with the picture of the likely effect of the 2027 arrangements being similar in terms of the number of unsuccessful first preferences from the catchment area to that shown by the LA's exercise which used the actual 2025 and 2026 pupil data as proxy. I have been given no reason not to assume that a similar pattern concerning alternative schooling would then follow as a result.

77. There are two further factors which I consider relevant. The first is the geographical context. Children living in the Binfield area (to the west of KAB) travelling to the alternative

schools of either Garth Hill College or Brackenhale School (which are located to its southeast) would inevitably need to travel through the area which is close to KAB on their journeys to these other schools, on a daily basis. It seems to me that this adds a degree of unfairness since this would without doubt be perceived as unfairness by the children concerned.

78. The second factor which I consider relevant is the actual benefit which is likely to accrue to children attending KAMV who would not previously have secured a place at the school, compared to the disbenefit resulting for other children living in the catchment area who will not now be admitted, as a result of KAMV's feeder school status

79. As many objectors have pointed out to me, it is already the case that a significant proportion of the children attending KAMV gain admission to KAB (44 out of 83 in 2026, as stated above), close to the number of expressed first preferences from parents of children at the school. I have already said that I consider that the naming of KAMV as a feeder school has been on reasonable educational grounds. The comparison I refer to above is between the benefit in terms of continuity of educational ethos and philosophy on secondary transfer for more children attending KAMV, compared to the disbenefit which results for children living in the catchment area who are unable to secure a place at KAB but who have to travel beyond 1.5 or 2 miles to an alternative school, potentially travelling close to KAB on a daily basis to do so. For the reasons I have given, having considered the available evidence, I have concluded that there will in all likelihood be a number of children living in the KAB catchment area but not attending one of the named feeder schools for whom there will be such a disadvantage as a result of the arrangements. It is also my view that such disadvantage outweighs any advantage to the group advantaged by the arrangements but not living in the KAB catchment area (and therefore local to the school).

80. I also do not consider it to be reasonable that some children will very likely have to travel daily to a more distant school by passing close by their nearest school, to which they would in all likelihood have been admitted if the arrangements had not been changed. That makes the effect of the oversubscription criterion which names KAMV as a feeder school also unreasonable.

81. My view is that the naming of KAMV as a feeder school, while complying with the requirements of paragraph 1.15 of the Code in having been named on reasonable grounds, is not fair (or reasonable) in accordance with the requirements of paragraphs 1.8 and 14 because of the unfairness caused to some children not attending KAB's named feeder schools. I uphold this aspect of the objections.

C. Are there breaches of the requirements of paragraph 1.9 of the Code?

82. Paragraph 1.9 of the Code sets out 15 prohibitions which are placed on admission authorities for schools in their determination of admission arrangements. These refer to matters such as taking account of reports from previous schools and requiring parents to pay fees.

83. Both the objectors who have cited paragraph 1.9 of the Code have said that they are referring to the issue of a perceived effect of the arrangements which concerns a possible unfair disadvantage to children on religious grounds. One of the objectors has also referred to paragraph 1.8 of the Code, the first part of which I have quoted in the previous section in which I considered whether the arrangements are fair. Paragraph 1.8 goes on to say:

> "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."

84. However, it is plain that this does not refer to the matter which is of concern to the objectors, although both may mean to draw my attention to the requirement that arrangements comply with equalities legislation in the first sentence of paragraph1.8. Other objectors have been explicit in this reference, and so I think it appropriate to consider the point raised by these objectors when I consider those objections below.

85. As far as paragraph 1.9 of the Code is concerned, there is nothing in its provisions which relate to the matter of concern to the objectors who have cited it, and so I need say no more here. I do not uphold this aspect of the objections.

D. Was the consultation defective?

86. I have stated above the number of objections received on this point, and the extent to which objectors themselves made reference to paragraphs 1.45 to 1.48 of the Code.

87. Paragraph 1.45 says

> "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."

Paragraph 1.46 says:

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

Paragraph 1.47 lists those who must be consulted by admission authorities.

Paragraph 1.48 says:

> "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."

