



Office of  
the Schools  
Adjudicator

## Determination

**Case reference: ADA3787**

**Objector: An individual**

**Admission authority: The academy trust for Dame Alice Owen's School, Hertfordshire**

**Date of decision: 17 August 2021**

## Determination

**In accordance with section 88H(4) of the School Standards and Framework Act 1998, Mrs Talboys and I do not uphold the objection to the admission arrangements for September 2022 determined by the academy trust for Dame Alice Owen's School, Hertfordshire.**

**We have also considered the arrangements in accordance with section 88I(5) and find there is one other matter which does not conform with the 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. In this case we determine that the arrangements for the waiting list must be re-considered for September 2023.**

## 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 an individual (the objector), about the admission arrangements (the arrangements) for Dame Alice Owen's School (the school), a partially selective academy school for pupils aged 11 to 18 for September 2022. The objection is to the fact that applicants cannot sit the musical aptitude or the academic ability tests for the school unless they reside in the school's catchment area. The objector considers this to be contrary to the principle established by the courts in the "Greenwich Judgment".

2. The local authority (LA) for the area in which the school is located is the County of Hertfordshire. The LA is a party to this objection. Other parties to the objection are the academy trust and the objector.

3. This is one of a number of objections to the admission arrangements for September 2022 for different schools referred to the Office of the Schools Adjudicator by the same objector. Mrs Ann Talboys and I have been appointed as joint adjudicators for these objections as permitted by the Education (References to Adjudicator) Regulations 1999. I have acted as the lead adjudicator for this case and have drafted this determination.

4. Some of the objections contain aspects which are common to several other objections. We are aware that the objector has made objections to other schools in previous years about these same aspects. Some of those objections have been determined by different adjudicators. We have read the relevant previous determinations and taken them into account. Those determinations do not form binding precedents upon us, and we have considered each of these aspects afresh. The approach we have taken is to discuss each of the common aspects in the objections which have been made this year and agree the wording of our determinations in relation to those aspects. Some identical wording will appear in each of the determinations in relation to these common aspects.

5. Where an objection contains aspects which are unique to that objection, as this one does, the lead adjudicator has made a determination on each of those aspects which has then been read and agreed by the other adjudicator prior to completion of the determination.

## **Jurisdiction**

6. The terms of the Academy agreement between the academy trust and the Secretary of State for Education require that the admissions policy and arrangements for the academy school are in accordance with admissions law as it applies to maintained schools. These arrangements were determined by the academy trust, which is the admission authority for the school, on that basis. The objector submitted his objection to these determined arrangements on 14 April 2021. We are satisfied the objection has been properly referred to us in accordance with section 88H of the Act and it is within our jurisdiction. We have also used our power under section 88I of the Act to consider the arrangements as a whole.

## **Procedure**

7. In considering this matter we have had regard to all relevant legislation and the School Admissions Code (the Code).

8. The documents we have considered in reaching my decision include:

- a. a copy of the minutes of the meeting of the governing board at which the arrangements were determined;
- b. a copy of the determined arrangements, which include Supplementary

Information Forms;

- c. the objector's form of objection dated 14 April 2021 and supporting documents;
- d. the school's response to the objection;
- e. the LA's response to the objection;
- f. previous determinations ADA2264 and ADA2984 both of which determine an objection relating to the catchment area and ADA3355 which relates to a different aspect of the arrangements;
- g. The judgments in the cases of *Regina v Greenwich London Borough Council, Ex parte Governors of the John Ball Primary School* [(1989) 88 LGR 589] referred to as "the Greenwich Judgment" and *R v Rotherham MBC, ex parte T* [2000] ELR 76 referred to as "*The Rotherham judgment*"; and
- h. Information on the Department for Education website, in particular, on its Get Information about Schools (GIAS) database.

## The Objection

9. The objector claims that the "Greenwich Judgment" established the clear principle that any child can apply to a school irrespective of where they live, accordingly applicants who do not reside in the catchment area must be permitted to sit the musical aptitude and academic ability tests. His view is that the arrangements are unlawful because children living outside the Priority Areas are precluded from taking these tests and therefore precluded from applying for a place at the school.

