



Office of
the Schools
Adjudicator

Determination

Case references: ADA4245, ADA4246, ADA4247, ADA4248, ADA4249, ADA4250, ADA4275

Objectors: A parent and a member of the public

Admission authority: Lee Chapel Multi-Academy Trust for Lee Chapel Primary School, Northlands Primary School, Ryedene Primary School, The Phoenix Primary School, Greensted Primary School and Chapel Hill Primary School in Essex

Date of decision: 7 May 2024

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objections to the admission arrangements for September 2025 determined by Lee Chapel Multi-Academy Trust for Lee Chapel Primary School, Northlands Primary School, Ryedene Primary School, The Phoenix Primary School, Greensted Primary School and Chapel Hill Primary School in Essex.

I have also considered the arrangements in accordance with section 88I(5) and find there are other matters which do 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. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of the date of the determination.

The referral

1. Under section 88H(2) of the School Standards and Framework Act 1998, (the Act), an objection was referred to the adjudicator by a parent, about the admission arrangements (the arrangements) for September 2025 determined by Lee Chapel Multi-Academy Trust (the trust) for the six schools within the trust: Lee Chapel Primary School, Northlands Primary School, Ryedene Primary School, The Phoenix Primary School, Greensted Primary

School and Chapel Hill Primary School. A further objection was referred by a member of the public about the arrangements for September 2025 for Lee Chapel Primary School. The schools are all academy primary schools. Lee Chapel Primary School caters for children between the ages of two and eleven years; Northlands, Ryedene, The Phoenix and Greensted Primary Schools cater for children between the ages of three and eleven years. Chapel Hill Primary School is due to open in September 2024. This school's website states that it will cater for children aged from nought to eleven years.

2. The objections are to whether the arrangements for Lee Chapel Primary School, The Phoenix Primary School and Chapel Hill Primary School meet the requirements set out in the School Admissions Code in relation to the admission of children outside their normal age group and/or who are summer born children. Concerns are also raised as to whether the arrangements for all the schools within the trust are clear.

3. The local authority (LA) for the area in which the schools are located is Essex County Council. The LA is a party to these objections. Other parties to the objections are the objectors, the trust and the local governing boards for the six schools within the trust.

4. I am dealing with all these objections within one determination as the matters at issue are common to all the schools.

Jurisdiction

5. The terms of the Academy Agreement between the multi-academy trust and the Secretary of State for Education require that the admissions policy and arrangements for each academy school are in accordance with admissions law as it applies to maintained schools. The academy trust, which is the admission authority for the schools, decided the overarching approach to admissions for September 2025 on 17 November 2023. As the trust delegates responsibility for the administration of the admission arrangements to the local governing body of each of its schools, each school within the trust then determined its own admission arrangements as follows: Lee Chapel Primary School, 18 November 2023; Northlands Primary School, 6 December 2023; Ryedene Primary School, 18 January 2024; The Phoenix Primary School, 31 January 2024; Greensted Primary School, 13 December 2023; and Chapel Hill Primary School, 17 November 2023. The objectors submitted their objections to these determined arrangements on 4 February 2024 and 29 January 2024. 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. I have also used my power under section 88I of the Act to consider the arrangements as a whole.

Procedure

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

7. The documents I have considered in reaching my decision include:

- a. a copy of the minutes of the meetings of the trust and each school's governing board at which the arrangements were determined. Specifically, Lee Chapel Multi-Academy Trust 17 November 2023; Lee Chapel Primary School, 18 November 2023; Northlands Primary School, 6 December 2023; Ryedene Primary School, 18 January 2024; The Phoenix Primary School, 31 January 2024; Greensted Primary School, 13 December 2023; and Chapel Hill Primary School, 17 November 2023;
- b. a copy of the determined arrangements for each of the six schools within the trust;
- c. the objectors' forms of objection dated 4 February 2024 and 29 January 2024, along with supporting documents;
- d. responses to the objections from the trust and the LA, along with supporting documents and information;
- e. Lee Chapel Multi-Academy Trust Scheme of Delegation;
- f. the local authority's online composite prospectus for admissions to primary schools and the primary education policy directory for South Essex;
- g. maps of the local area or a list of postcodes identifying the catchment of relevant schools;
- h. confirmation of when consultation on the arrangements for Lee Chapel Primary School most recently took place;

The Objections

8. Both objectors are concerned that the admissions arrangements for Lee Chapel Primary School in relation to summer born children do not meet the requirements set out in paragraphs 2.18-2.20 of the Code. The first objector raises the same concerns in relation to The Phoenix Primary School and Chapel Hill Primary School. The second objector is also concerned about the arrangements, covered by the same parts of the Code, relating to the admission of children outside their normal age group. Additionally, both objectors claim that the admission arrangements for all the schools within the trust are not clear and, therefore, do not comply with paragraph 14 of the Code.