88. A consultation was carried out by the Trust before the arrangements were determined, and this took place between 6 October and 24 November 2025 (and so satisfied what paragraphs 1.45 and 1.46 stipulate). While many objectors made a passing reference to the outcomes of the consultation in what they have said to me in correspondence, this was almost always in terms of their belief that since the response was overwhelmingly negative the proposal should have been withdrawn. Relatively few made any reference to the Code, although one of the three objectors who did so was also concerned that the Trust "did not consider the community feedback", but cited paragraph 1.42 of the Code which I believe is a reference to an earlier version of the Code.

89. The objectors who did cite the above provisions were concerned that the consultation did not provide adequate justification for the introduction of KAMV as a feeder school and that it was inadequate in terms of any analysis of the impact which this would have. One other objector raised in correspondence whether what was consulted on (and subsequently adopted in the determined arrangements) reflected what the school's local governing body had understood would be the case (that KAMV would not be given equal standing in the order of oversubscription criteria with KAO). The objector referred to the local governing body as the school's admission authority.

90. When I sent my JFIP to the parties, I made the following statement:

> "When considering the matter raised by the objectors in respect of the consultation process, I have determined that I only have jurisdiction to consider whether the admission authority followed the statutory process when making changes to its arrangements for 2027-2028. I do not have jurisdiction to consider whether the statutory process itself should or should not be different. I also record here that if I was to find that the consultation process did not follow the statutory process in any way, it would not automatically follow that the changes made would not be concordant with the Code. It is also not in the adjudicator's gift to direct an admission authority run a consultation process again if it has been found that it did not conform to the Code."

91. Nevertheless, in view of the objections which had been made, I also asked the Trust to give me the details of the consultation which it had undertaken. It gave me comprehensive

evidence which included the consultation notice, a list of the consultees and copies of the emails sent to each of the relevant parties, a consultation response analysis and minutes of the meeting of the local governing body which received the analysis and of the Trust Board which subsequently determined the arrangements (on 5 February 2026). These documents make clear the relative responsibilities of the schools local governing board and the Trust as admission authority.

92. The Trust pointed out that while it recognised that consultation is its responsibility, the "administration" of it had been undertaken by the LA under a service-level agreement. I have noted that the email sent to early years providers did not request them to engage with parents of very young children, who are specifically included as statutory consultees in paragraph 1.47 of the Code. This is an omission which need not have occurred. I can also see that the information provided as background by the Trust was limited, but I am in no doubt that those responding to the consultation were very well able to assess for themselves what they considered would be the effects of the change being proposed. I can see from the evidence that the consultation response was accurately reported to the Trust, and that it considered it before making its decision.

93. Save for the comments which I have made above, I do not consider that the consultation failed to meet the requirements set out in the Code. To that extent only I uphold this aspect of the objection, but I have already stated that my decision in this respect has no direct bearing on the arrangements subsequently determined by the admission authority.

E. <u>Do the arrangements give rise to indirect discrimination on the grounds of religion?</u>

94. I have stated above the number of objections received on this point, and the extent to which objectors themselves made reference to paragraph 1.8 the Code and section 19 of the Equality Act 2010.

95. I have quoted paragraph 1.8 of the Code above and its reference to equalities legislation. Section 19 of the Equality Act defines the notion of indirect discrimination in the following terms:

"19 Indirect discrimination

(1) A person (A) discriminates against another (B) if A applies to B a provision, criterion or practice which is discriminatory in relation to a relevant protected characteristic of B's.

(2) For the purposes of subsection (1), a provision, criterion or practice is discriminatory in relation to a relevant protected characteristic of B's if—

(a) A applies, or would apply, it to persons with whom B does not share the characteristic,

(b) it puts, or would put, persons with whom B shares the characteristic at a particular disadvantage when compared with persons with whom B does not share it,

(c) it puts, or would put, B at that disadvantage, and

(d) A cannot show it to be a proportionate means of achieving a legitimate aim… "

96. In very general terms, indirect discrimination applies where a provision, criterion, or practice – which applies to everybody in the same way – places a person with a protected characteristic at a disadvantage. Indirect discrimination does not need to be intentional or a conscious decision. If the provision, criterion or practice is justified, it is not discriminatory. However, the justification must be that the provision, criterion or practice is a proportionate means of achieving a legitimate aim.

97. The nine protected characteristics under the EA2010 are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation. A 'legitimate aim' must represent a real and objective consideration and be legal and non-discriminatory.

