



Determination

Case reference:	ADA4306
Objector:	Member of the public
Admission authority:	Greenwich London Borough Council for all maintained primary and secondary schools in Greenwich
Date of decision:	16 August 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 Greenwich London Borough Council for all maintained primary and secondary schools in Greenwich.

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 one month of the date of this 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 (the objector), about the admission arrangements (the arrangements) for September 2025 for all maintained primary and secondary schools in Greenwich.
2. The parties to the objection are the objector and Greenwich London Borough Council (the Council).

Jurisdiction

3. The objector submitted her objection to these determined arrangements on 17 April 2024.
4. I am satisfied the objection has been properly referred to me in accordance with section 88H of the Act and the objection is within my jurisdiction.
5. I have also used my power under section 88I of the Act to consider the arrangements as a whole and to determine whether or not they conform with the requirements relating to admissions and, if not, in what ways they do not so conform. I will refer to these as 'Other Matters' and they are covered in the sections of the determination under that name.

Procedure

6. In considering this matter I have had regard to all relevant legislation and the Code.
7. The documents I have considered in reaching my decision include:
 - a. a copy of the determined arrangements for primary and secondary schools maintained by the Council;
 - b. the objector's form of objection dated 17 April 2024;
 - c. the responses of the Council to the objection;
 - d. information on Department for Education (DfE) websites, particularly the 'Get Information About Schools' (GIAS) site and the page entitled 'Guidance on handling admission requests for summer born children' published 27 April 2023 (the April 2023 non-statutory guidance).

Consideration of Case

8. The objector states "I believe [the Council's] admissions policy does not comply with sections 2.18 and 2.19 of the School Admissions Code because the short paragraph about admission out of normal age group is not clearly marked within the admission arrangements, but tagged on at the end in 2.2.3 (primary) and 4.4 (secondary), and makes no mention of summer born children".
9. The relevant paragraphs of the Code read:

"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 child¹ 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.”

10. The relevant parts of the Council’s admission arrangements read as follows:

Primary admissions

2.2.3 Admission of children outside their normal age group: Parents and carers who wish for their child to be educated outside their normal age group will need to make a request in writing. Supporting documentation, including a statement from the parent, may be provided to support such a request. Royal Borough of Greenwich will make a decision on such a request based on the individual merits of the case and in line with current DfE guidance. We will take into account parents and carers’ views; information about the child’s academic, social and emotional development; their medical history and the views of a medical professional, if applicable. The decision and how it was reached will be confirmed in writing. If a request is refused, there will be no formal right of appeal.”

Secondary admissions

3.2.3 Admission of children outside their normal age group: Parents and carers who wish for their child to be educated outside their normal age group will need to make a request in writing. Supporting documentation including a statement from the parent, may be provided to support such a request. Royal Borough of Greenwich will make a decision on such a request based on the individual merits of the case and in line with current DfE guidance. We will take into account parents and carers’ views; information about the child’s academic, social and emotional development; their medical history and the views of a medical professional, if applicable. The decision and how it was reached will be confirmed in writing. If the decision is against your request, there will be no formal right of appeal.”

¹ 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.

11. The only mention of summer born children is as follows:

2.2.1 Point of admission: During the annual planned admissions round, all community primary schools will have a single point of entry into Reception in September. Parents and carers may defer entry of their child into Reception until the term following the child's fifth birthday. If the child's entry is deferred, the school will hold the Reception place and not offer it to another child. Please note that this only applies to the Reception year up until Easter as it is not permissible for summer born children to defer entry beyond this period; otherwise, they will need to re-apply for a place in Year 1. If you wish to defer your child's entry, you will need to confirm this with the primary school where your child has a Reception place. You also need to confirm this with the early learning provider so that your child can continue to receive their free early learning entitlement.

12. The objector states:

"I believe its admissions policy does not comply with sections 2.18 and 2.19 of the School Admissions Code because the short paragraph about admission out of normal age group is not clearly marked within the admission arrangements, but tagged on at the end in 2.2.3 (primary) and 4.4 (secondary), and makes no mention of summer born children. Also it says there is no right of appeal but does not inform parents of their right to complain."

I note that it appears that for secondary admissions the relevant paragraph is 3.2.3 and that 4.4 applies to sixth form admissions, which I am not concerned with here.