## Other Matters

10. We raised three other matters with the admission authority. These were:
- a) A lack of clarity in the way late applications are treated (paragraph 14 of the Code).
  - b) The operation of the waiting list (paragraph 2.14 of the Code).
  - c) The rationale for the adoption of the school's catchment area (paragraph 1.14 of the Code).

## Background

11. The school opened as a state funded Academy for pupils aged 11 to 18 years on 1 April 2011, replacing Dame Alice Owen's School, a Voluntary Aided secondary school originally founded in Islington in 1613. The Academy is an all-ability inclusive school with pre-existing partially selective admission for children demonstrating musical aptitude or academic ability as permitted by section 100 of the Act. It has been rated as Outstanding by Ofsted. The GIAS website indicates that the school had a Progress 8 score of 0.65 in 2019 and was rated as Well Above Average, which is the highest available category. Only 17 per

cent of schools in England fall within this category. The school is popular and oversubscribed.

12. The arrangements provide for the admission to the school of at least 20 students from Islington every year which reflects both the school's charitable foundation and a long-standing agreement between the former local authority, ILEA, and Hertfordshire County Council which was arrived at when the school relocated from Islington to Potters Bar in the 1970s.

13. The Published Admission Number for the school is 200. Aspects of the arrangements which are relevant to the objection are extracted below.

"The Entrance Examination for candidates who wish to be considered for a place based on academic ability (oversubscription criterion 6) consists of two parts. Part I, the Verbal Reasoning Test and Part II the English and Mathematics Tests.

The Musical Aptitude test for those candidates who wish to be considered for a place based on musical aptitude (oversubscription criterion 5) also consists of two parts. The first part is a written test based on aural responses and the second is an individual test...

Parents who wish their children to take the Entrance Examination and/or Musical Aptitude tests must

(a) Ensure that their child's permanent home address is within one of the Local Priority Areas for the School (listed on page 3 of this document) or that their child is educated within the London Borough of Islington at the date of registration – 17th June 2021

(b) Ensure that their child is available to sit the tests on the dates detailed above

(c) Complete the Test Registration Form which will be available on the Admissions Section of the school website from 13th May 2021 and submit it to the school no later than 17th June 2021. We are unable to accept registrations after this date.

Parents should be aware that the results of the tests do not guarantee a place at the school. For more information on the Governor's Entrance Examination and Musical Aptitude tests please refer to Oversubscription criteria 5 and 6 on page 2 of these arrangements.

In the event of there being more than 200 applications (including children with EHCPs naming the school), places will be allocated in accordance with the oversubscription criteria below in number order (with highest priority being given to oversubscription criterion 1 and so on).

In allocating places under oversubscription criteria 1-7, at least 20 places overall will be offered to children who either have their permanent home address within the

London Borough of Islington or who are being educated in that Borough at the date of application – 31st October 2021.

For more information on Islington applicants please refer to Note C on page 6.

## **Application**

Parents who wish to make an application to the school must complete their home Local Authority Common Application Form (CAF) and return it to their Local Authority by the date of application - 31st October 2021. If your application is late your home Local Authority will advise how such applications are dealt with.

## **Oversubscription Criteria**

1 Children looked after and children who were previously looked after, but ceased to be so because they were adopted (or became subject to a child arrangements order or special guardianship order)....

2 Children who were previously looked after (in state care) outside of England, but ceased to be so because they were adopted....

3 The twenty-two children whose permanent home address is closest to the school at the date of application – 31st October 2021. For further information on locality applications please refer to Note B on page 5.

4 Children who have a sibling attending the school at the date of application, excluding siblings who first entered the school in the Sixth Form (Y12 and Y13)...

Places will be allocated under oversubscription criteria 5 & 6 only to children who have their permanent home address within one of the Local Priority Areas for the School (see below for a list of these areas) or are educated within the London Borough of Islington at the date of application – 31st October 2021.

5 Children demonstrating musical aptitude as determined by the Governors' Assessment Procedure (not more than 10 places). The Governors' Assessment Procedure consists of two Musical Aptitude Tests. The first test is a written test and is based entirely on aural responses. The second test is an individual test. Children achieving less than 47 marks in the first test will be deemed by the Governors not to be eligible for consideration for admission to the school under the musical aptitude criterion so will not progress to the second test. Children achieving 47 marks or above in the first test will be invited back to take an individual aptitude test which normally takes place towards the end of September. Children who progress to the second test will be ranked accordingly and places offered in rank order. We will endeavour to write within four weeks to parents of candidates who sat the second test with the ranked position of the candidate and the lowest ranked position we have been able to offer to in the last few years. These letters do not constitute an offer of a place at the school but are given for information purposes only.