98. Objections were submitted by the LA's legal services on behalf of the governing bodies of Binfield Church of England Primary School and Warfield Church of England Primary School (Binfield and Warfield), and by The Oxford Diocesan Board of Education (the Diocese) in support of the former objection. Both allege indirect discrimination on the grounds of religion. Another objector simply said that children attending these schools would be penalised unfairly by their parents' choice of primary school.

99. The objection on behalf of the two schools set out the following justification for alleging indirect discrimination:

(i) The "criterion or practice" is the prioritisation of children attending the two feeder schools.

(ii) The protected characteristic is religion in the form of the Christian faith, and the criterion puts those with the protected characteristic at a disadvantage compared to non-Christians. "This is because Christians are more likely to want to send their children to schools with a Christian ethos ….. but will be inhibited or prevented from doing so by concern that if they do, their children may well not be admitted to their nearest secondary school…".

(iii) The admission authority will not be able to establish justification in the form of a proportionate means of achieving a legitimate aim, since the criterion either does not serve a legitimate aim or is not a proportionate as a means of achieving that aim. This is because it is either not the least intrusive means of achieving the aim without sacrificing the aims objectives, and/or it does not strike a fair balance between the need to achieve the aim and the impact of so doing on the rights of others (Christian families who want to send their children to a primary school with a Christian ethos).

The Diocese repeated these arguments but did so in simpler terms.

100. I have read all of the Trust's correspondence with me carefully and more than once but can find no response to this aspect of the objections.

101. To determine whether the matters the objectors have raised as being indirectly discriminatory are so, I need first to compare the impact on persons with the protected characteristics and those without. If a group is disadvantaged, then I will need to consider whether that disadvantage is the consequence of a legitimate aim and whether the disadvantage is necessary and proportionate to that aim.

102. In view of these objections, I asked the Diocese to give me a copy of the admission arrangements for Binfield and for Warfield. Both schools have a religious character of Church of England and so could have faith-based oversubscription criteria, but do not do so. Neither school gives any priority in its admission arrangements on the grounds of faith, whether to those practicing their Christian faith in a Church of England setting, to those belonging to other Christian denominations or indeed to those of any other faith.

103. I have dealt above with the effects of the school's admission arrangements on children who attend the schools named as feeder schools compared to children who do not attend those schools. The suggestion of indirect discrimination on the grounds of religion rests on the assertion that the children in question constitute two groups which are distinct in terms of the extent to which they are composed of those who profess the Christian faith and that the effect of the arrangements indirectly discriminates against those who do profess that faith.

104. However, there is nothing in the admission arrangements of the two non-feeder schools which implies that the children attending them are necessarily of the Christian faith. I absolutely accept that those who are of the Christian faith may well prefer a school with a Christian ethos, but I have no hard evidence that this is what is happening here, or that those of the Christian faith in the general population have especially sought places at the school and that such parents would therefore be likely to be inhibited from doing so in future because of the admission arrangements for KAB.

105. The objection made on behalf of the two schools states that 51 percent of parents at Binfield “identify as Christian”, and that this figure for Warfield is “nearly 50 percent of families”. A recent compilation of national census data for the UK by the House of Commons Library (“Constituency data: Religion (Census 2021,2022)” published 10 March 2026) says that 46 percent of the population “identifies as Christian”. This figure may not be repeated in Bracknell, and so it may be higher or lower than the national average. But it is my view that in the light of this statistic I cannot assume that the population of the two feeder schools is likely to be significantly different from that of the two non-feeder schools in terms of their professed religious allegiance. In fact, this evidence suggests that they will not be very different. I cannot therefore make a comparison concerning those with the protected characteristic cited by the objectors and those without it based on the effect of the arrangements on the pupils which attend the two schools, since I have no evidence that the population of the different schools is likely to be different in composition with relation to it. In other words, I have no evidence that indirect discrimination as alleged is present.

106. I do not uphold this aspect of the objections.

F. Do the arrangements fail to comply with the Children’s Wellbeing and Schools Act 2026?

107. I have confirmed with the LA that its objection relates to section 61 of that Act (and not to section 54 as expressed in its objection). Section 61 of this Act came into force on 27 June 2026. The effect of section 61 is to insert new sections into the Schools Standards and Framework Act 1998 and into the Education Act 1996. The wording which now constitutes section 19B of the latter is:

“*Contribution of individual schools*

19B Schools to co-operate with local authority in securing adequate provision (England)

(1)This section applies where it is reasonably foreseeable that decisions about a relevant school in England will affect the ability of a local authority in England to discharge its duties under section 14 or section 19(1).

