



Office of  
the Schools  
Adjudicator

## Determination

**Case references:** ADA4409 Davies Lane Primary School  
ADA4410 Selwyn Primary School  
ADA4411 Woodford Green Primary School  
ADA4412 Northwold Primary School

**Objector:** A member of the public

**Admission authority:** Arbor Academy Trust

**Date of decision:** 14 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 Arbor Academy Trust for Davies Lane Primary School, Selwyn Primary School, Woodford Green Primary School, and Northwold Primary 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 this determination.

## The referral

1. Under section 88H(2) of the School Standards and Framework Act 1998 (the Act), an objection has been referred to the adjudicator by a member of the public (the objector), about the admission arrangements for September 2026 (the arrangements) for the schools within Arbor Academy Trust (the Trust). The Trust contains four schools (the four schools),

all of which are primary schools: Davies Lane Primary School, Selwyn Primary School, Woodford Green Primary School and Northwold Primary School.

2. The parties to this objection are the objector, the Trust, the London Borough of Waltham Forest and the London Borough of Hackney. Northwold Primary School is located within the London Borough of Hackney. The other three schools are located within the London Borough of Waltham Forest.

## **Jurisdiction**

3. The terms of the academy agreements between the multi-academy trust and the Secretary of State for Education require that the admissions policies and arrangements for the academy schools are in accordance with admissions law as it applies to maintained schools. The academy trust, which is the admission authority for the four schools, determined a single set of arrangements as the arrangements for each of those schools on that basis. The objector submitted his objection to the determined arrangements on 18 March 2025. 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. Any reference to “the arrangements” or “the determined arrangements” in this determination is to be interpreted as meaning the admission arrangements for each of the four schools.

## **Procedure**

4. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).

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

- a. a copy of the determined arrangements for the four schools;
- b. the objector’s form of objection dated 18 March 2025;
- c. the Trust’s response to the objection and supporting documents;
- d. responses from the London Borough of Waltham Forest and the London Borough of Hackney; and
- e. information available on the websites of the Trust; each of the four schools; and the Department for Education (DfE), including the website “Get Information About Schools” (GIAS).

## **The Objection**

6. The objection is that the arrangements for the four schools are contrary to paragraph 2.18 of the Code as they do not set out the process for requesting admission for a child out of that child’s normal age group.

7. Paragraph 2.18 of the Code 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.”

8. The objector also raised concerns that the arrangements had not been published as required by the Code. As the case progressed it became clear to me that this matter was linked to that of the determination of the arrangements; I discuss these matters below. Paragraphs of the Code which set out the responsibilities of admission authorities to determine and publish admission arrangements are as follows:

1.49: “All admission authorities **must** determine their admission arrangements, including their PAN, every year, even if they have not changed from previous years and a consultation has not been required by 28 February in the determination year.”

1.50: “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). Admission authorities **must** also send a copy of their full, determined arrangements to the local authority as soon as possible before 15 March in the determination year. . .”.

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

## Background

10. All four schools provide for girls and boys aged two to eleven years; none of the schools has a designated religious character. The Published Admission Numbers (PANs) of the schools, which apply to entry to the reception year (Year R) are: Davies Lane Primary: 120; Selwyn Primary School: 90; Woodford Green Primary School: 30; and Northwold Primary School: 60.

11. The oversubscription criteria that are used to prioritise applicants to each school (after the admission of any child with an Education, Health and Care Plan which names that school) are the same for each of the four schools. In summary:

1. Looked After Children (LAC) and Previously Looked After Children (PLAC).
2. Children with medical or social reasons for prioritisation for entry and children “At Risk”.

3. Siblings of existing pupils.
4. Children of members of staff.
5. Other children, with priority afforded on the basis of distance (with children living closest to the school afforded highest priority).

## Consideration of Case

12. I will first consider the matter of the determination and publication of the arrangements. The objection stated:

“In the case of Northwold, I was unable to find any admissions arrangements whatsoever, which possibly contravenes Part 1.50 of the Code.

For Davies Lane and Woodford Green, the arrangements were tucked away under “policies” and there was no link from the page advising parents how to apply for a school place.”

13. When the objection was first brought, the Trust was asked to provide the 2026 arrangements and sent me a document with no heading or date, but with the filename “Arbor Admissions Arrangements Statement”; this document had been published on the website of each school. An additional document, entitled “Admissions Arrangements for Northwold Primary School 2026-2027,” was published by Northwold Primary School. I sought clarification as to which document, or documents, comprised the 2026 arrangements for the four schools. The Trust told me:

“I can confirm that Davies Lane Primary School, Selwyn Primary School and Woodford Green Primary school follow the admissions arrangements for Waltham Forest as stated in the Arbor Admissions Arrangement statement. Following a consultation there is one amendment to the arrangements which is explained within the Arbor Admissions Arrangement statement. A link is provided to parents on each website to the Waltham Forest Admissions Arrangement.

