



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** ADA4404

**Objector:** A parent

**Admission authority:** Discovery Educational Trust for Kelvedon Hatch Community Primary School, Brentwood, Essex

**Date of decision:** 17 June 2025

## Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements for September 2026 determined by the Discovery Educational Trust for Kelvedon Hatch Community Primary School in the local authority area of Essex County Council.

## 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 parent (the objector), about the admission arrangements for 2026 (the arrangements) for Kelvedon Hatch Community Primary School (the school). The school is for children aged between four and eleven years old. The admission authority for the school is the Discovery Educational Trust (the trust). Essex County Council is the local authority for the area in which the school is located (the local authority).
2. The objection is to a lack of clarity in the information provided on the admission of summer born children.
3. The parties to the objection are the objector, the trust and the local authority.

## Jurisdiction

4. The terms of the academy agreement between the trust and the Secretary of State for Education require that the admissions policy and arrangements for the school are in

accordance with admissions law as it applies to maintained schools. These arrangements were determined by the trust on that basis on 6 February 2025.

5. The objector submitted their objection to these determined arrangements on 13 March 2025. The objector has asked to have their identity kept from the other parties and has met the requirement in 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.

## 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 meeting of the trust at which the arrangements were determined;
- b. a copy of the determined arrangements;
- c. the objector's form of objection; and
- d. the Department for Education's guidance for admission authorities on the admission of summer born children published November 2024 (the DfE guidance).

## The Objection

8. The objector said that the information provided on the admission of summer born children is not clear. The objector said that this was because the arrangements say, "Where the request is agreed in principle, the letter should accompany the application for admission subsequently made." The emphasis by underlining is as in the arrangements.

9. The objector referred to paragraph 14 of the Code which 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."

## Background

10. Also relevant to the objection is paragraph 2.18 of the Code which 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.”

11. The decision has to be made in the best interests of the child and paragraphs 2.19 and 2.20 of the Code provide further information and requirements on what is needed to establish this question. The DfE guidance also provides guidance on what should be considered.

12. Summer born children are defined in footnote 57 of the Code as follows:

“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.”

## Consideration of Case

13. The arrangements say,

“Parents have a right to request permission for admission to a Year Group outside their normal age group, which may be above or below. However, this is not an absolute right. The request must be considered by [the school], which must decide whether to agree it in principle, or refuse it, considering the factors set out below.

These requests are not applications for admission, which must still be made in the usual way. Parents are strongly encouraged to make these requests as early as possible, preferably well ahead of any application deadlines for their normal age group, so that they make informed decisions when they subsequently apply for admission. A request must be made to the 'admission authority' for each school for which admission is sought outside normal age group, as the outcome may not be the same for all...

[The school], via the Admissions Manager, will notify parents of the outcome of their request in writing, and will explain their reasons in sufficient detail for parents to understand why the decision was arrived at. Where the request is agreed in principle, the letter should accompany the application for admission subsequently made.”

14. The objector has argued that the use of the term, “in principle” makes the arrangements unclear. The objector said (repeated here for ease of access), “It is not clear from this policy how one can fully complete the request for admission outside of the normal age group, and get the request agreed fully rather than just ‘agreed in principle’.”

15. The arrangements explain the options for a summer born child's parents:

"10. Parents have a right to decide that their child will not start school until they reach compulsory school age. Where this is for one or two terms, this is known as 'deferring' entry, and the place offered and accepted will be retained for that child until they start school.

11. However, entry cannot be deferred beyond the end of the second term of the school year. The parents of summer born children can defer entry for one or two terms (and retain their place). However, if they decide that their child will not start school until the following school year in September (known as 'delaying' entry), the place offered and accepted will be lost, and the parents will have to make a new application for admission the following year.

12. Parents also have a right to decide that their child will attend school part-time until they reach compulsory school age. Unlike with deferred entry, this may be for the whole school year (in the case of summer born children), and it can also be combined with the right to defer entry. For example:...

12.3 Summer born children born on or before 1 April to 31 August can either:

a) Defer entry until the first day of school in January or April, or attend part-time until either of those dates or for the whole school year, or a combination of the two can be arranged (e.g. defer until January or April, then attend part-time until April or the end of the school year); or

b) Delay entry until September the following year, when the place offered and accepted will be lost and a new application for admission must be made the following year. This would normally be for admission to Year 1 with the child's normal age group, unless a Request for Admission Outside Normal Age Group is made and agreed in principle for entry to Reception Year instead (see further below)."

16. If a summer born child had joined school in the usual way in September, the child would have started school in Reception Year. I will refer to this as the normal age of admission. The child would then stay with their peers and join Year 1 in the following September. This is what happens to most children.

17. If the summer born child's admission is delayed until the child reaches compulsory school age, then the child would be admitted to Year 1, assuming that a place were available following an application for an in-year admission. However, the parent is able to request that their summer born child, whose admission has been delayed until the child reaches compulsory school age, be admitted to Reception Year rather than Year 1.