6 Up to 65 children selected by academic ability, having taken the two parts of the Governors' Entrance Examination. Of these we will admit: As many children from the Islington Priority Area as, when added to the number from that area already admitted under other criteria, will ensure that at least 20 children are admitted from Islington. As many children from the non-Islington Local Priority Areas as, when added to the number from Islington already admitted under the paragraph above, will total not more than 65 children.

7 Children of Staff A member of staff is defined as a person who has a permanent contract of employment with the Governing Body of the School at the time of application, and qualifies in the following circumstances: (a) the member of staff has been employed at the School for two or more years at the time at which the application for admission to the School is made, or (b) the member of staff is recruited to fill a vacant post for which there is a demonstrable skill shortage.

8 Children whose permanent home address is closest to the school at the date of application.

**Local Priority Areas Places will be allocated under oversubscription criteria 5 & 6 only to children who have their permanent home address within one of these listed areas or are educated within the London Borough of Islington**

#### **Parishes and towns within Hertfordshire**

Aldenham	Essendon	Northaw & Cuffley
Bayford	Hatfield	Potters Bar
Brickendon Liberty	Little Berkhamsted	Ridge
Colney Heath	London Colney	Shenley
Elstree & Borehamwood	North Mymms	Welwyn Garden

#### **City Postcodes within the London Boroughs of Barnet, Enfield and Islington**

EN2 sectors 7, 8	N11 sectors 1, 3	N14 all sectors
EN4 all sectors	N12 all sectors	N20 all sectors
EN5 all sectors	N13 sectors 4, 5	N21 all sectors
Islington all sectors	All applicants who live in, or are being educated in, the London Borough of Islington.	

Maps providing an overview of the Local Priority Areas available to view on the school website. NB These maps are for indication purposes only – the definitive areas are those set out above...

Secondary Transfer - after places have been offered, Hertfordshire County Council (HCC) will maintain the school's Continuing Interest (CI) List until the end of the summer term preceding their transition to secondary school. To retain a CI application after this time, parents must make a fresh In Year application for Year 7 via HCC at <http://www.hertfordshire.gov.uk/inyear>".

14. The school's admission arrangements have been objected to previously and we have read the previous determinations referred to in paragraph 8 above, two of which related to the reasonableness of the catchment area. We are in agreement with the conclusions reached by previous adjudicators in these previous determinations; however their decisions do not form binding precedents upon us. We have examined the rationale for the school's catchment area afresh both in light of the points raised by the objector and to ensure ongoing compliance with paragraph 1.14 of the Code, as we explain under 'Other Matters'.

## Consideration of Case

### The objection

15. The school is a partially selective school. Selection is demonstrated by musical aptitude (up to 10 places) and academic ability (up to 65 places) as determined by virtue of performance in two different types of tests (the selection tests). The arrangements restrict which applicants are permitted to sit the selection tests to those resident in Priority Areas 1 and 2. The ten places awarded on the basis of musical aptitude are allocated in rank order of score, but obviously can only be allocated to those applicants living within the Priority Areas as applicants from other areas are not permitted to sit the relevant test. The 65 places awarded on the basis of academic ability are allocated in such a way as to ensure that when added to children allocated places under higher criteria at least 20 applicants who live in, or are being educated in, the London Borough of Islington secure places. The remaining places in this category are awarded in rank order to applicants living in the other postcodes within the Priority Areas.

16. The objector considers that the fact that only applicants who live in the Priority Areas can sit the tests contravenes the principle established in the "Greenwich judgment". We disagree, and will explain our reasons. The principle established in this judgment is that [what is now] section 86 of the Act imposes the same obligation upon local authorities to make arrangements for enabling the parent of a child to express a preference as to the school at which he/she wishes education to be provided for the child and to comply with such preference regardless of whether that parent lives in the area of the authority or not. The principle has been clarified over time and in subsequent cases, including the

Rotherham judgment, to mean that it is unlawful to give priority in admission arrangements to any applicant exclusively on the basis that they reside within the local authority area in which the school is situated. Admission authorities are permitted to have catchment areas, but these cannot be designed in such a way as to give priority on the basis solely of residing in the local authority area in which the school is located.

