



Office of
the Schools
Adjudicator

Determination

Case reference:	ADA4432
Objector:	A member of the public
Admission authority:	Central Bedfordshire Council for the community and voluntary controlled schools in its area
Date of decision:	27 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 Central Bedfordshire Council for the community and voluntary controlled schools in its area.

I have also considered the arrangements in accordance with section 88I(5) and find there are other matters which do not conform with the requirements relating to admission arrangements in the ways set out in this determination.

By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of the date of the determination.

The referral

1. Under section 88H(2) of the School Standards and Framework Act 1998 (the Act), an objection has been referred to the adjudicator by a member of the public (the objector), about the admission arrangements for the community and voluntary controlled schools in the area of Central Bedfordshire Council for September 2026 (the arrangements). The objection is to the information in the arrangements regarding the admission of summer born children. I will refer to the community and voluntary controlled schools in the area of Central Bedfordshire Council as the Schools.

2. The parties to the objection are Central Bedfordshire Council (the local authority), which is the admission authority for the Schools; and the objector.

Jurisdiction

3. These arrangements were determined under section 88C of the Act by the local authority, which is the admission authority for the school. The objector submitted their objection to these determined arrangements on 7 April 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

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

5. The information I have considered in reaching my decision includes:

- 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. the local authority's response to the objection and the other matters I have raised;
- d. Department for Education (DfE) guidance (updated November 2024): 'Guidance on handling admission requests for summer born children' (the DfE guidance); and
- e. information published on the websites for the local authority and the DfE.

The objection

6. The objection is to the information provided by the local authority on the admission of children to years other than the normal year of entry. The objector said,

"The council's policy says, "In general, children will normally be educated in their normal age group, with the curriculum differentiated as appropriate, and requests for children to be educated out of their normal age group in certain circumstances will only be agreed.""

7. The objector said that this was not compliant with paragraphs 2.18 and 2.19 of the Code.

Background

8. Children reach compulsory school age in the term after their fifth birthday. All children have the right to start school in the academic year in which they have their fifth birthday but do not have to start school until the child reaches compulsory school age. Footnote 56 of the Code explains,

“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.”

9. Therefore, a child who is born in the summer months does not reach compulsory school age until the September following their fifth birthday. Such children are known as summer born children. Parents of summer born children have the right to wait until their children reach compulsory school age before starting school. They also have the right to request that their child starts school in reception rather than year 1, which would have been their year group if the child had started school in the year in which they reach five years of age. This is known as delayed entry.

10. Footnote 57 of the Code explains,

“The term summer born children 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.”

11. 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.”

12. Paragraph 2.18 therefore does not just refer to summer born children but also to cases where a parent wants the child to be with children in an older year group or a younger year group depending on the circumstances.

13. 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."

14. 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 and I would expect an admission authority to have good reasons if it decided not to follow DfE guidance, otherwise it would be acting unreasonably. The DfE guidance says,

- "Children are not required to attend school until they reach compulsory school age. Children born from 1 April to 31 August – known as summer born children – do not need to start school until the September after their fifth birthday, a year after they could first have started school.
- A parent may request their summer born child is admitted out of their normal age group at this point – to reception rather than year 1.
- 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.
- The admission authority of each school must make a decision based on the circumstances of the case and in the child's best interests. It should be rare for an authority to refuse a parent's request.
- An admission authority may not decide that a child should start school before compulsory school age - that is the parent's decision.
- The government believes it is rarely in a child's best interests to miss a year of their education, for example, by beginning primary school in year 1 rather than reception, or secondary school in year 8 rather than year 7."

Consideration of case

15. The admission arrangements have no information on the admission of children outside their normal age group. This does not comply with paragraph 2.18 of the Code and I uphold the objection.

16. In this case, the objector referred to information that was not in the arrangements but appeared to be concerned with the process and principles that the local authority would

follow in matters relating to summer born children and delayed admission. My jurisdiction does not cover the application of the arrangements. However, a process that does not comply with the Code does not follow the law, and a process which does not follow the DfE guidance is likely to be unreasonable.

17. The local authority explained that it was aware that the arrangements were not compliant with the Code and that it intended to address these matters. This is welcomed.

Other Matters

18. I raised the following matters with the local authority as I did not believe that the arrangements complied with the Code in these areas. The local authority recognised that the arrangements were not compliant and committed to addressing these matters. This is welcomed. I will therefore not discuss the matters in detail.

19. Paragraph 1.13 of the Code says:

“Admission authorities **must** clearly set out how distance from home to the school and/or any nodal points used in the arrangements will be measured. This must include making clear how the ‘home’ address will be determined and the point(s) in the school or nodal points from which all distances will be measured. This should include provision for cases where parents have shared responsibility for a child following the breakdown of their relationship and the child lives for part of the week with each parent[my emphasis].”

20. The information underlined above is not provided in the arrangements. The arrangements therefore do not comply with paragraph 1.13 of the Code and this must be addressed.

21. 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.”

22. This information required by the Code is not provided in the arrangements and so the arrangements are not compliant with the Code. This must be addressed.

Determination

23. 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 Central Bedfordshire Council for the community and voluntary controlled schools in its area.

24. 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.

25. 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: 27 August 2025

Signed:

Schools Adjudicator: Deborah Pritchard