Northwold Primary School follows the admissions arrangement [sic] for Hackney Local Authority. As Northwold was an Academy before joining Arbor Academy Trust they had already carried out a consultation to make the same amendment that the other schools in the Trust have made, therefore the Trust has continued to use the Northwold Admissions arrangements for the school alongside the Hackney admission arrangements. The Arbor Admissions Arrangement statement does not have any conflicting arrangements. A link to the Hackney admissions arrangements is provided for parents on the school website.”

14. It is the responsibility of admission authorities under paragraph 5 of the Code to ensure that the admission arrangements which they have determined are compliant with the Code. It is not permissible for an admission authority to simply use arrangements that have been determined by a different admission authority. The admission authority for the four schools is the Trust. Consequently, I have not considered either the London Borough of

Waltham Forest or the London Borough of Hackney arrangements as comprising any part of the admission arrangements for the four schools.

15. From further correspondence with the Trust it was evident that the “Arbor Admissions Arrangements Statement” document first sent to me was not the arrangements for 2026. Indeed, the Trust had not determined any arrangements for that year. The Trust determined its arrangements following my involvement and provided evidence of that determination, and the determined arrangements, on 21 May 2025.

16. Paragraph 1.49 of the Code requires that admission authorities determine their arrangements annually, by 28 February in the determination year (that is, by 28 February 2025 for arrangements for 2026). The Trust did not act in accordance with paragraph 1.49 of the Code as it did not determine the 2026 arrangements by the statutory deadline.

17. As the arrangements had not been determined in accordance with the Code, neither were they published by the required deadline of 15 March in the determination year. The Trust therefore did not act in accordance with paragraph 1.50 of the Code. At the time of writing, the determined arrangements still do not appear to have been published on the websites of three of the four schools.

18. I turn now to the objection that the arrangements are contrary to paragraph 2.18 of the Code, which I have set out above. The objection stated:

“[The arrangements for all four schools] contravene Part 2.18 of the Schools Admissions [sic] Code relating to the admission of children outside their normal age group, which states that “.....Admission authorities must make clear in their admission arrangements the process for requesting admission out of the normal age group”.

In all four cases, I can find no such policy.”

19. The arrangements now determined for the four schools make no mention of the right of any parent to request that their child is admitted out of their normal age group, or even that such admissions are a possibility. The arrangements for each of the four schools are therefore contrary to paragraph 2.18 of the Code, which requires that admission arrangements make clear the process for requesting admission out of the normal age group, and I uphold the objection.

20. The objector also stated:

“Parents who wish to delay their summerborn [sic] child starting Reception until the following year may therefore have no idea how to go about making a request to do so. Therefore, the arrangements are not clearly set out, if they exist at all.

(A parent in the area was told that Trust policy is not to admit children outside of their normal age group, which may indicate an unlawful blanket policy of refusing requests.)”

21. Summer born children are defined in footnote 57 to the Code:

“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.”

22. As the objector has stated, the schools’ arrangements do not provide any information as to how to make a request for such a child to be admitted to Year R rather than to Year 1. In my view, in order to make clear the process for requesting admission out of the normal year group, as required by paragraph 2.18 of the Code, the admission authority must state in the arrangements that parents may request that their summer born child be admitted outside the child’s normal year group, and describe the process for making such a request. Because the schools’ arrangements fail to do this, I also find that the arrangements are contrary to the requirement for clarity set out in paragraph 14 of the Code, which states:

“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.”

23. The objector expressed concern that the Trust may have “an unlawful blanket policy of refusing requests” for children to be admitted out of their normal year group. Paragraph 2.29 of the Code states that such decisions must be made “on the basis of the circumstances of each case and in the best interests of the child concerned”. My jurisdiction is to consider what is set out in the arrangements; any complaint about the operation of the arrangements would need to be made to the DfE. Nevertheless, it seems to me that the failure of the arrangements to recognise the right of parents to request admission out of the normal year group may signal that the admission authority has adopted a policy of not admitting children out of their normal year group. To put it another way, if parents are not aware of their right to make a request it seems unlikely that they will be able to exercise that right. However, as I have said, it is not within my jurisdiction to adjudicate on the objector’s allegation.

24. For the sake of completeness, I asked the Trust 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. The Trust responded:

“Davies Lane Primary school, Selwyn Primary School and Woodford Green Primary school admissions is managed on behalf of the schools by Waltham Forest Admissions. Each school provides a link to the Waltham Forest admissions on their admissions page of their website for families to follow for the process to apply for admissions outside the child’s normal age group. . . Northwold Primary School is managed on behalf of the school by Hackney admissions. The school provides a link on the admissions page of its website for families to follow for the process to apply for admissions outside the child’s normal age group.”

