



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** ADA4406

**Objector:** A parent

**Admission authority:** Portsmouth City Council for its community and voluntary controlled schools

**Date of decision:** 12 August 2025

## Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements for September 2026 determined by Portsmouth City Council for admission to reception in the community and voluntary controlled schools in its area.

I have also considered the arrangements under section 88I(5) of the Act and find that they do not comply with 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 parent (the objector), about the admission arrangements (the arrangements) for the community and voluntary controlled schools (the schools) in the local authority area of Portsmouth City Council for 2026. Portsmouth City Council (the local authority, PCC) is the admission authority for the schools. The local authority and the objector are the parties to the objection.
2. The objection relates to the information in the arrangements concerning the guidance and policies relating to summer born children whose parents are considering delaying their admission until their child attains compulsory school age and the parent wishes the child to be admitted to reception year (YR) rather than year 1 (Y1).

## Jurisdiction

3. These arrangements were determined under section 88C of the Act by the local authority. The objector submitted their objection to these determined arrangements on 15 March 2025. 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 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). The documents I have considered in reaching my decision include:

- a. a copy of the minutes of the meeting of the local authority at which the arrangements were determined and a copy of the determined arrangements;
- b. the objector's form of objection and further correspondence;
- c. information on the website for the local authority;
- d. a previous determination (case reference VAR2530) regarding a voluntary controlled primary school in the area of the local authority. I will refer to this as my previous determination; and
- e. information available on websites for Department for Education (DfE) including:
  - a. 'Get information about schools' (GIAS);
  - b. 'Guidance on handling admission requests for summer born children' for admission authorities (updated November 2024) (the DfE guidance); and
  - c. Guidance for parents 'Making a request for admission out of the normal age group (updated April 2023).

## The Objection

5. The objection concerns the information available for parents of summer born children and says:

"My objection relates to the guidance and policies relating to summer born children, where parents wish to apply to admit them to Reception (YR) at Compulsory School Age (CSA). They do not appear to comply with paras. 2.18 and 2.19 of the Code."

6. The objector also refers to the difficulty of finding relevant information on the local authority's website with some links not working and other information referred to being out of date. The objector refers to:
- 6.1. the DfE guidance;
  - 6.2. the school admission booklet published by the local authority; and
  - 6.3. the local authority's co-ordinated admissions schemes for 2025/26 and 2026/27 (the co-ordinated admissions scheme).
7. A summary of the objection is:
- 7.1. The relevant arrangements are not easily found and it is not clear what is relevant in terms of the admission of summer born children.
  - 7.2. The arrangements refer to information available in the co-ordinated admissions scheme and other documents which the Code requires to be provided in the arrangements.
  - 7.3. The information provided in the co-ordinated scheme and other documents does not meet the requirements of the Code relating to admission out of the normal age group and is not clear.
  - 7.4. The information provided does not meet the requirements of the DfE guidance.
8. The co-ordinated admission scheme is not part of the arrangements. Paragraph 2.22 of the Code says,
- “Each year all local authorities **must** formulate and publish on their website by 1 January in the relevant determination year, a scheme to co-ordinate admission arrangements for the normal admissions round and late applications for all publicly funded schools within their area.”
- Admission arrangements serve a different purpose.
9. The objector refers to paragraphs 2.18 and 2.19 of the Code. As the objection refers to clarity, paragraph 14 of the Code is also relevant and 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. The local authority is the admission authority for the community and voluntary controlled schools in its area. GIAS records that there are 14 community and voluntary

schools in the local authority's area of which two are junior schools and the other 12 admit children to YR.

11. The local authority requested a variation to the admission arrangements for one of its voluntary controlled primary schools for admissions in 2025. I considered that variation request and in that process, the admission arrangements came to my attention and there were matters which did not meet the requirement of the Code. I subsequently raised these other matters with the local authority and, in my previous determination required the local authority to address them within two months of the date of my determination (25 February 2025). The matter I raised which is relevant to this objection was:

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

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 do not include any information on this and do not make this process clear. This information is provided in the co-ordinated admission scheme but again, the Code requires that it is provided in the arrangements. The arrangements do not comply with the Code in this regard.”

12. In this determination, my consideration is for the admission arrangements for 2026.

13. The objection relates to when children reach compulsory school age and their admission to school. Footnote 56 to paragraph 2.17 of the Code says,

“Compulsory school age is set out in Section 8 of the Education Act 1996 and the Education (Start of Compulsory School Age) Order 1998. 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.”

14. Paragraph 2.18 of the Code is provided above. Paragraph 2.19 of the Code says,

“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.”