Other Matters

9. During my review of the admissions arrangements, I identified a number of matters in the determined arrangements that do not, or may not, conform with the requirements of the Code.

10. The trust's 2025/26 admissions policy, ratified on 17 November 2023, did not include all the schools within the trust. The policy was amended on 24 January 2024 to include Chapel Hill Primary School. It is not clear whether this change was formally determined by the admissions authority (paragraph 1.49 of the Code).

11. The oversubscription criteria for Northlands Primary School and The Phoenix Primary School, as set out in the trust admissions policy, are different to those set out in the individual school's admissions arrangements (paragraph 14 of the Code).
12. The oversubscription criteria for Lee Chapel Primary School have changed from those in the admissions arrangements for 2024/25. There is no evidence on the school website, or in the minutes of the governor's meeting of 18 November 2023, that a consultation on these changes took place (paragraphs 1.45-1.48 of the Code).
13. Except for Northlands Primary and Ryedene Primary, the admissions arrangements do not make it clear that a pupil whose Education, Health and Care Plan names the school will be admitted (paragraph 1.6 of the Code).
14. The definition of looked after and previously looked after children varies from school to school. Some sets of arrangements refer to "residence orders". These were replaced by child arrangements orders some years ago. Northlands Primary School arrangements do not include children in care. No school uses the definition as set out in the trust policy (paragraph 1.7 of the Code).
15. The definition of siblings is inconsistent between the schools (paragraph 1.11 of the Code).
16. The trust policy defines what is meant by home address but this is not referred to in school admissions arrangements with the exception of The Phoenix School. Furthermore, the definition of home, as where a child lives "for the majority of the school term time", is unclear (paragraph 1.13 of the Code).
17. Except for Northlands Primary, admissions arrangements include an oversubscription criterion applying to children of staff. The definition of children of staff varies between the schools (paragraph 1.39a of the Code).
18. Not all arrangements include details of an effective, clear and fair tie-breaker to decide between two applicants that cannot otherwise be separated (paragraph 1.8 of the Code).
19. The oversubscription criteria for Northlands Primary School, The Phoenix Primary School and Ryedene Primary School follow a different 'waiting list' policy from that determined by the trust. Some admissions arrangements may not be compliant with the requirements of the Code (paragraph 2.15 of the Code).
20. The application process for Chapel Hill Primary School is contradictory and may be confusing for parents. The admissions arrangements state: "Applications for Reception places should be made directly to the school using the Reception Admission Application Form. Applications must be made in accordance with the co-ordinated admission scheme operated by the child's home Local Authority. For children resident in Essex, this is detailed in the Primary Education in Essex booklet." For 2025, there would appear to be no reason

for Reception applications to be made directly to the school (paragraphs 15d and 2.22 of the Code).

21. Ryedene Primary School's admissions arrangements state that, "Attendance at the nursery does not guarantee admission to the school. Parents of children who are attending the nursery must apply for a place at the school if they want their child to attend the reception class..." This is not mentioned in the trust's admissions policy or other schools' admissions arrangements (paragraph 15d of the Code).

22. Some of the schools' admissions arrangements give priority in their oversubscription criteria to children living in what are referred to as "priority admissions areas". A "priority admissions area" is what the Code refers to as a catchment area. Paragraph 1.14 of the Code provides that such areas must be reasonable and clearly defined. The areas are not defined or explained in the admissions arrangements, for example, by the use of maps or lists of streets or postcodes (paragraph 1.14 of the Code).

23. With the exception of Greensted Primary and Ryedene Primary, the schools' admissions arrangements do not make it clear that, where a child has been offered a place, the child's parents can defer the date their child is admitted to the school until later in the school year but not beyond the point at which they reach compulsory school age and not beyond the beginning of the final term of the school year for which it was made; and, where the parents wish, children may attend part-time until later in the school year but not beyond (paragraphs 2.17b and 2.17c of the Code).

