



Office of
the Schools
Adjudicator

Determination

Case reference: ADA4428

Objector: A parent

Admission authority: The governing body for Alcester Academy

Date of decision: 13 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 the governing body for Alcester Academy, which is in the local authority area of Warwickshire.

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 parent (the objector), about the admission arrangements (the arrangements) for Alcester Academy (the School or Alcester), an academy school for pupils aged 11 to 16, for September 2026.
2. The objection is that the arrangements do not contain information in respect of summer born children who began primary school outside of their normal age group, and wish to remain with the cohort to which they were admitted (their adopted cohort) when they enter the School.

3. The local authority for the area in which the school is located is Warwickshire (the Local Authority). The Local Authority is a party to this objection. Other parties to the objection are the objector and the School.

Jurisdiction

4. The terms of the academy agreement between the 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 governing body, which is the admission authority for the School, on that basis.

5. The objector submitted their objection to these determined arrangements on 28 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 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 School Admissions Code (the Code).

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

- i. a copy of the minutes of the meeting of the governing body of 4 February 2025, at which the arrangements were determined;
- ii. a copy of the determined arrangements;
- iii. the objector's form of objection dated 28 March 2025;
- iv. responses from the parties to the case to the objection, and supporting documents;
- v. information available on the websites of the School, the Local Authority and the Department for Education (DfE); and
- vi. the DfE document "Guidance on handling admission requests for summer born children" (the Guidance).

The Objection

8. The objector asserts that the arrangements lack information pertinent to summer born children who began school in the reception year (Year R) following their fifth birthday

(that is, outside of their normal age group) and wish to remain with their adopted cohort when they are admitted to the School.

9. Paragraph 2.18 of the Code is relevant to the objection and states, in full:

“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.”

10. I identify other relevant paragraphs of the Code when I come to my detailed consideration of the case.

Background

11. Alcester is a co-educational, non-selective school, without a designated religious character, for children aged 11 to 16 years. The School is a single academy trust and is its own admission authority (the admission authority). The published admission number (PAN) for entry to Year 7 at the School in 2026 is 130. The School was most recently inspected by Ofsted in January 2022, when it was judged to be Good.

12. The arrangements set out that, after the admittance of children with an Education, Health and Care Plan (EHCP) which names the School, priority for places at the School is determined by application of the following criteria (in summary):

1. Looked after and previously looked after children.
2. Children living in “the priority area” who will have a sibling at the School at the time of admission.
3. Other children living in the priority area.
4. Children of members of staff who have been employed at the School for two or more years at the time of application and / or have been recruited “to fill a vacant post for which there is a demonstrable skill shortage”.
5. Children living outside the priority area who will have a sibling at the School at the time of admission.
6. Other children living outside the priority area.

13. Within each criterion priority is afforded on the basis of the distance from the applicant’s home to the School, with those living nearest to the School afforded highest priority.

Consideration of Case

14. The objection stated, in full:

“The policy lacks information pertinent to summerborns [sic] who began school in Reception aged 5 and wish to remain with their adopted cohort.”

15. The Code defines summer born children in footnote 57, 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.”

16. The Code provides, in paragraph 2.18 and in the footnote above, the right for a parent of a summer born child to choose not to send that child to school until the September following their fifth birthday. This is an entitlement which admission authorities cannot legally refuse. Paragraph 2.18 of the Code provides parents with the right to request admission for their child out of that child’s normal year group; such admissions are not an entitlement but can be requested for any child, irrespective of whether or not they are summer born. Paragraph 2.19 of the Code sets out that it is for the admission authority to decide whether to agree such requests.

17. Where a parent of a summer born child has exercised the right for their child to start school following their fifth birthday, they may have requested that their child be admitted out of their normal year group. That is, for the child to be admitted to Year R rather than to Year 1 (which would be their normal year group). If such a request was agreed by the admission authority concerned, then the child will usually have continued their primary schooling in the cohort to which they were admitted (their adopted cohort). It seems likely that in these circumstances most parents would wish for their child to progress to secondary school with their adopted cohort. That is, for the child to continue to be educated out of their normal year group. If such a child was admitted to secondary school with their normal year group they would progress from Year 5 to Year 7, thus missing the whole of Year 6.

18. The Guidance recognises the position of such children and sets out the choices which their parents may face:

“If a child is admitted to primary school out of their normal age group, the parent may make further requests, for example, when they transfer from primary to secondary school. . .

