



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** ADA4296

**Objector:** A member of the public

**Admission authority:** North Lincolnshire County Council

**Date of decision:** 4 July 2024

## Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objection to the admission arrangements for September 2025 determined by North Lincolnshire County Council for Infant, Primary and Junior Schools in North Lincolnshire for which the Council is the admission authority.

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 has been referred to the adjudicator by a member of the public who says she is a member of the Summer Born Campaign (the objector), about the admission arrangements (the arrangements) for the Infant, Primary and Junior Schools in North Lincolnshire (the schools) for which the Council is the admission authority, namely voluntary controlled and community schools for pupils aged between the years of 3 and 11 for September 2025. The objection is to the Council's arrangements for the admission of summer born children, which are said to be incorrect. The term 'summer born children' refers to children born from 1 April to 31 August

2. The local authority (LA) for the area in which the schools are located is North Lincolnshire Council. The LA is a party to this objection as the admission authority. The other party is the objector.

## **Jurisdiction**

3. These arrangements were determined under section 88C of the Act by the LA which is the admission authority for the schools. The objector submitted her objection to these determined arrangements on 10 April 2024. I am satisfied the objection has been properly referred to me in accordance with section 88H of the Act and it is within my jurisdiction. I have also used my power under section 88I of the Act to consider the arrangements as a whole.

## **Procedure**

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

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

- a. a copy of the minutes of the meeting of the LA at which the arrangements were determined;
- b. a copy of the determined arrangements, which include Supplementary Information, and information provided at my request;
- c. the objector's form of objection dated 10 April 2024 and supporting documents; and
- d. information on the websites of the LA and the Department for Education (the DfE) including the DfE's publications entitled 'Guidance on the Admission of Summer Born Children (Summer Born Children Starting School)' updated 27 April 2023 and 'Making a Request for Admission Out of the Normal Age Group' also updated on 27 April 2023, collectively referred to as the DfE guidance.

## **The Objection**

6. The objector objects to various statements on the LA's website, the principal one being a statement that: "A pupil whose fifth birthday falls between 1 April and 31 August could not defer admission until the following September as that would be a new academic year. Such pupils can delay starting school until the following September but would start school in year 1, not the reception class." The objector's view is that this statement is incorrect because a parent can make a request for their child to start school in Reception "according to the Guidance for summer born children".

## Other Matters

7. Having considered the arrangements as a whole it appeared to me that there was one other matter which did not conform with the requirements relating to admissions. This was the definition of the home address of a child whose parents live separately and where the child lives with each parent for part of the time.

## Background

8. The LA is the admission authority for voluntary controlled and community schools in its area (North Lincolnshire). The objection refers to the LA's arrangements for Infant, Primary and Junior schools, which are schools for pupils aged between the years of 3 and 11.

9. The oversubscription criteria for these schools are not relevant to the objection, therefore I have not set them out.

10. I have set out the sections relevant to the objection below.

"Parents may seek a place for their child outside of the 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 child (1 April to 31 August) 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 one.

When requesting admission outside the normal age group, the parents should firstly complete the standard application for the normal age group. In addition, they should contact the council's Admissions Team to ask for an "admission outside the normal age group" form to be sent to them. That form should also be completed and submitted. On the "admission outside the normal age group" form they should list the schools they wish to consider their request, give information about why they are making the request, and submit any relevant evidence they may have (for example, if their child is receiving support from a speech and language therapist).

The council will consider their request on the circumstances of each case and in the best interest 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; and the views of the head teacher of the school concerned.

### Admission of children below compulsory school age

A child reaches compulsory school age on the prescribed day following his or her fifth birthday (or on his or her fifth birthday if it falls on a prescribed day). The prescribed days are 31 December, 31 March and 31 August.

The council provides for the admission of all children in the September following their fourth birthday. Where a child has been offered a place at a school that child is

entitled to a full-time place in the September following their fourth birthday. 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. 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."

## Consideration of Case

### The Objection

11. Upon receipt of a copy of the determined arrangements, the case manager wrote to the parties on my behalf noting that the wording in those arrangements mirrors exactly the wording in paragraphs 2.17, 2.18 and 2.19 of the Code. The quotation referred to in the objection form appeared to have been taken from a guidance section on the LA's website, as opposed to being part of the document containing the admission arrangements which had been formally determined by the LA. Nevertheless, since 'admission arrangements' are defined in the Admissions Code of Practice (the Code) as being "the overall procedure, practices, criteria, and supplementary information to be used in deciding on the allocation of school places and refers to any device or means used to determine whether a school place is to be offered", I explained to the parties that the section on the LA's website which the objector had referred to could be considered as providing supplementary information and therefore construed as being part of the admission arrangements describing criteria used in deciding the allocation of places.