24. Two schools, Northlands Primary and Ryedene Primary, have included medical need as an oversubscription criterion. However, Northlands has not clearly set out how they will define this need, given clear details about what supporting evidence is required or how they will make consistent decisions based on the evidence provided (paragraph 1.16 of the Code).

25. Information about in-year applications is not consistently included within the arrangements of the trust and individual schools (paragraph 2.26 of the Code).

Background

26. Lee Chapel Multi-Academy Trust consists of six schools located across the Basildon area of Essex. The trust opened in April 2012 with two schools, Lee Chapel Primary School and Greensted Junior School. In September 2016, Northlands, Ryedene and The Phoenix Primary Schools joined the trust. Greensted Infants School joined the trust in September 2018 and amalgamated with Greensted Junior School to become Greensted Primary School. The sixth school, Chapel Hill Primary School, is currently being built and will open in September 2024. The trust's stated aim is that provision and pupil outcomes in all six schools will be judged to be 'Outstanding'.

27. Each of the schools has a Local Governing Body (LGB). The trust's scheme of delegation sets out that each LGB is responsible for implementing the policies agreed by the board of trustees, and that the trustees have delegated the responsibility for setting and

implementing the admissions arrangements for each school to the relevant LGB. However, the trust has also published a centralised admissions policy in addition to the individual schools' arrangements. A school can only have one set of admission arrangements. I have taken the locally determined admission arrangements to be the arrangements for each school and worked on the basis that each LGB has determined its arrangements within the framework set by the trust's overall policy. That is consistent with the scheme of delegation. I shall deal later with the implication of the inconsistencies between the trust's overall policy and the arrangements of the individual schools.

Consideration of Case

28. The objectors each raise concerns about the admission of children outside their normal age group.

Objector 1 states: "Phoenix has no summer born policy on their admissions.... Lee Chapel lacks detail under their summer born policy.... Chapel Hill summer born policy was amended on the 24.01.2024 after I complained to the trust that it was non-compliant and there was no consultation either."

Objector 2 states: "The procedure for requesting admission outside of normal age group is also not clear. It does not specify who the "admission authority" is. The policy also insinuates that that (sic) evidence from social or medical professionals is necessary and that being summer born is not a reason in itself. It also insinuates that a decision cannot be challenged."

29. The trust's policy and each school's admissions arrangements contain the same wording on these matters:

"Parents may request that their child is admitted outside their normal age group. To do so, parents should include a request with their application, specifying why admission out of normal year group is being requested.

Parents of a Summer-born child (a child born between 1st April and 31st August), may choose not to send their child to school until the September following their fifth birthday and may request that they are admitted out of their normal age group – i.e. into reception rather than year 1. Requests should be made in writing to the school, the year before their child would normally start school at four years old and before the main round application window closes. When such a request is made, the Admissions Authority will make the decision on the basis of the circumstances of the case and in the best interests of the child concerned, taking into account the views of the Headteacher and supporting evidence provided by the parent. In order to ensure that the correct informed decision is made, parents are asked to include the reasons for the request, aside from the fact that the child is Summer born (i.e. details of the child's academic, social, and emotional development and where relevant, their medical history and the views of a medical professional). If the Admissions Authority agrees to an out of age-appropriate cohort for a Summer-born child, it is important to

note that this is not a guarantee of a place and a formal, on time application is still required to be made via the Essex County Council online portal. If the Admissions Authority does not agree, this is not considered a refusal of a place, and as such, there is no right of appeal.”

30. The Code states:

“2.18 Parents may seek a place for their child outside of their normal age group, for example, if the child is gifted and talented or has experienced problems such as ill health. In addition, the parents of a summer born child⁵⁷ may choose not to send that child to school until the September following their fifth birthday and may request that they are admitted out of their normal age group – to reception rather than year 1. Admission authorities must make clear in their admission arrangements the process for requesting admission out of the normal age group.

2.19 Admission authorities must make decisions on the basis of the circumstances of each case and in the best interests of the child concerned. This will include taking account of the parent’s views; information about the child’s academic, social, and emotional development; where relevant, their medical history and the views of a medical professional; whether they have previously been educated out of their normal age group; and whether they may naturally have fallen into a lower age group if it were not for being born prematurely. They must also take into account the views of the head teacher of the school concerned. When informing a parent of their decision on the year group the child should be admitted to, the admission authority must set out clearly the reasons for their decision.