It is rarely in the best interests of a child to miss a year of school. If, however, a request for admission out of the normal age group at a secondary school is refused, the parent will have to decide between 2 options:

- accept the offer of a place in year 7 in the school year following their child’s 11th birthday (meaning they would progress from year 5 to year 7)

- refuse that offer and make an in-year application for their child to be admitted to year 8 in the September following their 12th birthday (meaning they will progress from year 6 to year 8)

This means the child will have no option but to miss either year 6 or year 7.”

19. The objector has asserted that the arrangements lack information pertinent to children in the circumstances described above. That is, to summer born children who were admitted to Year R following their fifth birthday and wish to remain with their adopted cohort when they are admitted to the School. As I have said, the admission of a child out of their normal year group is not a parental right. However, the ability to request such admissions is a right and consequently the Code requires that admission authorities make clear in their arrangements the process for making a request.

20. The arrangements state:

“Parents may seek a place for their child outside of their normal age group. The application will be considered alongside all other applications in accordance with Alcester Academy’s Admissions Policy. The school will consider a variety of factors when making this decision, including (but not limited to); size of year cohort and teaching groups, distribution and numbers of SEND pupils, health and safety requirements etc. Consideration will be made on the circumstances of each case and the best interests of the child concerned. The school will take account of the parent or carer’s views, information about the child’s academic, social and emotional development and where relevant their medical history. The views of a medical professional, for example GP or Educational Psychologist, whether they have previously been educated outside 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. .

Requests for a child to be educated out of year group must be made in line with the relevant deadline for making an application for the child’s normal year group to Warwickshire LA. As an example, where a child should chronologically be transferring to secondary school in September 2025, but the family wishes to defer entry for a year, the deadline to make such a request (for entry in September 2026) is 31st October 2024. Requests received after this deadline by Warwickshire LA may not be given consideration until after National Offer Day on 1st March 2025.

Parents should also submit an appropriate chronological entry application for their child, as this will ensure that the child does not miss out on a school place in the normal age group if the request is not agreed by the admission authority. Part of this process requires the views of the Head to be considered, so parents should take all reasonable steps to ensure that they have discussed their request with the Head. It is unlikely that an incomplete request form will result in a request for a child to be educated out of year group being agreed. An agreement for a child to be educated out of year group is **not** a guarantee of an offer at a school.”

21. Although the arrangements recognise the rights of parents to request admission out of the normal year group, I find that the process is not made clear. This is for the reasons set out below:

- 21.1. The arrangements provide no information as to what form requests should take; they do not set out how or where requests should be submitted.
- 21.2. The arrangements refer to a “request form” but do not provide such a form or state how it may be obtained.
- 21.3. The arrangements state (my underlining for emphasis), “Parents should also submit an appropriate chronological entry application for their child, as this will ensure that the child does not miss out on a school place in the normal age group if the request is not agreed by the admission authority.” As the School is the only admission authority to which the arrangements apply, the arrangements imply that if a request is denied then a place at the School, in the child’s normal year group, is ensured. This is not correct as places must be allocated in accordance with the oversubscription criteria set out in the arrangements and a place cannot be guaranteed for any child (other than one who has an EHCP which names the School).

22. For the reasons set out above I find that the arrangements are contrary to paragraph 2.18 of the Code. I therefore uphold the objection.

23. For the sake of completeness I asked the School for a copy of the request form referred to in the arrangements, and an explanation of how and where parents may access this. In response the School provided a web link to the Local Authority’s “Education Out of Year Group – Changing School” form and stated’:

“Warwickshire ‘Brown Form’”.

24. I asked the School for a full explanation of the process which a parent must follow to request admission for their child outside of the child’s normal age group. In response the School provided a web link to the Local Authority’s “Policy for educating children outside their normal academic year group”, dated August 2023, and stated:

“We utilise Warwickshire County Council’s process, as set out in the linked policy and procedure”.

25. The arrangements do not link to (or indeed make any mention of) the Local Authority’s form or policy regarding admission out of the normal year group. Consequently these documents are not relevant to my consideration of the objection raised. To put it another way, a parent reading the arrangements would not be aware of the Local Authority documents and therefore these have no effect when determining whether or not the arrangements comply with the Code.

Other Matters

26. Having considered the arrangements as a whole it appeared to me that several matters may not conform with the requirements of the Code. Paragraph 14 of the Code requires that arrangements must be clear for parents on how places are allocated. The issues listed below apply to that paragraph of the Code unless otherwise specified.

27. I wrote to the School setting out in what ways the arrangements did not, or may not, conform to the Code; my letter invited the School's comments and stated that the School was not expected to make any changes to the arrangements until receiving my determination. In response the School provided its comments and an amended set of arrangements, and stated:

"I have attached . . . a copy of the draft Admissions Policy that has been adapted in accordance with the advice provided. If these revisions are acceptable, this policy will be ratified as an additional item at the FGB AGM [full governing body annual general meeting] in early September 2025, and put out as a consultative document thereafter."