(2)The responsible body for the school must co-operate with the local authority with a view to achieving the objective in subsection (3).

(3)The objective is that decisions about the school will result in the school contributing, so far as is reasonable, to the effective discharge by the local authority of the duties concerned.”

108. The LA complained that the arrangements as determined built “a layer of uncertainty into place planning in the northern planning area” and explained its reasons for this.

However, it seems to me that the words inserted into the Education Act 1996 concern the actions of an admission authority, and do not make any specific requirement concerning a school's admission arrangements. I am concerned only with whether admission arrangements comply with relevant legislation, and I do not consider the Act cited by the LA to constitute relevant legislation concerning a school's admission arrangements themselves.

109. I have come to the view that a consideration of this aspect of the objections does not fall within my jurisdiction. It is also the case that the legislation cited by the LA was not in force when the arrangements were determined, as the Trust has reasonably pointed out to me.

G. Are the arrangements unreasonable?

110. As I have shown above, a large number of objectors complained that the arrangements failed to be reasonable and gave different reasons for saying this. Reasons given were:

(i) that the arrangements have a negative impact on families (10 objectors) or on the community as a whole (eight objectors),

(ii) that they deny a "legitimate expectation" on the part of parents that admissions to the school would be determined differently (seven objectors)

(iii) that the arrangements will cause additional traffic locally (six objectors), or

(iv) that they are simply "nonsensical" (two objectors).

111. These are matters which are not referred to in the Code specifically, but in each case it is my understanding that the objectors are of the view that the matter complained of renders the arrangements unreasonable, which would be a breach of the requirements of paragraph 1.8 of the Code.

112. I have considered the matter of whether the arrangements fail to be reasonable in breach of paragraph 1.8 already in relation to the effect which I consider they will have on children attending schools which are not named as feeder schools within them. As a result, I do not need to make any further assessment on this point.

113. I have already upheld the objection that the arrangements fail to be reasonable.

Other matters

114. 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 (paragraphs of the Code are indicated where relevant):

A. Paragraph 1.8 of the Code says that oversubscription criteria must be clear, and

paragraph 14 that "Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated." The arrangements say:

"4. Priority will next be given to children whose siblings currently attend King's Academy Binfield and who will continue to do so on the date of admission."

115. Since the school provides education for children between the ages of 3 and 19, it is not immediately clear whether, for example, a younger sibling in Year 5 of the school would give priority for the admission of their older brother or sister to Year 7.

B. The arrangements also say:

"If there are still insufficient places, and no distinction can be made between applicants within each of the criterion (sic), they will be ranked according to the radial distance (straight line distance on a map) between the home and the academy."

116. I found this sentence difficult to understand, not least because it should always be the case that there will be no means for distinguishing between the two children being considered for the last remaining place under a given oversubscription criterion. They will both be there because they satisfy the same condition which gives priority under the oversubscription criterion and nothing more. It is also unnecessary to use a technical term which is then immediately explained as this gives rise to complexity for parents reading the arrangements.

I understand the statement to mean something like:

"If there are insufficient remaining places for all the applicants under a given oversubscription criterion, they will be ranked according to the straight-line distance between their home and the academy."

However, the arrangements do not say this and in my view are unclear and may cause a further breach of the requirements of paragraph 14 of the Code.

117. The Trust has responded positively to both these concerns, saying that it is willing to amend the arrangements. However, as determined, the arrangements fail to comply with the Code for the reasons I have given.

Determination

118. 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 King's Group Academies for King's Academy Binfield, for 2027

119. 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.

120. By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of this determination, unless an alternative timescale is specified by the schools adjudicator. In this case, the Trust must amend the arrangements as soon as possible and within one month at most.

121. The deadline for parents to express their preferences for places for admissions to secondary school places is 31 October 2026. The shorter timescale for redetermination in this case is to enable the local authority to begin the coordination of allocations knowing the amended arrangements at the earliest reasonable date.

Dated: 30 October 2026

Signed:

Schools Adjudicator: Dr Bryan Slater