2.20 Where an admission authority agrees to a parent’s request for their child to be admitted out of their normal age group and, as a consequence of that decision, the child will be admitted to a relevant age group (i.e. the age group to which pupils are normally admitted to the school) the local authority and admission authority must process the application as part of the main admissions round, unless the parental request is made too late for this to be possible, and on the basis of their determined admission arrangements only, including the application of oversubscription criteria where applicable. They must not give the application lower priority on the basis that the child is being admitted out of their normal age group. Parents have a statutory right to appeal against the refusal of a place at a school for which they have applied. This right does not apply if they are offered a place at the school, but it is not in their preferred age group.

Footnote 57: The term summer born children relates to all children born from 1 April to 31 August. These children reach compulsory school age on 31 August following their fifth birthday (or on their fifth birthday if it falls on 31 August). It is likely that most requests for summer born children to be admitted out of their normal age group will come from parents of children born in the later summer months or those born prematurely.”

31. While the common wording in all the admissions arrangements does cover aspects of the Code in relating to admitting children outside their normal age group, the Code is not followed in its entirety. For example, the wording does not make it clear how and when a parent of a summer born child should apply; that the admissions authority should set out clearly the reasons for the decision made; and in what circumstances a parent may complain. I find that each of the admission arrangements in relation to admitting children outside of their normal age group lacks detail and may be confusing for parents. I, therefore, uphold this aspect of the objection.

32. I note here the comment in paragraph 17 of the OSA Annual Report 2023 about the delayed admission of summer born children whose parents wish them to join Reception at the time their age cohort is moving into Year 1. The reports states that:

“... [this] is not a right but may be requested by parents and decisions then made in the best interests of the child. There is further guidance on this at [Guidance on handling admission requests for summer born children](#) - GOV.UK (www.gov.uk). “

33. Before moving on, I note that one of the objectors also raised concerns that the trust amended its admission arrangements in relation to admitting children outside their normal age group for September 2024 without consultation. As has been explained to the objector, in the course of written correspondence, the 2024 arrangements are not within my jurisdiction and so I will not be commenting further on those specific concerns. However, paragraph 3.6 of the Code makes it clear that determined arrangements may be revised without consultation if “such revision is necessary to give effect to a mandatory requirement of this Code”.

34. Both objectors also state that the “admission arrangements” for the trust and the admission arrangements for each of the schools within the trust are not clear and, therefore, do not comply with paragraph 14 of the Code which 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.”

35. From the documentation submitted and information on the trust’s, schools’ and LA’s websites, prospective parents need to refer to three different sets of documentation to build an understanding of the admissions arrangements for each school (the admission arrangements for the school, the trust admissions policy and Essex local authority admissions documentation). Additionally, information, hyperlinks or email addresses for relevant sites are not always provided or accurate.

36. Furthermore, there are numerous sections within the trust policy and the admission arrangements for the individual schools that are inconsistent, contradictory and confusing for parents. Specific instances are detailed in the ‘Other Matters’ section below. In short, a parent who relies on the trust’s published policy cannot be clear that the stated

arrangements for a particular school are in fact that school's determined arrangements. Paragraph 5 of the Code states that:

"It is the responsibility of admission authorities to ensure that admission arrangements are compliant with this Code. Where a school is their own admission authority, this responsibility falls to the governing body or Academy Trust."

It is my finding that the trust, as the admission authority, has not fulfilled this responsibility.

37. In the course of correspondence, the trust acknowledged the discrepancies and the confusion that these may cause to parents. It has also indicated that it intends to withdraw the central arrangements so that it is clear that each school has its own set of arrangements. However, as things stand, I find that the arrangements are not clear or easily understood and I uphold this aspect of the objections.

Other Matters

38. I will now consider each of the other matters identified during my review of the admissions arrangements to determine whether these matters conform with the requirements of the Code.

39. The trust's admissions policy for 2025/26, determined on 17 November 2023, did not include all the schools within the trust. The policy was amended on 24 January 2024 to include Chapel Hill Primary School. The trust acknowledge that this change was not formally determined by the admissions authority as required by the Code, paragraph 1.49 for the following reasons:

"The omission of Chapel Hill's admissions arrangements in the published trust admissions policy for 2025/26 was an administrative oversight. As the Trust Board had already agreed the Chapel Hill admissions policy for 2025/26 at the Board of Directors' meeting held on 17th November 2023, it was agreed that it was not necessary for the amended trust admissions policy to be put before the Board again. However, if there had been a change to the already agreed admissions criteria, it would have been formally re-determined by the Board of Directors at their next meeting."