28. The Code requires that admission authorities determine, that is formally agree, their arrangements annually; paragraph 3.6 of the Code states that once admission arrangements have been determined for a particular year they cannot be revised except in specific circumstances where "such revision is necessary to give effect to a mandatory requirement of this Code, admissions law, a determination of the Schools Adjudicator or any misprint in the admission arrangements". Where an admission authority for an academy wishes to propose variations other than those provided for by that paragraph these must be referred to the DfE.

29. The arrangements for the School were determined by the governing body on 4 February 2025. My jurisdiction is to consider the determined arrangements. Consequently I have discounted the "draft Admissions Policy" as these arrangements have not been lawfully made and hence have no effect. I make it clear that I am unable to comment on that document as it is not part of the currently determined arrangements.

30. Following my letter to the School and its decision to formulate a "draft Admissions Policy" the School removed the determined arrangements from the School website and published the draft in their stead. This is contrary to paragraph 1.50 of the Code which states:

"Once admission authorities have determined their admission arrangements, they **must** notify the appropriate bodies and **must** publish a copy of the determined arrangements on the school's website or their own website (in the case of a local authority) by 15 March in the determination year and continue displaying them for the whole offer year (the school year in which offers for places are made)."

31. For the avoidance of doubt, the School must revise the arrangements to comply with this determination. There is no requirement to consult on such revised arrangements. As no other changes (save for those provided for by paragraph 3.6 of the Code) may be made

without a variation being agreed by the DfE, any purpose that consultation could serve would be limited. The admission authority may of course choose to notify parents and other interested parties of the revised arrangements, and these must be published on the School website as required by paragraph 1.50 of the Code.

32. I asked the School for the date of the most recent consultation on admission arrangements and comments received in response to that consultation. It was apparent from the information supplied to me that the date of the most recent consultation is not known by the School, which responded, “We accept that consultation is overdue and it will take place during the Autumn Term 2025.” As consultation is overdue, the admission authority has failed to comply with paragraph 1.45 of the Code which states:

“When changes are proposed to admission arrangements, all admission authorities **must** consult on their admission arrangements (including any supplementary information form) that will apply for admission applications the following school year. Where the admission arrangements have not changed from the previous year there is no requirement to consult, subject to the requirement that admission authorities **must** consult on their admission arrangements at least once every 7 years, even if there have been no changes during that period.”

33. The following matters are ones which the School accepted did not comply with the Code and resolved to revise; it is unnecessary therefore for me to discuss these matters in any detail.

34. The arrangements do not set out how parents should apply for a place in the normal admissions round. Consequently, the arrangements do not comply with paragraph 14 of the Code or with paragraph 15, which states “All schools must have admission arrangements that clearly set out how children will be admitted. . .”.

35. The arrangements refer to the “Planned Admission Number (PAN)”. Although a minor point, as the Code uses the term “Published Admission Number” (also abbreviated to “PAN”) this lacks the clarity required by the Code.

36. The first oversubscription criterion prioritises looked after and previously looked after children, as required by paragraph 1.7 of the Code. However, the arrangements do not make it clear that this includes those children who appear (to the admission authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted. Consequently the arrangements do not comply fully with the requirements of that paragraph.

37. Paragraph 2.15 of the Code states: “Each admission authority **must** maintain a clear, fair, and objective waiting list until at least 31 December of each school year of admission, stating in their arrangements that each added child will require the list to be ranked again in line with the published oversubscription criteria.” The arrangements state, in the section headed “Waiting lists” (my underlining for emphasis):

“The waiting list will be held by Warwickshire County Council who administers the process for Alcester Academy. The waiting list is ranked according to our over

subscription criteria. The waiting list does not take into account the date individual applications were received or the length of time a child has been on the list.

Offers from the waiting list will be made in reallocation rounds as outlined in the relevant timetable. When a place becomes available it will be allocated to the child at the top of the waiting list on the date of the reallocation round.”

In respect of this:

- i. The arrangements do not comply with paragraph 2.15 of the Code as they do not state that each added child will require the list to be ranked again in line with the published oversubscription criteria.
- ii. As no date is given until which the waiting list is maintained, it is not clear whether this is until at least 31 December, as required by the Code. If the waiting lists is not maintained for the required period, this is contrary to paragraph 2.15 and, since no date is given, the arrangements are also unclear and therefore contrary to paragraph 14 of the Code.
- iii. As it is not clear what is meant by “reallocation rounds” or “relevant timetable” (or where information relating to any such timetable may be found), the arrangements are contrary to the requirement for clarity set out in paragraph 14 of the Code.