## Consideration of Case

15. I wish to explain my role as the Schools Adjudicator and the limitations of the role. My function under the Act is to determine the objection before me. In so doing, I must determine whether the admission arrangements comply with the Code. I have no role in the enforcement of whether the procedures followed by admission authorities are compliant with the DfE guidance. My role is confined to ensuring that whatever is said in a set of admission arrangements complies with the Code. Having said that, there is a general requirement that admission arrangements must be reasonable. Any admission arrangements which describe a process for requesting admission out of the normal age group, which is contrary to DfE guidance, are likely to be unreasonable.

16. The objection said,

“PCC has a number of web pages and documents covering their policies and processes, which can make reviewing and linking things up difficult as some do not have a date/ year on them, some are not available for the relevant year (see further down re Admissions Booklet timing), some get emailed but aren’t available online and some information is contained in the Admissions booklet only...It is worth noting that not all links are up to date - for example at the bottom of the page with Infant schools information is a link to the 2021-22 admissions booklet - not the latest one.

Due to how PCC publishes their various documents for different years, and not realising there was such a deadline, I was unable to raise an objection in time for the year 2025-26. However, not much has changed for the year after, 2026-27, and as I am dealing with both (having a 2021 summer-born child), please allow me to set out my objections with both.

In the 2025-26 Infant Admissions Policy document...there was no mention of summer-born children and how to apply to delay their admission to YR at CSA. However there was mention that “the admission and application process... are outlined in the Co-ordinated Scheme 2025-26”.

17. As I noted earlier, the co-ordinated admission scheme is not the admission arrangements and I have not considered it. The objector had significant difficulties in finding the relevant information and I hope that the local authority will address, if it has not already done so, any difficulties in finding such information. As I found the admission arrangements for 2026 on the local authority’s website, I did not have a similar experience to the objector. Certainly the references to seeking information on the rights of summer born children in the co-ordinated admission scheme were not evident.

18. The arrangements have a heading, “Starting a child in school”. The information under this heading is:

“Parents who are allocated a place via the Starting School allocation process can start their child in September. They can also discuss deferring entry of their child to later in the school year or go part time but not beyond the point at which they reach statutory school age (which is the term following their 5th birthday) or for children born between 1 April and 31 August ("Summer born"), not beyond the beginning of the final term of the school year for which the offer was made. Any such requests should be discussed and agreed with the allocated school following confirmation of their allocation. For parents wishing to delay the whole of year for a summer born child, please read the following information on this webpage Apply to start school - Portsmouth City Council.”

This last is a link and I will return to the information available via this link below. I will also refer to this section under ‘Other matters’ below.

19. This paragraph regarding starting school is followed by a section concerning admission to other than the normal age group. This would be where a parent seeking information on the matter would look. The paragraph says,

“Admission out of chronological year group

Children will usually be admitted into their chronological year group except in significant exceptional circumstances and with the agreement of the admissions authority. Where children may have missed school, been educated in another country or have been out of education, these problems can usually be addressed by additional support in the child’s chronological year group. For gifted and talented pupils, parents can discuss directly with a school the way provision is made for these pupils. 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, any medical issues and views of professionals involved with the child.”

20. The use of the term, “except in significant exceptional circumstances” appears to be designed to discourage parents from considering this route.

21. Paragraph 2.18 of the Code says, “Admission authorities **must** make clear in their admission arrangements the process for requesting admission out of the normal age group.” The paragraph from the arrangements above does not do that. I assume that the sentence in the previous paragraph about starting school which says, “For parents wishing to delay the whole of year for a summer born child, please read the following information on this webpage Apply to start school - Portsmouth City Council” is intended to fill this gap. I do not think this meets the requirements of the Code that “Admission authorities **must** make clear in their admission arrangements the process for requesting admission out of the normal age group.” This is because it is under a different heading and directs the reader to a webpage.

22. The link takes one to a webpage entitled 'Apply to start school' and the information is about admissions to 2025, not 2026. I am considering the arrangements for 2026 and the webpage is not, despite coming from a link in the arrangements for 2026. This makes the arrangements unclear.

23. Near the bottom of the webpage is a heading "Delayed entry request for summer born children" which has a link to "Delayed entry request form for summer born children". The link takes the reader to a form, which is intended for all schools in the local authority's area and parents are asked to list the schools for which they wish to request that a summer born child is admitted to YR rather than Y1 when they reach compulsory school age. I will refer to this document as the form. I will also assume that the form is part of the arrangements, even though it applies to all schools. If the form is not part of the arrangements then the local authority has not complied with paragraph 2.18 of the Code.

24. The form refers to paragraph 2.17 of the Code. This is incorrect. As the form relates to delayed entry, that is admission out of the normal age group, the relevant paragraph of the Code is paragraph 2.18. This makes the arrangements unclear.