I find that, as the trustees had already agreed the admissions arrangements for 2025/26 for Chapel Hill Primary School and no changes were made, this was an acceptable amendment within the provisions of paragraph 3.6 of the Code as set out earlier in this determination.

40. Table 1 sets out the oversubscription criteria for Northlands and The Phoenix Primary Schools. The oversubscription criteria in the trust admissions policy are different to those in the individual school's admissions arrangements. The criteria are potentially confusing and, therefore, unclear. They do not meet the requirements of paragraph 14 of the Code.

Table 1: Oversubscription criteria for Northlands Primary School and The Phoenix Primary School

	Oversubscription criteria as set out in the trust admissions policy	Oversubscription criteria as set out in the school admissions arrangements
Northlands Primary School	<ol style="list-style-type: none"> 1. Looked After Children and Previously Looked After Children; 2. Children living in the priority admission area with a sibling in the school; 3. Children living in the priority admission area without a sibling in the school; 4. Other children living in the priority admission area; and 5. Remaining Applicants. 	<ol style="list-style-type: none"> 1. Children looked after and previously looked after children; 2. Children living in the priority admission area with a sibling attending the school at the time of admission; 3. Children living outside the priority admission area with a sibling attending the school at the time of admission; 4. Other children living in the priority admission area; 5. Children living outside the priority admission area.
The Phoenix Primary School	<ol style="list-style-type: none"> 1. Looked After Children and Previously Looked After Children; 2. Children with a brother or sister attending the school at the time of application and determination; 3. Children living in the priority admissions area; 4. Children of staff at the school (a) where the member of staff has been employed at the school for two or more years at the time at which the application for admission to the school is made, and/or (b) the member of staff is recruited to fill a vacant post for which there is a demonstrable skill shortage; and 5. Remaining applicants. 	<ol style="list-style-type: none"> 1. Looked After children and previously looked after children; 2. Children with a sibling attending the school at the time of application and determination; 3. Children living in the priority admissions area; 4. Remaining applicants.

41. The oversubscription criteria for Lee Chapel Primary School for 2025/26 are different to those in the admissions arrangements for 2024/25. The trust has provided evidence that a consultation took place between 3 October and 21 November 2023. This is in line with the requirements of paragraph 1.46 of the Code.

42. Except for Northlands and Ryedene Primary Schools, the individual school admissions arrangements do not make it clear that a pupil whose Education, Health and Care Plan names the school will be admitted. This is in breach of paragraph 1.6 of the Code which states:

“The admission authority for the school must set out in their arrangements the criteria against which places will be allocated at the school when there are more applications

than places and the order in which the criteria will be applied. All children whose Education, Health and Care Plan names the school must be admitted.”

43. The definition of looked after and previously looked after children varies from school to school. Some admissions arrangements refer to “residence orders”. These were replaced by child arrangements orders some years ago. One set of arrangements appears not to include children in care. No school uses the definition as set out in the trust policy. The oversubscription criteria are therefore unclear and, potentially, confusing. This is in breach of paragraph 1.4 of the Code. It is also in breach of paragraph 1.7 of the Code which states:

“All schools must have oversubscription criteria for each ‘relevant age group’ and the highest priority must be given, unless otherwise provided in this Code, to looked after children and all previously looked after children, including those children who appear (to the admission authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted. Previously looked after children are children who were looked after but ceased to be so because they were adopted (or became subject to a child arrangements order or special guardianship order). All references to previously looked after children in this Code mean such children who were adopted (or subject to child arrangements orders or special guardianship orders) immediately following having been looked after and those children who appear (to the admission authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted. Oversubscription criteria must then be applied to all other applicants in the order set out in the arrangements.”

44. The definitions of siblings used in individual school admissions arrangements are different to each other and different to the definition used in the trust policy. There is no requirement that the individual schools should use the same definition, though given they are all in the same area and serving the same age range, there might seem advantages in consistency. However, it is not compliant with the Code for there to be a different definition in the trust policy from that in the arrangements for any given school. Again, this is in breach of paragraph 14 of the Code as it is unclear. It is also in breach of paragraph 1.11 of the Code which states, in part:

“Admission authorities **must** state clearly in their arrangements what they mean by ‘sibling’ (e.g. whether this includes step siblings, foster siblings, adopted siblings and other children living permanently at the same address or siblings who are former pupils of the school).”