12. I have set out in full the section from which the objector had provided an extract. This says:

#### **"Deferred entry**

A parent may defer entry of their child to school until they reach compulsory school age (the term after their fifth birthday), provided that the place is taken up within the same academic year.

For example:

A pupil whose fifth birthday falls between 1 September and 31 December could defer admission until January.

A pupil whose fifth birthday falls between 1 January and 31 March could defer admission until Easter.

A pupil whose fifth birthday falls between 1 April and 31 August could not defer admission until the following September as that would be a new academic year. Such pupils can delay starting school until the following September but would start school in year 1, not the reception class".

13. The section quoted by the objector does not refer to applications for places outside of a child's normal age group, it refers to deferred entry to Reception (which is about

starting in Reception later in the school year). Paragraph 2.17 of the Code makes clear that parents can defer the date their child is admitted to Reception 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. If a parent is offered a place for their child in Reception and does not take up that offer until after the end of the Reception year, the child will be admitted to Year 1. Again, the wording reflects what is said in the Code.

14. When this was pointed out to the objector, she explained the LA's website had been referred to a few times by parents, and that nobody had signposted her to any other documentation, and indeed when she had looked, she had been unable to find anything about the arrangements for summer born children to be admitted outside their normal year group under admissions online. Her wish was that the provisions relating to summer born children be set out clearly as part of the LA's admission arrangements.

15. In its response to the objection, the LA explained that the webpage cited by the objector has remained on the council's website in error.

"There are no live links to it - it is an orphaned page and should have been removed at the end of the 2020/21 academic year. When reading the full page you will see references to dates in 2019 and 2020, as it formed part of the North Lincolnshire Schools Guide for 2020/21 (which is referred to in the Admissions Code as the "composite prospectus"). This should therefore not be construed to form any part of the 2025/26 admission arrangements. It will be removed from the website once the adjudicator has ceased to need it for reference purposes in this case". I accept that the LA will remove the outdated document, as it needs to. In any event, as I have said, the paragraph cited by the objector is not about admission outside the normal year group.

16. However, the LA also acknowledged that the format of the current schools guide is the same and had therefore been reviewed in light of the objection. The LA claims that the published schools guide does not form part of the 2025/26 admission arrangements as it is for the 2024/25 academic year. The LA said that the "composite prospectus" for 2025/26 is required to be published by 12<sup>th</sup> September 2024 and so will be placed on the website later in the Summer. Again, I accept that a guidance document relating to the 2024 arrangements cannot be construed to be any part of the LA's admission arrangements for 2025/26.

17. The LA then supplied the following link to the heading page of the current schools guide: <https://www.northlincs.gov.uk/schools-libraries-and-learning/schools-colleges-and-further-education/apply-for-a-school-place/north-lincolnshire-schools-guide-2024-25/> claiming that, if you follow the link to the "general information about admissions" section, which is intended to be read first and to form the context for reading the rest of the guide, there is a section on "Admission outside the normal age group" which gives information on making such requests. Back from the heading page, following the link to "admission to infant, primary and junior schools" and then "How to apply for a place for first admission to school" was said to take you to similar text as mentioned in the objection.

18. The LA explained that its intention is not for the text referred to by the objector to be read in isolation from the rest of the guide. However, in light of the objection, the LA now understood that doing so may lead to confusion. The LA said that it is always the council's aim to communicate clearly so the LA will place a reference and a link in that part of the Schools Guide for 2025/26 back to the section on "Admission outside the normal age group" to make it clear that deferred entry to reception and an application for admission outside a child's normal year group are separate concepts". The LA hoped that this would be acceptable to both the objector and the adjudicator.

