



Office of
the Schools
Adjudicator

Determination

Case reference: ADA4336 Blacklow Brow School, Knowlsey

Objector: A member of the public

Admission authority: The Dean Trust

Date of decision: 13 January 2025

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objection to the admission arrangements determined by the Dean Trust for Blacklow Brow School.

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 (the objector), about the admission arrangements (the arrangements) for Blacklow Brow School, a primary academy school for children between the ages of three and eleven for September 2025.

2. The objection is to what the arrangements do and do not say concerning matters for which the requirements are set out in paragraphs 2.18 and 2.19 of the School Admissions Code (the Code). These requirements concern the admission of children to a school outside a child's normal age group and the admission of summer born children. The objector says

that as a result of these alleged non-compliances, the arrangements are also unclear and therefore in contravention of paragraph 14 of the Code.

3. The local authority (LA) for the area in which the school is located is the Metropolitan Borough of Knowsley. The LA is a party to this objection. Other parties to the objection are the objector and the Dean Trust (the trust), which is the school's multi-academy trust and its admission authority.

Jurisdiction

4. 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 the academy school are in accordance with admissions law as it applies to maintained schools. These arrangements were determined by the local governing body, "the West Hub Primary Learning Partnership Local Governing Committee", which is part of the trust and which acts (as I understand it) solely in respect of the school since its minutes refer only to "the school". I shall refer throughout this determination to "the governing body" when referring to this committee.

5. The objector submitted an objection to these determined arrangements on 6 May 2024. The objector has asked to have their identity kept from the other parties and has met the requirement of Regulation 24 of the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 by providing details of their name and address to me. 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

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 minutes of the meeting of the governing body at which the arrangements were determined, and also those of the relevant committee of the LA at which it determined its own arrangements for 2025, for reasons which I shall explain;
- b. a copy of the determined arrangements for both admission authorities;
- c. a document published on the school's website as the school's admission arrangements;
- d. the objector's form of objection dated 6 May 2024 and subsequent correspondence;
- e. the school's and the LA's responses to the objection and subsequent correspondence, and

- f. information obtained from the GOV.UK website “Get information about schools.”

The Objection and Other Matters

8. Having considered the objection raised, I have concluded that under section 88H(4) of the Act I have jurisdiction to consider the matters raised in the objection, which are:
- (i) that the arrangements fail to comply with the requirement in paragraph 2.18 of the Code that admission authorities should state in them the process for requesting that a child be admitted outside its normal age group;
 - (ii) that the arrangements refer to parents making a request that a summer born child should start school in the September following their fifth birthday, whereas paragraph 2.19 of the Code confers this as a right;
 - (iii) that the arrangements fail to say that if a parent decides that their summer born child should not start school until after their fifth birthday that it is for the admission authority for the school to determine which year group the child should join;
 - (iv) that the arrangements appear to require parents to submit evidence for a request that a summer born child also join reception year (Year R) rather than Year 1, whereas the Code only allows for this information to be requested, and
 - (v) that as a result, the arrangements are unclear. I understand this to be a complaint that the arrangements breach paragraph 14 of the Code, which requires that they be clear.
9. Having considered the arrangements as a whole it would appear that the following matters also do not, or may not, conform with the requirements relating to admissions. These matters are:
- (i) that the arrangements are unclear concerning the admission of children to Year R because they state both that such admissions take place “at the beginning of the school year in which they have their fifth birthday”, and also that parents can request delayed admission to Year R;
 - (ii) that the arrangements fail to comply with paragraph 2.17 of the Code, which confers on parents the right to delay admission to Year R or to opt for part-time schooling up to the date at which compulsory schooling begins;
 - (iii) that the arrangements have been published under the heading “Metropolitan Borough of Knowsley” which is inappropriate and misleading since the LA is not the admission authority for the school. As a result, the arrangements as published are likely to be confusing and insufficiently clear to parents and in breach of the requirements of paragraph 14 of the Code. The document also refers only to a “proposed planned admission number” for the school (which I understand to refer to a published admission number, a PAN), whereas I have evidence that the local

governing body determined a PAN for the school. The published document is not the admission arrangements for the school and does not comply with the requirements of paragraph 1.50 of the Code which requires this to be the case.