45. The trust policy defines what is meant by a child’s home address, although this is not referred to in school admission arrangements with the exception of The Phoenix School. The definition of home as “where a child lives for the majority of the school term time”, is unclear as this does not necessarily mean most of the school week. Furthermore, the policy does not make provision for where a child, following the breakdown of their parents’ relationship, lives part of the week with each parent. This is in breach of paragraph 14 of the Code. It is also in breach of paragraph 1.13 of the Code which states:

“Admission authorities **must** clearly set out how distance from home to the school and/or any nodal points used in the arrangements will be measured. This **must** include making clear how the ‘home’ address will be determined and the point(s) in the school or nodal points from which all distances will be measured. This should include provision for cases where parents have shared responsibility for a child following the breakdown of their relationship and the child lives for part of the week with each parent. The selection of a nodal point must be clearly explained and made on reasonable grounds.”

46. Except for Northlands and The Phoenix Primary Schools, the schools’ arrangements include an oversubscription criterion applying to children of staff. The definition of children of staff varies between the schools, sometimes referring to employment by the school and sometimes to employment by the trust. As it happens, the staff are employed by the trust as that is true for all academy school staff. To the extent that the arrangements say anything else they are inaccurate and hence not clear. Additionally, the policies do not specify which groups of staff the policy will apply to. This is in breach of paragraphs 1.39a and 1.40 of the Code:

“1.39 Admission authorities may give priority in their oversubscription criteria to children of staff in either or both of the following circumstances:

a) where the member of staff has been employed at the school for two or more years at the time at which the application for admission to the school is made; and/or

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

47. When applying oversubscription criteria, Northlands, The Phoenix and Ryedene Primary Schools’ admission arrangements do not include details of an effective, clear and fair tie-breaker to decide between two applicants that cannot otherwise be separated. This is a breach of paragraph 1.8 of the Code which states, in part:

“Oversubscription criteria **must** be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation. Admission arrangements must include an effective, clear, and fair tie-breaker to decide between two applications that cannot otherwise be separated.”

48. The oversubscription criteria for Northlands, The Phoenix and Ryedene Primary Schools follow different ‘waiting list’ policies from each other and that determined by the trust. Some admissions arrangements are not compliant with the requirements of paragraph 2.15 of the Code:

“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 or previously looked after children allocated a place at the school in accordance with a Fair Access Protocol **must** take precedence over those on a waiting list.”

Northlands Primary School arrangements state:

“...a waiting list will be kept by Essex County Council until the end of the first week of the autumn term and thereafter by the school until the end of the first term.”

Ryedene Primary School arrangements state:

“Essex County Council will hold waiting lists in priority order according to the school’s Admission criteria until the end of the first week of the Autumn term. The school will then hold a waiting list for reception until December.”

Neither set of arrangements meets the requirement in the Code to maintain a waiting list until at least 31 December of each school year of admission.

49. The Chapel Hill Primary School application process states that parents should apply directly to the school for a place in Reception and, simultaneously, to the Essex LA admission scheme. The admission arrangements state:

“Applications for Reception places should be made directly to the school using the Reception Admission Application Form. Applications must be made in accordance with the co-ordinated admission scheme operated by the child’s home Local Authority. For children resident in Essex, this is detailed in the Primary Education in Essex booklet.”

However, paragraph 15d of the Code states, in part:

“In the normal admissions round parents apply to the local authority in which they live for places at their preferred schools.”

and paragraph 2.22 states, in part:

“Each year all local authorities must formulate and publish on their website by 1 January in the relevant determination year, a scheme to co-ordinate admission arrangements for the normal admissions round and late applications for all publicly funded schools within their area.”

For 2025, there would appear to be no reason for Reception applications to be made directly to the school. This aspect of The Chapel Hill Primary School arrangements is therefore unclear. Indeed, the trust acknowledges that this wording is an administrative oversight.

50. All schools within the trust have nursery provision. However, only Ryedene Primary School complies with the requirements in the Code, paragraph 15d, in part, which states that:

“Published admission arrangements **must** make clear to parents that a separate application **must** be made for any transfer from nursery to primary school, ...”