19. It was not an acceptable suggestion for the objector. In short, the objector was unhappy with the LA's explanation and set out further points. She said she had followed the route a parent would take starting on the page entitled 'Starting School'. This led to the 2024 arrangements which make no mention of admissions outside the normal age group or summer born, only deferred entry. She had "no sympathy for the excuse" that this was an old web page. She had then followed the weblink provided by the LA and found a section on admission outside the normal age group. The objector describes this as "just a set of warnings that the LA don't support it with no mention of summer borns". Her view was that the information provided to parents should include supportive statements in order to counter the LA's negative comments about children missing a year and not being able to make friends at the same time as everyone else. The objector had found no mention of summer born children being admitted outside the normal year group under 'frequently asked questions'.

20. The objector's view is that the information provided to parents by the LA needs to be clear that a parent of a summer born has the right to delay entry by a full year and they can request a Reception start. She claims that there are tens of thousands of parents who have delayed children's starts. She says: "To date every child has moved up in cohort to secondary school and all parents and children appear happy.... A parent needs to be given the option clearly, and the information must be correct and not accompanied by negativity to put a parent off. A summer born CSA start is starting the child at the correct school age. It is not the same as any other request for a child to be placed outside their normal year group. It would be best practice if the LA wrote a supportive accurate summer born section on their website as well as in their admissions policy so that summer parents are clear about their options and fully informed".

21. The relevant paragraphs of the Code are 2.17, which essentially gives a parent the right to defer their child's start date in Reception (though not beyond the final term) and/or the right to attend school on a part time basis; and 2.18 – 20 which refer to the admission of children outside their normal year group. I have set these paragraphs out below.

### **Admission of children below compulsory school age and deferred entry to school**

2.17 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: a) that child is

entitled to a full-time place in the September following their fourth birthday; 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.

### **Admission of children outside their normal age group**

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 child 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".

22. As I have explained to the parties, the copy of the determined admission arrangements which has been sent to me mirrors almost exactly the wording of the Code. If this was the only document available to parents on the LA's website, I would not have upheld this objection. As I have also explained to the parties the definition of "admission arrangements" in the Code includes "the overall procedure, practices, criteria, and

supplementary information to be used in deciding on the allocation of school places and refers to any device or means used to determine whether a school place is to be offered". Whilst I accept that guidance documents referring to earlier sets of admission arrangements are not part of the arrangements for 2025/26, where these documents are available and accessible to parents there is a risk that parents will think they apply.

23. The objector's searches on the LA's website had led her to information which, as I have said, applies to deferred entry to Reception and states the Code provisions on this matter correctly. The LA has also agreed to place a reference and a link in the relevant part of the Schools' Guide for 2025/26 back to the section on "Admission outside the normal age group" to make it clear that deferred entry to Reception and an application for admission outside a child's normal year group are separate concepts. This is helpful. I note that the Schools' Guide for 2025/26 (which I understand to be the composite prospectus) is not due to be published until September 2024, which is later than the required date for the publication of admission arrangements and after the date for bringing an objection to the Schools Adjudicator. However, since the admission arrangements themselves are correct, I am prepared to accept this as sufficient.

24. The objector's searches had also led her to further information relating to admission outside the normal year group. I went in search of this further information following the series of links provided by the LA which indeed led to a section about admissions outside the normal year group. The published text is clearly contrary to the spirit of the DfE Guidance on this subject. It states that it is not the policy of the LA to admit children outside of their normal age group in its own schools. This, along with other statements which the objector has referred to, indicates that the LA is not following the DfE Guidance as it should be (unless it can show good reasons to depart from it). This is a link to the DfE Guidance [Guidance on handling admission requests for summer born children - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/handling-admission-requests-for-summer-born-children) which says in terms:

"It should be rare for an authority to refuse a parent's request [for a summer born child to be admitted to Reception].

An admission authority may not decide that a child should start school before compulsory school age - that is the parent's decision.

The government believes it is rarely in a child's best interests to miss a year of their education, for example, by beginning primary school in year 1 rather than reception, or secondary school in year 8 rather than year 7".

25. It is not my function to ensure that admission authorities follow Government Guidance. My function is to ensure that schools' admission arrangements comply with the Code. However, where a web page which can be construed to be part of the LA's determined arrangements (since it is currently part of criteria which are used in deciding on how school places are allocated), states that the admission authority has adopted a policy which is contrary to DfE Guidance, it is questionable whether the arrangements as a whole can be considered to be reasonable.