Background

10. Blacklow Brow School converted to academy status on 1 September 2017. The GOV.UK website “Get information about schools” shows that the school has a capacity of 236, and 233 pupils on roll, and this same information can be found on the LA’s website. When last inspected, in October 2021, it was rated “Good” by Ofsted. It is part of the Dean Trust which is a multi-academy trust and which has 11 schools, of which four are primary schools, six are secondary schools and one is an all-through school. One of the secondary schools is situated in the area of Knowsley, together with the school and one other primary school. The other schools in the trust are situated in Manchester, Wigan and Trafford local authorities. Knowsley is part of the metropolitan county of Merseyside.

11. When the objector submitted their form of objection, the admission arrangements which were attached, and to which reference was made in the objection, were those for admissions to the school in the school year 2024-25, not those for admissions in 2025. They were set out under the logo and heading of “Metropolitan Borough of Knowsley” and of a statement that they were the admission arrangements for community primary schools, and for “primary academies adopting the local authority admission arrangements and secondary academies adopting the local authority admission arrangements.”

12. Since the form of objection had clearly stated that it was in respect of admission arrangements for 2025, I wrote at once to the objector seeking clarity concerning the arrangements which were the subject of the objection, and the details of that objection if it was indeed in respect of those for 2025. The objector confirmed that the objection was in respect of the arrangements for 2025 and that the arrangements (a copy of which were provided by the objector) and the objection remained unchanged from those for 2024 to which reference had been made in the objection.

13. The objector had seen the admission arrangements for the school for 2025 on 30 May 2024 and so had done so after the deadline of 15 May 2024 for making an objection concerning them but had first raised a concern on 6 May and clearly in relation to the arrangements for 2025. I have therefore treated the objection as being made on time.

14. When I asked the trust, as the admission authority for the school, to provide me with a copy of the admission arrangements for 2025 and for proof of their determination, it sent me the minutes of a meeting of the local governing body on 12 December 2023 which said that the 2025 admission arrangements determined by the local authority had been “adopted” for use by the school, and enclosed a copy of the admission arrangements for 2024. I therefore repeated my request, and on 24 June was sent a copy of the minutes of a meeting which had taken place on 19 March 2024, evidence that the arrangements seen at it were those determined by the LA for admissions in 2025 (as previously provided to me by the objector), and a copy of the arrangements for the school which were subsequently

referred to as having been “personalised” to make them apply to the school. In this document, references to other schools and associated material had been removed and a published admission number (PAN) of 30 was stated.

15. In view of the nature of the trust’s response and its reliance on the arrangements determined by the LA, I had also asked the latter to send me a copy of the arrangements which it had determined for those schools for which it is the admission authority for 2025, and for proof of their determination. The LA replied to me on 26 June 2024 saying that its arrangements had been determined at a meeting between senior officers and the cabinet portfolio holder for children’s services, but it was not until 1 July 2024 that it was able to send me a minute of this meeting, which had taken place on 21 February 2024. I was therefore able to satisfy myself that the LA had determined its arrangements before the local governing body had used them as the basis for its determination of those for the school, and that the local governing body had had sight of these when making that determination.

16. I was therefore able to satisfy myself that there had been an appropriate determination by the relevant body of the school’s arrangements, and I set out for the parties in a “Jurisdiction and Further Information” paper my jurisdiction, listing the matters in the objection which I was considering, and those which were also of concern to me (9(i) and (ii) above). When the trust subsequently wrote to me helpfully explaining in detail the procedure which it follows in determining the school’s admission arrangements annually and the nature of what it then publishes on the school’s website, I wrote to the parties saying that I was concerned as a result that there were further breaches of the requirements of the Code, as stated in 9(iii) above. I will make reference to this process, and to my misgivings concerning it, below.

Consideration of Case

17. When the trust’s legal representatives wrote to me in response to my Jurisdiction and Further Information paper and the matters contained within it, they enclosed a copy of the arrangements which had been determined by the LA, and not those which had been sent to me by the trust itself as the “personalised” version to which I have referred above, and which I have understood to be the arrangements determined by the school’s admission authority. Lest there be any further confusion on this point, I notified the trust’s representatives of this fact, and it then wrote to me explaining the procedure adopted by the trust in publishing the school’s admission arrangements. I shall refer to this matter again below. However, all of the matters to which I am about to refer are contained within both documents, and I have not been asked to consider any further representations concerning them other than those described below.