51. Some of the schools’ admissions arrangements give priority in their oversubscription criteria to children living in what are referred to as “priority admissions areas”. A “priority admissions area” is what the Code refers to as a catchment area. Paragraph 1.14 of the Code states:

“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.”

None of the admissions arrangements define or explain, for example, by the use of maps or lists of streets or postcodes, what areas are included in each “priority admissions area”. This is a clear breach of the requirements of the Code.

52. With the exception of Greensted and Ryedene Primary Schools, the admissions arrangements of the trust and other schools within the trust do not make it clear to parents that they can defer the date their child is admitted to the school until they reach compulsory school age. This is in breach of paragraphs 2.17 b) and c) of the Code which state:

“Admission authorities **must** provide for the admission of all children in the September following their fourth birthday. The authority **must** make it clear in their arrangements that where they have offered a child a place at a school:

b) the child’s parents can defer the date their child is admitted to the school until later in the school year but not beyond the point at which they reach compulsory school age and not beyond the beginning of the final term of the school year for which it was made; and

c) where the parents wish, children may attend part-time until later in the school year but not beyond the point at which they reach compulsory school age.”

Additionally, I emphasise here the point made in paragraph 17 of the OSA Annual Report 2023 that part-time attendance and deferred entry for children below compulsory school age are entitlements. They are not requests to be considered by schools and possibly refused.

53. Two schools in the trust, Northlands and Ryedene Primary Schools, have included medical need as an oversubscription criterion. However, Northlands Primary School has not clearly set out how they will define this need, given clear details about what supporting evidence required or how they will make consistent decisions based on the evidence provided. This is in breach of the Code, paragraph 1.16 which states:

“If admission authorities decide to use social and medical need as an oversubscription criterion, they **must** set out in their arrangements how they will define this need and give clear details about what supporting evidence will be

required (e.g. a letter from a doctor or social worker) and then make consistent decisions based on the evidence provided.”

54. Information about in-year applications is not consistently included within the arrangements of the trust and individual schools. This is in breach of the Code, paragraph 2.26 which states, in part, that admissions authorities:

“...must set out by **31 August** at the latest each year, on the school’s website how in-year applications will be dealt with from the **1 September** until the following **31 August**. They **must** set out how parents can apply for a school place, and, where they manage their own in-year admissions, provide a suitable application form for parents to complete (and a supplementary information form where necessary), and set out when parents will be notified of the outcome of their application and details about the right to appeal. If the admission authority is to be a part of the local authority’s in-year co-ordination scheme, it **must** provide information on where parents can find details of the relevant scheme. An admission authority, governing body or local authority **must** provide a hard copy of the information about in-year applications on request for those who do not have access to the internet.”

55. I would like to thank the trust for the positive and helpful responses they have provided in relation to the objections and the other matters identified. As stated earlier, the trust has indicated that it intends to withdraw its central admissions policy and ensure that the individual admissions arrangements for each school within the trust are compliant with the Code. The trust’s response states:

“The Trust acknowledges and accepts that numerous parts of the individual schools’ policies referred to in this complaint are not in accordance with the Admissions Code and will happily and willingly make the necessary amendments to such policies in order to bring them in line with the Code.”

The trust has also indicated that it intends to resolve these issues in a timely manner.

Summary of Findings

56. I find that the admission arrangements for the trust and each of the individual schools in relation to admitting children outside of their normal age group, including children who are summer born, lack detail and may be confusing for parents. I uphold this aspect of the objection.

57. There are numerous sections within the policies of the trust and the arrangements for the individual schools that are inconsistent, contradictory and confusing for parents. It is my finding that the trust, as the admission authority, has not fulfilled their responsibility to ensure that admission arrangements are compliant with this Code. I uphold this aspect of the objection.

58. There are numerous other aspects of each of the individual school arrangements that need to be revised. These are explained in detail above.

Determination

59. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objections to the admission arrangements for September 2025 determined by Lee Chapel Multi-Academy Trust for Lee Chapel Primary School, Northlands Primary School, Ryedene Primary School, The Phoenix Primary School, Greensted Primary School and Chapel Hill Primary School in Essex.

60. I have also considered the arrangements in accordance with section 88I(5) and find there are other matters which do not conform with the requirements relating to admission arrangements in the ways set out in this determination.

61. 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 the date of the determination.

Dated: 7 May 2024

Signed:

Schools Adjudicator: Catherine Crooks