17. The principle referred to by the objector is also explained in the Code. Paragraph 1.14 provides that catchment areas must be designed so that they are reasonable and clearly defined. There is then a footnote which says: “R v Greenwich London Borough Council, ex parte John Ball Primary School (1989) 88 LGR 589 [1990] Fam Law 469 held that pupils should not be discriminated against in relation to admission to the school simply because they reside outside the local authority area in which the school is situated. Section 86(8) of the SSFA 1998 places an equal duty on local authorities to comply with parental preference in respect of parents living within and outside their boundary”. Paragraph 1.14 of the Code also provides that catchment areas do not prevent parents who live outside the catchment of a particular school from expressing a preference for the school, which is significant in terms of this objection.

18. The school’s catchment area is the two Priority Areas set out in the tables above. There are two reasons why the catchment area for this school does not contravene the Code, section 86(8) of the Act or the principle established in the Greenwich judgment. The first is that the establishment of the catchment areas does not prevent applicants from other areas expressing a preference for the school, its effect is to preclude them from being given priority under oversubscription criteria 5 and 6. There is no requirement for applicants to live in the catchment area to acquire priority under oversubscription criteria 1, 2, 4, 7 or 8 (it is not an explicit requirement under oversubscription criterion 3 although in practice applicants who are offered places under this criterion will all live in Hertfordshire).

19. Second, the Priority Areas do not all fall with the boundary of the County of Hertfordshire. Self-evidently they include city postcodes within the London Boroughs of Barnet, Enfield and Islington, and some places awarded under oversubscription criterion 6 are to applicants who are educated or resident in the London Borough of Islington. Those who are resident in the London Borough of Islington or the other London boroughs listed cannot by definition be residents in the area of the local authority in which the school is located, which is Hertfordshire. Both the school and the local authority concur with our interpretation of the law and the Greenwich and Rotherham judgments and have, of course, confirmed that the catchment area includes many postcodes which are not within the County of Hertfordshire.

20. We turn now to the question of whether the school is required to allow all applicants to sit its tests irrespective of where they live. The objector’s view is that the school must allow this even if parents simply wish to avail themselves of the opportunity as “mock” tests for other schools. The objector’s view is ill founded. There is no requirement in the law or Code for partially selective schools to test all applicants. Paragraph 1.21 of the Code provides that “Partially selective schools select a proportion of their intake by ability. Where schools can partially select, they must publish the entry requirements for a selective place,

and the process for such selection. They must offer places to other children if there are insufficient applicants who have satisfied the published entry requirements for a selective place.” The final sentence is important. It makes clear that in a partially selective school, the selective places are simply an oversubscription criteria category. If not enough children living in the Priority Areas and sitting the tests meet the selection requirements, then the places would be awarded under other categories. This is quite different from in a wholly selective or grammar school which can keep places empty if not enough children who apply meets its entry threshold. The arrangements meet the three requirements in paragraph 1.21. We find it odd that the objector thinks that the school should be obliged to spend public money resourcing applicants to take selection tests where there is no possibility of those applicants being offered a selective place, simply so those applicants can treat them as mock tests for other selective schools. We imagine that the school will have much more pressing needs for the funding allocated to it by the Department for Education.

21. In reply to the school’s response to the objection, the objector questioned whether it is reasonable to have catchment areas at all given that people are more mobile; suggested that it is for parents to decide how far their children should have to travel to school; insisted that applicants who do not live in the Priority Areas should be permitted to take the tests as ‘mock tests’; castigated the school for associating with an organisation which promotes alcohol (its trustee is the Worshipful Company of Brewers); questioned the logic of giving priority to Islington residents who are born long after the school’s move to Potters Bar; criticised the 36 month residence requirement; and accused the school of ‘socially selecting’ a white racial profile. All of these are new issues which have not been objected to previously. We are not under a duty to consider these issues because they have been first raised after the statutory deadline for objections to admission arrangements for September 2022. Nor have we exercised our powers under section 88I of the Act to consider these matters. This is for two reasons. First, some of the points made – for example the school’s long and entirely proper association with the Worshipful Company of Brewers – are not relevant to its admission arrangements. Second, to the extent that the objector’s points are related to admissions, we do not consider that the arrangements breach the Code. While the Code does not give a definitive list of acceptable oversubscription criteria, paragraph 1.10 does make clear that it is for admission authorities to decide which criteria would be most suitable for the school according to the local circumstances. It is our view that the admission of children from Islington, in accordance with the school’s charitable foundation, is permitted by virtue of paragraph 1.10 of the Code and that the use of catchment areas more generally which is specifically contemplated by paragraph 1.14 of the Code is lawful in the context of this school and its history.