18. I need also to mention at this point that when I wrote to the trust and the LA concerning the objection and my own matters of concern, I asked the LA also to respond to both in the light of the fact that the wording in the arrangements determined for the school and those which the LA had determined for the schools for which it is the admission authority are, in respect of each of these matters, identical. I would in any case have

welcomed the views of the LA concerning the objection, and so I will consider what it has said to me before coming to a view about the different aspects of the school's arrangements.

19. For the avoidance of doubt, my determination concerns only the school's arrangements. However I would expect that the LA will pay due regard to my determination and amend its own arrangements accordingly, and I am confident from the nature of its response to me that this will be the case. It will be able to do so, as described in paragraph 3.6 of the Code, since it will be aware of mandatory aspects of the Code with which the arrangements for the school, and therefore its own arrangements, do not comply.

20. Both the trust (through its representatives) and the LA have helpfully provided a clear exposition of their views concerning each of the matters which were set out in my Jurisdiction and Further Information paper. I will now deal with these in turn. In doing so, my references to "the arrangements" will mean the content of the arrangements determined by the school, and also those determined by the LA for the relevant schools.

- (i) that the arrangements fail to comply with the requirement in paragraph 2.18 of the School Admissions Code that admission authorities should state in them the process for requesting that a child be admitted outside its normal age group

21. Paragraph 2.18 of the Code says:

"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."

The arrangements contain no description of the process for requesting the admission of a child outside its normal age group. The trust has helpfully acknowledged this, saying "the arrangements need to set that out in sufficient detail so as to be easily understood." That is also my view, and I would expect this to mean that parents are informed to whom their request should be addressed, how and when this can be done, and what information need be included in the request. The LA told me that there is an online facility for parents to make a full year deferment request concerning summer born children but accepted that "a more detailed description of the process could be provided in the admissions arrangements document directly to ensure clarity." Paragraph 2.18 of the Code concerns all children and not just those who are summer born (those born between 1 April to 31 August). It is a mandatory requirement that admission arrangements themselves contain a description of how parents can request admission outside the normal age group (and this therefore relates to all normal points of admission to all schools, including secondary schools for example). The arrangements do not do this, and I uphold this aspect of the objection.

- (ii) that the arrangements refer to parents making a request that a summer born child should start school in the September following their fifth birthday, whereas paragraph 2.19 of the Code confers this as a right

22. Paragraph 2.19 of the Code does not refer to summer born children specifically and my summary of the objection was unfortunately unclear at this point. The objector had said that the arrangements say a parent “must make a request for their child to start a year later, whereas it is a parents’ legal right to do this”. Paragraph 2.18 of the Code (above) clearly confers the right for parents of summer born children not to have their child admitted until the September following their fifth birthday (that is, on the prescribed day for compulsory schooling for children, that is full-time schooling, which is the 31 August following their fifth birthday), but also to request that this be in year R and not Year 1 (the normal age group). The arrangements say:

“Parents/carers of summer born children ...can choose not to send their child to full-time education until the September following their fifth birthday.”

The matter of a summer born child “beginning a year later” concerns a request for admission outside the normal year group, and not the right to deferred full-time schooling in Year 1. The arrangements do confer the latter right by virtue of the word “choose”, as both the trust and the LA have pointed out to me. As a result, I do not uphold this aspect of the objection.

- (iii) that the arrangements fail to say that if a parent decides that their summer born child should not start school until after their fifth birthday that it is for the admission authority for the school to determine which year group the child should join

23. It is worth stating here that the wording of this part of the objection could be taken literally, and therefore to mean that a parent does not have the right to make this choice. This would run counter to the point made above, that a parent does have the right to defer full-time admission of a summer born child to the September following its fifth birthday and for it to start in Year 1. I have therefore taken the objector to mean that the arrangements do not make it explicit that if a parent accompanies this decision on their part by a request also for the child to start in the September but in Year R, that this is at the discretion of the school’s admission authority. Both the trust and the LA have read this part of the objection in this way and both say that the arrangements imply that this is the case although the trust says that this could be stated more clearly. The arrangements say:

“Full year deferment for summer born children can also be requested (ie for the child to be admitted out of their normal age cohort and join a reception class a year later than they typically would). If this request is agreed to be in the best interests of the child, the child would start reception class one year later with a younger cohort of children.”