13. The Council, in response say:

"As regards the objector's view that our "admissions policy does not comply with sections 2.18 and 2.19 of the School Admission Code because the short paragraph about admission out of normal age group is not clearly marked within the admission arrangements, but tagged on at the end in 2.2.3 (primary) and 4.4 (secondary), and makes no mention of summer born children". Whilst the admission of summer born children is covered within the Code under paragraphs 2.18 to 2.20 (i.e., admission of children outside their normal age group), there is no requirement within the relevant sections of the Code mandating admissions authorities to 'clearly mark' this provision or specifically use the term 'summer born children' in their published arrangements. Notwithstanding this, the term 'summer born' is mentioned in our published arrangements under Paragraph 2.2.1 (Point of admission) to clarify the process of deferment of entry into Reception for summer born children. In view of the above and in response to your query under Paragraph 7a(ii), it is the Council's view that our published arrangements adequately reflect the requirements of the Code on this subject matter."

14. I find that the provisions in the primary admission arrangements relating to summer born children and deferred or admission outside normal age group do not comply with the provisions of the Code. Paragraph 2.2.1 of those arrangements primarily gives information regarding deferred entry to Reception Year. That paragraph contains the statement "it is not permissible for summer born children to defer entry beyond this period; otherwise, they will need to re-apply for a place in Year 1". That is correct. However, my view is that the

average parent reading that would assume that it is not possible for a summer born child to start Reception Year in the September following the child's 5th birthday. That is possible, provided the admission authority, in this case the Council, agree to admission outside the normal age group.

15. Admission outside the normal age group is dealt with in the separate paragraphs detailed above, in which there is no mention of summer born children. There is no acknowledgement of the statement in paragraph 2.18 of the Code that "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". A parent reading paragraph 2.2.1 could form an incorrect understanding of the position regarding summer born children and admission in the September after their 5th birthday as there is no cross reference, or link, to the paragraphs dealing with admission out of normal age group. Equally, there is no mention of summer born children in those paragraphs dealing with admission outside the normal year group which might alert a parent to the relevance of those paragraphs to a summer born child. Consequently, I find that those parts of the admission arrangements do not comply with paragraph 14 of the Code which requires that 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."

16. The Code does not specifically require the use of the term "summer born" in the admission arrangements nor is there a specific requirement to mark any relevant paragraph in the admission arrangements. However, doing so may assist in meeting the requirements of paragraph 14 as detailed above.

17. The provision in the admission arrangements relating to admission out of the normal year group correctly states that there is no appeal from a refusal to place an admitted child in a year group out of their normal year group. I do not consider that any reference to the possibility of making a complaint is required by the Code. However, the non-statutory guidance "Advice on the admission of summer born children For local authorities and school admission authorities September 2020" states (p13) "Admission authorities should ensure parents are directed to the relevant complaints procedure", and consequently some reference to the complaints process should be included to ensure compliance.

Other matters

18. Having considered the arrangements as a whole it would appear that the following matters also do not, or may not, conform with the relevant requirements of admissions legislation. I have accordingly decided to exercise my powers under section 88I of the Act to consider the arrangements as a whole and whether they conform with those requirements.

19. Under the heading "waiting lists" (2.8 for primary schools and 3.7 for secondary schools) the admission arrangements state "... waiting lists will be maintained in the same

order as the oversubscription criteria”. Paragraph 2.15 of the Code states that admission authorities must state “in their arrangements that each added child will require the list to be ranked again in line with the published oversubscription criteria”. In the absence of a clear statement setting out this requirement, it appears the admission arrangements do not comply with this provision of the Code.

20. The Council have stated that they are minded to include this specific statement in their current and future arrangements and consequently I make no finding on this point.

21. Paragraph 2.18 of the Code states “Admission authorities **must** make clear in their admission arrangements the process for requesting admission out of the normal age group”. The admission arrangements say “Parents and carers who wish for their child to be educated outside their normal age group will need to make a request in writing. Supporting documentation, including a statement from the parent, may be provided to support such a request...”. I find that this does not comply with the provision of paragraph 2.18 as it is not clear to whom the “request in writing” is to be made, whether it can be done electronically and so on.

22. I also note, but make no finding, that the relevant paragraphs of the admission arrangements make no reference to the sentence in paragraph 2.19, that in reaching a decision the admission authority “**must** also take into account the views of the head teacher of the school concerned”.

Determination

23. 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 Greenwich London Borough Council for all maintained primary and secondary schools in Greenwich.

24. 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.

25. 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 this determination.

Dated: 16 August 2024

Signed:

Schools Adjudicator: Tom Brooke