26. There is also a further difficulty with lack of clarity for parents. Paragraph 14 of the Code requires that parents must be able to look at a set of arrangements and easily be able to understand the practices and criteria for the allocation of school places. In my view, paragraph 14 provides that parents must be able to easily find a set of admission arrangements which contain accessible one-click links to any supplementary guidance and procedures. It is confusing for parents to encounter documents which are no longer current and different information in different sections of the website which are not linked clearly to the body of the arrangements.

27. In summary then, having taken into account all of the factors referred to above, I have determined to partially uphold this objection. My reasons for reaching this decision are that, although the arrangements reflect the relevant requirements of the Code, the supplementary information (which is part of the admission arrangements) is unclear because it is not easily accessible and unreasonable because it does not reflect relevant DfE guidance.

### **Other matters**

28. The arrangements state:

“For admission purposes, the home address is where a child usually lives with their parent or carer. You must not give the address of a childminder or relative. Where a child lives with parents with shared responsibility, each for part of the week, the Admission Officer will apply the address of the parent who claims the child’s benefit as the pupil’s address for determining this criterion. If neither parent claims child benefit other documentary evidence (e.g. medical card) may be required. If it is found that you have given a false address your child may lose their school place.

29. Firstly, this paragraph appears unclear to me, and therefore contrary to paragraph 14 of the Code, as it gives no indication of what ‘other documentary evidence’ would be determinative of a child’s home address.

30. Secondly, where a child has two homes, unless both addresses are considered to be his/her home address, there needs to be a reasonable rationale for choosing one address over another. No such rationale is apparent from the above wording. The legislation governing child benefit does not require a child to be ordinarily resident (or resident at all) at the address of the person claiming the benefit. In most cases the child will be resident at the same address as the recipient, but not always. In some circumstances child benefit may be indicative of a child’s home address but should not be determinative as the primary indicator. In some families, child benefit is not received by either parent.

31. There is no requirement that child benefit be paid to the parent with whom the child lives during the school week, term or year or with whom the child lives for most of the time. It is perfectly possible for child benefit to be paid to a parent with whom the child lives only during the school holidays or weekends. The use of the address of the parent who receives child benefit as the primary indicator of a child’s address where parents live apart is not a

reliable indicator of where a child actually lives for most of the time Monday to Friday during school terms, which is a key factor in considering the most appropriate address for the purposes of school admissions. My view, therefore, is that this provision is unreasonable, may operate unfairly and is not in conformity with the Code.

32. When I raised this point with the LA, the response was:

“The home address definition has been in the council's admission arrangements for many years. It has been used to determine which address should be used where a child lives at two addresses, each for part of the week. When parents have disagreed with the outcome for their child, they have been provided with the right to appeal. When appeals have been lodged and heard by the independent admission appeals panels those panels have been satisfied that the council's arrangements have been clear and fair and have then considered the individual merits of the parents' cases about the prejudice caused to their children in being denied a place at a particular school.

If the adjudicator believes that the council's definition does not meet the requirements of the code then the council is keen to work with the adjudicator to arrive at an acceptable definition, as the council is committed to fulfilling all the requirements of the home address definition.”

33. I am grateful to the LA for its cooperation in this matter. As stated above, my view is that the definition does not meet the requirements of the Code for the reasons I have given. My functions do not extend to being able to advise admission authorities on the wording of their arrangements. However, there are a range of possible options here. One would be to accept that a child who lives at two addresses has two addresses, so either would be acceptable – in which case the only proof required (if it was felt such proof was needed) would be evidence that the parent lives at the given address. Examples might be evidence of the name being on the electoral, proof of Council Tax payment or utility bill.

34. Another option might be to specify that the home address is the address where the child lives for most of the time Monday to Friday during school terms. However, proving that a child lives at a particular address on any given days may be problematic. Where there are formal arrangements, there may be a court order setting these out. Where there is an informal arrangement between the parents, there may be no proof available other than what the parents say. Where there is a disagreement between the parents, it is for the LA as the admission authority to decide, on the balance of probabilities, where the child lives for the majority of the week. It can stipulate that parents produce any evidence available to support each parent's claim.

## **Determination**

35. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objection to the admission arrangements for September 2025

determined by North Lincolnshire County Council for Infant, Primary and Junior Schools in North Lincolnshire for which the Council is the admission authority.

36. 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.

37. 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: 4 July 2024

Signed:

Schools Adjudicator: Dr Marisa Vallely