It seems to me that the position is stated adequately, if a little wordily. While this could be improved, I do not think that what is stated makes the arrangements unclear for a parent reading them, and I do not uphold this part of the objection.

- (iv) that the arrangements appear to require parents to submit evidence for a request that a summer born child also join Year R rather than Year 1, whereas the Code only allows for this information to be requested

24. Paragraph 2.19 of the Code includes the following concerning requests for admission out of a child's normal age group:

“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.”

The arrangements say:

“Parents/carers are asked to submit information/evidence to support their requests which will be considered by the admission authority.”

Both the trust and the LA have said that they do not think that the word “ask” implies that the submission of information/evidence is a requirement, but both say that they are willing to make it clear in the arrangements that parents do not have to provide evidence if they do not wish to. My own view is that I do not see that an admission authority can meet the mandatory requirement set out in the Code to give consideration to the matters listed without securing that information and presumably obtaining that information from a parent/carer. Arrangements therefore might easily state the information that the admission authority must have regard to and ask parents to provide it. If this was done explicitly, I do not think this would be in conflict with the Code. The arrangements do not go this far, only referring to information without specifying its nature. While this may indeed mean that the arrangements lack clarity, I do not uphold this part of the objection on the grounds cited, that is, under paragraph 2.19 of the Code.

25. The objector says that the arrangements are unclear and that they breach paragraph 14 of the Code. This says:

“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.”

I have said that I uphold the complaint made by the objector that the arrangements do not contain the statement regarding the process for requesting the admission of a child outside

its normal age group which paragraph 2.18 of the Code requires them to contain. I note above that parents would not know from the arrangements what information to submit in support of their request that their child be admitted outside its normal year group. I also find that these faults mean that parents would not have a clear picture from the arrangements about how places at the school will be allocated. Consequently, I find that these parts of the arrangements do not comply with paragraph 14 of the Code, and I uphold this aspect of the objection.

I raised the following matters in my Jurisdiction and Further Information letter:

- (i) that the arrangements are unclear concerning the admission of children to Year R because they state both that such admissions take place “at the beginning of the school year in which they have their fifth birthday” and also that parents can request delayed admission to reception

26. The trust accepted that this wording makes the arrangements unclear. The LA also accepted this and suggested alternative wording for the relevant paragraph in the arrangements. However, it is not my role to give any opinion as to the acceptability or otherwise of proposed revised wording for admission arrangements. The arrangements as determined fail to comply with the requirement of paragraph 14 concerning their clarity.

- (ii) that the arrangements fail to comply with paragraph 2.17 of the Code, which confers on parents the right to delay admission to Year R or to opt for part-time schooling up to the date at which compulsory schooling begins

27. Paragraph 2.17 of the Code is as follows:

“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.

26. Instead, the arrangements say:

“Parents/carers can request for a child who has not yet reached compulsory school age to take up the place offered later in the year (delayed admission) or to attend on a part-time basis until they reach compulsory school age.”

My view of this wording is that many parents would understand the use of the word “request” to imply that the school or its admission authority could decide not to do as they ask. Paragraph 2.17 is unequivocal in its meaning – which is that deferral of full-time admission or part-time admission is at a parent’s discretion, and admission authorities are placed under a mandatory obligation to make this clear as part of their admission arrangements. The trust has accepted that the arrangements fail to meet this requirement, and the LA agrees that they are unclear. The arrangements fail to comply with the requirements contained in paragraph 2.17 of the Code.

28. When I made the trust’s representatives aware that I had been given a “personalised” version of the school’s arrangements as well as one which continued to refer to other schools during the course of this case, they helpfully wrote to me to explain why this could happen. They said that in doing so it would be clear “what arrangements were approved by the local governing body of Blacklow Brow school.” It is also worth saying that the trust had earlier assured me that both it and the school were in no doubt that the Dean Trust is the body responsible for ensuring that the school’s admission arrangements comply with the Code.