22. **Accordingly, for these reasons set out above, we do not uphold this objection,**

23. However, as the arrangements have been brought to our attention, the lead adjudicator did ask the school to explain the rationale for the adoption of the Priority Areas. We have set out further consideration of whether the arrangements comply with paragraph 1.14 of the Code under the section entitled ‘Other Matters’.

## **Other matters**

## Late applications

24. The arrangements say: “If your application is late your home Local Authority will advise how such applications are dealt with”. Paragraph 14 of the Code states: “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”. We were concerned that it is not possible for a parent to look at the school’s arrangements and understand what the consequences would be of missing the deadline for applications. It appeared to us therefore that the arrangements themselves may not be sufficiently clear to comply with the requirements of paragraph 14. Also, different local authorities may treat late applicants differently, which may lead to inconsistency of treatment between applicants, meaning that this aspect of the admission arrangements could be said to be objectively unreasonable and capable of operating unfairly. The school has acknowledged our concerns and has agreed to revise the arrangements. We are grateful to the school for its cooperation in this matter.

## The waiting list

25. Paragraph 2.14 of the Code provides: “Each admission authority must maintain a clear, fair and objective waiting list until at least 31 December of each school year of admission, stating in their arrangements that each added child will require the list to be ranked again in line with the published oversubscription criteria. Priority must not be given to children based on the date their application was received or their name was added to the list. Looked after children, previously looked after children, and those allocated a place at the school in accordance with a Fair Access Protocol, must take precedence over those on a waiting list”. The arrangements did not appear to us to comply with paragraph 2.14 because they state “Hertfordshire County Council (HCC) will maintain the school’s Continuing Interest (CI) List **until the end of the summer term preceding their transition to secondary school**. To retain a CI application after this time, parents must make a fresh In Year application for Year 7 via HCC at <http://www.hertfordshire.gov.uk/inyear>”.

26. Our interpretation of paragraph 2.14 is that the waiting list referred to is a list of applicants who have applied in the normal round which may be added to and re-ordered if there are new applications but must be maintained until 31 December of the admission year. We remain of the view that this is the most logical interpretation, the rationale being (we think) that a waiting list must be maintained in case applicants drop out in the first term of Year 7. This is a mandatory requirement.

27. The school has explained that it participates in the LA’s scheme, and that the LA sought legal advice before adopting its position on how the waiting lists can be operated. We were told that it is preferable to ask those who continue to be interested in the school to make a new application. In this way, it can be ensured that the list is up to date with applicants who remain genuinely interested. The school mentions an example of a vacancy arising and having to contact ten applicants on the list because the first nine were no longer interested. The school did not specify at which point the vacancy arose. Given that this is

such a prestigious school, it would seem surprising if an applicant to Year 7 in the normal round who had wanted to remain on a waiting list and who was offered a place during the first term would no longer be interested. Also, there would be no means of filling any vacancy arising in the first term if there had been no new applications or re-applications to Year 7.

28. The LA has confirmed that the Continuing Interest arrangements undertaken by the school are part of the LA's published arrangements which are in place for all community schools and all own admission authority schools that subscribe to the County Council's scheme of In Year coordination, currently 80% of mainstream schools in the county. The LA says "The school, through the specific example quoted, has helpfully illustrated the difficulties experienced and the delay to allocations if transfer applications are simply "rolled over" to the new academic year. The County Council firmly believes its current CI process adheres to current, and new, Code requirements and best meets the needs of both families and schools". We imagine that the view of the local authority's lawyers is that, provided a waiting list is in place until 31 December in the year of entry, there is no requirement that this be the original list.