25. I asked the Trust for any guidance or information that is available for parents in respect of requesting admission out of a child's normal age group, including how parents may access this. It replied:

"As admissions for Davies Lane Primary School, Selwyn Primary School and Woodford Green primary school is managed by Waltham forest admissions the guidance for parents is available on their website and is accessible via a link to their website on the admissions page of each school's website. Northwold is managed by Hackney admissions and the guidance for parents is available on their website and is accessible to parents via a link on the school's admissions page on the school website."

26. I have dealt above with the responsibility of admission authorities to ensure that the admission arrangements which they have determined are compliant with the Code. I note that none of the schools' websites make mention of, or link directly to, information related to requesting admission out of a child's normal age group. In any case, the Code requires that that admission arrangements set out the process for such requests. A website does not take the place of admission arrangements. Neither should there be any provision or suggestion in the schools' admission arrangements that local authorities are making decisions on these matters. Paragraph 2.19 of the Code requires that decisions about whether a child can be admitted outside their normal age group must be made by a school's admission authority.

## Other Matters

27. Having considered the arrangements as a whole it appeared to me that the following matters do not conform with the requirements of the Code and so I brought them to the attention of the Trust. Paragraph 14 of the Code requires that "the practices and the criteria used to decide the allocation of school places are fair, clear, and objective." In other words, 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.

28. 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. . .".

29. The arrangements state, "Arbor Academy Trust will comply with the School Admissions Code (DfE Dec 2014)". As the Code currently in force is dated September 2021, this statement could imply that the admission authority has not used the current version of the Code when determining its arrangements. Admission authorities are required to determine their admission arrangements in accordance with the law which is currently in force. If the statement that the 2014 Code is being applied is an error, then the arrangements are misleading. If the arrangements are correct, and the admission authority is indeed determining and applying its arrangements in accordance with the 2014 Code, this is certainly not what they should be doing.

30. The arrangements state:

“The Academy has the following admission numbers for each school:

- Davies Lane Primary, 120 pupils in Reception to Year 6 year groups
- Selwyn Primary, 90 pupils in Reception to Year 6 year groups
- Woodford Green Primary, 30 pupils in Reception to Year 6 year groups
- Northwold Primary, 60 pupils in Reception to Year 6 year groups”

31. As stated in paragraph 1.2 of the Code, admission numbers apply to each ‘relevant age group’, which for the schools concerned is Year R. There is no legal provision which enables an admission authority to set a PAN other than for the relevant age group. In purporting to set an admission number for year groups other than Year R, the schools’ arrangements are unlawful in this regard.

32. The first oversubscription criterion prioritises looked after and previously looked after children, as required by paragraph 1.7 of the Code. However, as 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, they do not comply fully with the requirements of that paragraph.

33. Paragraph 2.17 of the Code states:

“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”.

34. As the arrangements make no mention of any of the information set out in paragraph 2.17 of the Code, they are contrary to that paragraph.

35. 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.” As no date is given in the arrangements until which the waiting list is maintained, it is not clear whether this is until at least 31 December. If waiting lists are 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.



36. In their responses to these matters being raised, both the local authorities concerned, and the objector, provided suggestions as to how the Trust could change the arrangements to make them more compliant with the Code. I am unable to comment on those suggestions as they are not part of the currently determined arrangements. I also make it clear once again that whilst local authority advice may be sought, the responsibility for revising the arrangements and ensuring that they are compliant with the Code and all other legal requirements relating to school admissions falls to the Trust. The Trust told me “The Trust acknowledges the considerations that have been noted may not conform with requirements and will make the necessary adjustments to ensure these are met”; I thank them for this recognition.

## Summary of Findings

37. I find that there have been failings on the part of the Trust in fulfilling its responsibilities as the admission authority for the four schools. The arrangements were not determined by the statutory deadline; and were not published online as required by the Code. The arrangements do not contain any information in respect of admission out of normal age group, or the rights of a parent of a summer born child to choose not to send that child to school until the September following their fifth birthday. The arrangements are contrary to paragraphs 14, 1.49, 1.50 and 2.18 of the Code and I uphold the objection.

38. I have found other matters in respect of the schools’ arrangements which do not comply with the Code. I have detailed these in the ‘Other Matters’ section above.

## 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 Arbor Academy Trust for Davies Lane Primary School, Selwyn Primary School, Woodford Green Primary School, and Northwold Primary School.

40. 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.

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: 14 August 2025

Signed:

Schools Adjudicator: Mrs Jennifer Gamble