25. The local authority explained to me that

"we only co-ordinate these requests on behalf of admission authorities/schools, as parents generally apply for more than one preference, in order to ensure that they get a response etc. We are not making the decisions, as not the admission authority for the majority of the schools."

26. This may be a practical way forward. However, it is the admission authority which makes the decision and the local authority is the admissions authority for the community and voluntary controlled schools admitting children to YR and thus is responsible for making the decision on any requests on admission to other than the normal age group for those schools.

27. The form includes several imperatives:

"Please ensure (sic) complete a starting school application on time whilst your request is being considered and if your request is agreed, the application will be withdrawn. Apply online up to the closing date 15 January or on a paper application."

"You must read "Guidance for Parents of summer born children considering delaying entry to school to reception year"."

"Which schools have you visited and/or had discussion with regarding your child. Please note you will need to do this before submitting your request by 15 January as we will need to liaise with [the] school regarding their decision/recommendation."

28. The DfE guidance recommends that parents are encouraged to apply for delayed admission before they make their applications for a school place. This is so parents can know the views of the admission authorities before making their decisions regarding what applications to make and whether to delay the admission of their child until the child

reaches compulsory school age. The form seems to assume that parents must do this. However, this should be a recommendation, as it is not a compulsory matter. The DfE guidance says, "Admission authorities must still consider requests that are made outside the timescales set out in the process."

29. Some parents will have made the decision to delay the admission of their summer born child until their child reaches compulsory school age without any discussion with any schools. That is their right. The form implies that this is not the case and so is unclear.

30. It can only be a recommendation that parents read the "Guidance for Parents of summer born children considering delaying entry to school to reception year". The local authority cannot insist that parents read it. However, the form says that the parent signs that they have read this document on their application and there is the implication that the form cannot be entered without this. This is not fair as it implies a compulsory action when it cannot be so. The arrangements are unclear in this regard.

31. Similarly, the requirement on the form to list the schools visited before the application is made implies that this is compulsory. It is sensible to visit schools, but cannot be insisted upon. The form appears to make it compulsory, which the local authority cannot do and so the arrangements are unclear.

32. It is therefore my view that the arrangements do not make clear the process for requesting admission outside the normal age group, and make misleading statements about what information is required of parents. The objector raised various matters regarding the information available on the local authority's website, which I have not been able to verify. However, as the information on applying for admission other than to the normal age group is unclear in several matters, as explained above, I uphold the objection.

33. I note that the local authority said,

"We would like the OSA support in requesting of the DfE that if they are giving the right to the parent not to start their summer born child at CSA, then they should also have an automatic right to start in Year R, rather than having to go through this process, and again at each transition point, however, with the caveat there should be an annual review/meeting to confirm child is appropriately placed or needs to transition back to chronological year group."

34. I will not comment on this request other than to say that my responsibilities as an adjudicator are to make decisions as to whether admission arrangements meet the requirements of the law. Adjudicators do not form policy.

35. The matters I have raised are pertinent to the arrangements for all the community and voluntary controlled schools for which the local authority is the admission authority and the local authority must amend the relevant arrangements.



## Other matters

36. Paragraph 2.17 of the Code says:

“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.”

37. The arrangements say (as provided above but repeated here for ease of access),

“Parents who are allocated a place via the Starting School allocation process can start their child in September. They can also discuss deferring entry of their child to later in the school year or go part time but not beyond the point at which they reach statutory school age (which is the term following their 5th birthday) or for children born between 1 April and 31 August ("Summer born"), not beyond the beginning of the final term of the school year for which the offer was made. Any such requests should be discussed and agreed with the allocated school following confirmation of their allocation.”

38. The use of terms such as “can...discuss” and “Any such requests should be discussed and agreed” imply that the decision to do so or not is at the discretion of the school. It is the right of the parent to make these decisions. To imply otherwise makes the arrangements unclear and therefore not compliant with paragraphs 14 and 2.17 of the Code. Of course, it is sensible and rational for the parent to discuss their decision and its implementation with the relevant school but the decision is that of the parent, the parent is not making a request which can be refused, as implied in the arrangements. The local authority must review its arrangements and address this matter within two months of the date of this determination.

## Determination

39. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements for September 2026 determined by Portsmouth City Council for admission to reception in the community and voluntary controlled schools in its area.

40. I have also considered the arrangements under section 88I(5) of the Act and find that they do not comply with requirements relating to admission arrangements in the ways set out in this determination.

41. 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: 12 August 2025

Signed:

Schools Adjudicator: Deborah Pritchard