29. We find ourselves in a dilemma here. We remain of the view that paragraph 2.14 requires that a waiting list of original and any new applicants for the year of entry needs to be maintained until 31 December in the admission year. It can then be disbanded. It is subsequently open to the school and the LA to invite any interested person to make a fresh application after 31 December to establish what we will call a current list. But there is no obligation to do this. As the lead adjudicator has acknowledged, in maintaining a CI list beyond the 31 December in the admission year, the school and the LA are in a way exceeding the obligations in the Code, but they are not strictly complying with paragraph 2.14. In our view, there is a solution to the problem identified by the school which would achieve the desired effect and also comply with paragraph 2.14. This would be for the arrangements to say that parents of original applicants must send positive written confirmation that they require their child's name to remain on the waiting list before the end of the summer term preceding their transition to secondary school, and that if no such written confirmation is received by this date, the child's name will be removed from the list. In this way, a current list can be maintained which will comprise only those original applicants with a genuine continued interest in a place at the school. The list could then be maintained beyond 31 December, if this is what is wanted, and added to with new in-year applicants. We appreciate that the waiting list for the school is managed by the local authority and that, if this continues to be the case and the operation of the waiting list is revised, the school will be asking the authority to operate different arrangements only for this school. Therefore, we do not require any revisions to the school's arrangements for admissions in September 2022. However, we suggest that both the school and the LA review the operation of waiting lists for admissions in September 2023. The LA may wish to draw this determination to the attention of its lawyers to consider before establishing the waiting list policy for 2023 admissions to the schools for which the local authority manages the waiting lists.

#### Catchment areas

30. Paragraph 1.14 of the Code provides: “Catchment areas must be designed so that they are reasonable and clearly defined. Catchment areas do not prevent parents who live outside the catchment of a particular school from expressing a preference for the school”. We could see that the school is committed to maintaining a connection with the London Borough of Islington and that the Priority Areas comprise parishes within Hertfordshire which do not cover the whole of Hertfordshire and also postcodes within adjoining boroughs. Also, it appeared to us from the maps on the school’s website that the area of catchment has been designed to ensure that pupils have reasonable home to school journeys, but we asked for an explanation of why the catchment has been drawn as it is and how long it has been in operation in order to ensure that it continues to be reasonable.

31. The school explained that has given careful consideration to making the catchment definition as clear as possible for parents and has stressed the importance of this. The school has also explained that the catchment was designed taking into account the need for pupils not to have long journeys to and from school each day and bearing in mind that there are considerable out-of-school activities which pupils are encouraged to participate in. The desire is to ensure that the school is at the heart of the local community and not just “a magnet school for the most able students in a very wide area for those who are willing to relocate or travel a great distance to secure a place at the school. It is an important part of the school’s ‘ecosystem’ that it is **both** a partially selective school **and** a genuinely local school participating and contributing to the local community”. The school was originally founded to educate poor children in Islington and Clerkenwell and works close with the London Borough of Islington to ensure that its opportunities for the most disadvantaged students in the Borough are promoted. The school is committed to preserving the link to Islington in order to honour the original bequest by Dame Alice Owen. With the exception of Islington, the other parts of the catchment are geographically close to the school. Apparently, the trust “extensively” considered affording priority based upon proximity to the school, but concluded that this would not be fairer and would not reflect the individual circumstances of the school in terms of local bus and train routes. In light of this explanation, we consider that the Priority Areas are clear and remain reasonable in design.

## Summary of Findings

32. We find that the operation of the arrangements does not contravene section 86 of the Act and that the design of the Priority Areas has been considered carefully. We also find that the catchment area for the school is reasonable and described clearly. The school has agreed to revise the arrangements for late applicants so that these are made clear to parents, but needs to reconsider its obligations under paragraph 2.14 of the Code regarding the waiting list.

## Determination

33. In accordance with section 88H(4) of the School Standards and Framework Act 1998, Mrs Talboys and I do not uphold the objection to the admission arrangements for

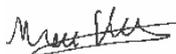
September 2022 determined by the academy trust for Dame Alice Owen's School Hertfordshire.

34. We have also considered the arrangements in accordance with section 88I(5) and find there is one other matter which does not conform with the requirements relating to admission arrangements in the ways set out in this determination.

35. By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. In this case we determine that the arrangements for the waiting list must be re-considered for September 2023.

Dated: 17 August 2021

Signed:



Schools Adjudicator: Marisa Vallely

Schools Adjudicator: Ann Talboys