29. The procedure which the trust has followed began by the local governing body agreeing in principle (in December 2023) to adopt “the admission arrangements as produced by the LA”. As a result, the LA wrote (on 6 February 2024) to the school and to other schools which have done so attaching its own draft admissions policy in the form of plain word document without branding. The local governing body used this document as its own draft arrangements which were then approved by it on 19 March 2024. As I have said above, I have been given an assurance separately that when it did so, it was aware of the LA’s determination of the admission arrangements for the relevant schools on 21 February 2024. What I have been given as the version of the arrangements approved on 19 March, is (as I had understood it to be) the determined arrangements for the school. The trust went on to tell me that what then took place was that the LA published its own determined arrangements under its own branding which, in the trust’s words, “obviously includes all those schools to which the arrangements refer”. The school then put the LA’s admission arrangements, branded as such, on its website as its own admission arrangements. I have confirmed that this is the document which is posted on the school’s website.

30. First, I note that the confusion about the admission arrangements which accompanied the start of this case including the objector’s use of admission arrangements branded as those of the LA when making their objection, now seems to have an explanation. However, what the school places on its website is not simply the admission arrangements for the school as determined by its admission authority. Instead, the document which I have been provided with, both by the objector and by the trust itself at different stages, is something which the LA has produced, but which is neither the admission arrangements for the schools for which it is the admission authority, nor those of the schools which have agreed to follow the arrangements determined by the LA. It is an attempt to combine of all these arrangements in a single document.

31. As I have said, the trust used the word “obviously” when explaining the action of the LA in producing this combined document, but there is nothing which seems obvious to me in this. It also seems to me that in addition to causing confusion to those seeking to know the admission arrangements for the school, these practices result in the trust having failed to comply with requirements in the Code concerning the publication of its admission arrangements.

32. I therefore wrote to the parties on receipt of the above information, saying that while the process which an admission authority follows does not fall under my jurisdiction, the arrangements for the school as published by it do. Since the document which contains the school’s arrangements is published under the heading of “Metropolitan Borough of Knowsley” and the LA’s logo, this is inappropriate and misleading because the LA is not the school’s admission authority. As a result, I consider this to be confusing to a parent and therefore a breach of paragraph 14 of the Code.

33. The document which has been published on the school’s website is not the document I had been given as the arrangements determined by the local governing body on 19 March 2024. I explained to the parties that a school’s admission arrangements must be determined precisely, word for word, and that any subsequent variation of them is subject to the provisions of paragraph 3.6 of the Code which sets out the very limited circumstances under which such a variation can take place. Since there has been no variation made by the school’s admission authority of the arrangements determined on 19 March 2024, the arrangements remain as determined. Further, the arrangements which were determined by the local governing body in March 2024 set a PAN for the school and the document published on the school’s website does not do so. Paragraph 1.50 of the Code requires publication on the school’s website of “a copy of the determined arrangements”, and this has not happened. The trust’s representatives told me that it had no comments to make on these further points. I find that the arrangements are in breach of paragraphs 14 and 1.50 of the Code, for the reasons I have given.

Summary of Findings

34. I have explained above why I have upheld the objection concerning the failure of the arrangements to comply with paragraphs 2.18 and 14 of the Code, and why I have not upheld the objection that they do not conform with paragraph 2.19 of the Code.

35. I have set out the reasons why the arrangements cause a further breach of paragraph 14 of the Code and also breaches of paragraphs 2.17 and 1.50.

36. The national closing date for applications for places at primary schools in September 2025 is 15 January 2025. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of the date of the determination unless an alternative timescale is specified by the adjudicator. Since the process for making admissions will now be well advanced, I do not consider it practical for this to take place and for the necessary changes to be introduced in time to affect that process. However, the

arrangements are relevant to admissions until at least December 2025. In this case, I determine that the arrangements must be revised within two months of this determination.

Determination

37. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objection to the admission arrangements determined by the Dean Trust for Blacklow Brow School.

38. 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.

39. 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: 13 January 2025

Signed:

Schools Adjudicator: Dr Bryan Slater