38. Paragraph 1.8 of the Code requires admission arrangements to include an effective, clear, and fair tie-breaker to decide between two applications that cannot otherwise be separated. As no such tie-breaker is included in the arrangements, to separate two applicants who live equidistant from the School, the arrangements are contrary to that paragraph of the Code.

39. I have determined that the matters below require more detailed explanation.

40. The arrangements prioritise applicants living in “the priority area” and direct parents to an interactive map on the Local Authority’s website which gives the instruction: “Click on the area that you live and then zoom in to your street. This will show which school's priority area you are in but also, the boundaries for each school's priority area”. Whilst undoubtedly useful, this tool does not fulfil the requirement in paragraph 1.14 of the Code that catchment areas are “clearly defined”, which should include the ability for parents to view or understand the catchment area for a school irrespective of where they live. This is because it is not possible to locate the School using the interactive tool unless one is familiar with its position on a map; and the tool seems to be designed for use by those who already live in the local authority area and does not provide for parents who live outside of that area, including any who may be considering moving into the area.

41. In respect of this the School stated:

“The local authority now provides a postcode finder, and we therefore have include a link to this in the revised proposed policy attached. We would note that this is the

only resource available, beyond the maps, to explain the extent of the Priority Area, and matches what is available for other schools within the local area.”

42. Catchment areas are a key part of admission arrangements and should be published as part of them or immediately accessible from them. It is the responsibility of the School, as the admission authority, to ensure that its catchment area is clearly defined as required by the Code. This is not the responsibility of the Local Authority; and whether or not the arrangements of other schools do or do not comply with the Code is not a matter for this determination. I draw the School’s attention to Office of the Schools Adjudicator Annual Report for 2023, in which the Chief Adjudicator stated:

“I have covered catchment areas in past reports but wish to draw attention this year to a particular matter. We have seen admission arrangements which refer to “interactive catchment maps”. These are typically located on local authority websites and allow parents and others to establish which school catchment area or areas a particular address falls into. They are very useful tools and I am sure of great use to parents who are considering which schools to express a preference for. However, they are not on their own enough to satisfy the requirement in paragraph 1.14 of the Code that catchment areas be “clearly defined.” Being able to establish that an address is within the catchment area of a school does not define that catchment area of that school anymore than does establishing that an address is within West Sussex define the county boundaries of West Sussex. Where a catchment area is part of a school’s admission arrangements, that catchment area must be defined clearly – by means of a map which shows its boundaries clearly or by some other means such as a definitive list of road names or post codes.”

43. Oversubscription criterion 4 prioritises admission to the children of staff as is allowed by paragraph 1.39 of the Code. However, this criterion does not comply with paragraphs 1.40 and 14 of the Code as it is not clear how, in respect of a member of staff who “is recruited to fill a vacant post for which there is a demonstrable skill shortage,” this priority would or would not be applicable.

44. In respect of this the School stated that “the wording included on this matter also matches other local settings”. This may well be the case; however this has no bearing on the responsibility of the School to ensure that its arrangements comply with the Code. I note that the School has accepted the need to formulate some additional wording to accompany this criterion. The arrangements must make it clear how a member of staff would know whether they would be included in this criterion or not.

45. The arrangements state (my underlining for emphasis):

“Parents are informed of their statutory right of appeal when they receive the outcome of their application. Parents can appeal for any preference where they have received a refusal.”

46. As the term “preference” is not defined or used elsewhere in the arrangements I was concerned that its use may not provide the clarity required by paragraph 14 of the Code. I

requested clarification from the admission authority on this point. It stated, “Whilst the word ‘preference’ has a clear legal meaning in the context of admissions, we have proposed some slightly amended wording to clarify.” As I have explained above, I do not have jurisdiction to consider any wording proposed by the School. The word “preference” does have a meaning in the context of admissions that will be clear to, say, those in schools and local authorities dealing with such matters and to schools adjudicators. However, the Code requires that the arrangements are clear to parents, and I find that its use without any explanation is likely not to be clear. Further, I find the phrase “can appeal for any preference” to be unclear even when the term preference is understood. The arrangements must therefore be revised.

Determination

47. 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 the governing body for Alcester Academy, which is in the local authority area of Warwickshire.

48. 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.

49. 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 August 2025

Signed:

Schools Adjudicator: Jennifer Gamble