18. This request can be made in advance of the parent's application for a school place and the DfE guidance encourages that to occur. This means the request would have to be made before the closing date for applications to Reception Year for children of the age

group to which children are normally admitted. The parent can request that the admission authority agrees that the child could be admitted to Reception Year the following year, rather than to Year 1. This is an 'in principle' decision; whether the child would be admitted or not would depend on the demand for places and the possible application of the oversubscription criteria. In the knowledge of the admission authority's decision, the parent can then decide when to apply for a school place, either for the normal year of entry or to wait until the child will have reached compulsory school age.

19. The parent does not have to follow DfE guidance on when to ask the admission authorities. The parent could decide to delay admission of their summer born child, intending that the child starts school when the child reaches compulsory school age, without asking an admission authority for a decision on whether the child could be admitted to Reception Year at that point. The parent could then apply for admission for when the child has reached compulsory school age and request that the child is admitted to Reception Year.

20. Assuming the parent follows the DfE guidance and asks in advance, the parent is likely to make the request to several schools as all parents are encouraged to express at least three preferences when they make their applications. No admission authority may speak for another admission authority. A request will have to be made to each admission authority. Once the parent has had the responses from the admission authorities, the parent will make their decision regarding when (and to which schools) to apply for a school place. In other words, whether to apply so their child is admitted to Reception Year with their normal age group or to delay admission so that the child starts school when they reach compulsory school age.

21. A fictitious example may help clarify:

Lucy's fourth birthday will fall on 1 July 2026. Her parent would be eligible to apply for a place in Reception Year for September 2026. However she will not reach compulsory school age until September 2027. Consequently her parent may choose to have Lucy start school in Reception Year in September 2026 (or later in that school year) or in September 2027.

If she is to start school in September 2027 her normal age group would place her in Year 1 and an in-year application would be made for Year 1.

Alternatively, if her parent wants her to start school in Reception Year in September 2027 then the following process will apply. Her parent can request that the admission authority decide whether she can potentially be admitted to Reception Year out of age group. If this request is agreed then her parent can apply for a place in Reception Year for September 2027 at the usual time (by 15 January 2027) and her application will be considered along with all other applications for Reception Year for September 2027.

If the request is refused the parent can still apply for a place in Reception Year for September 2027; there is no appeal possible if Lucy were to be offered a place in

Year 1 as opposed to Reception Year (although a complaint can be made). And of course the parent can apply in-year for a place in Year 1 for September 2027.

22. Any request for admission to Reception Year rather Year 1 where a child's normal age group would normally be Year 1 is a request, not a right. It is not an application for admission to Reception Year. Parents need to apply separately for admission and the decision on whether the child is admitted or not will depend on the number of applications and, if a preferred school is oversubscribed, the application of the oversubscription criteria. There are two separate decisions. The first decision being whether to agree the request that the child could be admitted to Reception Year if an application to do so were to be made and is successful. The second decision for the admission authority is to consider any application for admission made, based on the oversubscription criteria if needed.

23. The initial decision for the admission authority is to decide whether the child meets their criteria for being educated out of their normal age group, that is, would it be in the child's best interests, and notify the parent of this decision. What it is not is a decision to offer the child a place, and this must be made clear. The arrangements say,

“Requests for Admission Outside Normal Age Group

38. Parents have a right to request permission for admission to a Year Group outside their normal age group, which may be above or below. However, this is not an absolute right. The request must be considered by [the school], which must decide whether to agree it in principle, or refuse it, considering the factors set out below.

39. These requests are not applications for admission, which must still be made in the usual way. Parents are strongly encouraged to make these requests as early as possible, preferably well ahead of any application deadlines for their normal age group, so that they make informed decisions when they subsequently apply for admission. A request must be made to the 'admission authority' for each school for which admission is sought outside normal age group, as the outcome may not be the same for all.”

24. These are complicated matters. I find that the trust has tried hard to explain them clearly in its arrangements, and to a large extent has succeeded in this. I understand the words 'in principle' to signify that, although the admission authority will accept an application for a place in Reception Year outside the child's normal year of entry, this will not guarantee a place. However, the objector believes the use of the term 'in principle' makes the decision ambiguous. The decision is, if the parent decided to apply for Reception Year when their child reached compulsory school age and thus other than to the normal age group, whether the admission authority would be willing to consider that application. That consideration would be alongside all other applications to Reception Year and whether the child was admitted or not would depend on demand and the possible application of the oversubscription criteria. There is a case to argue that saying that the application is agreed, would also be ambiguous as it could give the impression that the child would be offered a place in Reception Year. On balance I have concluded that describing the decision as

agreed in principle makes the arrangements as clear as they can be in this complicated situation and I do not uphold the objection.

## Determination

25. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements for September 2026 determined by the Discovery Educational Trust for Kelvedon Hatch Community Primary School in the local authority area of Essex County Council.

Dated: 17 June 2025

Signed:

Schools Adjudicator: Deborah Pritchard