



Office of
the Schools
Adjudicator

Determination

Case reference: ADA4489

Objector: A parent

Admission authority: Rivermead Inclusive Trust for Walderslade Primary School

Date of decision: 01 September 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 Rivermead Inclusive Trust for Walderslade Primary School, which is in the local authority area of Medway Council.

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 Walderslade Primary School (the School), a co-educational academy school for pupils aged four to eleven, for September 2026.
2. The objection is that the arrangements do not contain information in respect of the process for requesting admission out of a child's normal age group.

3. The parties to the objection are the objector, the School and Rivermead Inclusive Trust (the Trust), which is the admission authority for the School, as well as Medway Council (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 as the admission authority for the School on that basis.

5. The objector submitted their objection to these determined arrangements on 13 May 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.

6. I have also used my power under section 88I of the Act to consider the arrangements as a whole and to determine whether or not they conform with the requirements relating to admissions and, if not, in what ways they do not so conform. I will refer to these as 'Other Matters' and they are covered in the section of the determination under that heading.

Procedure

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

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

- a copy of the minutes of the meeting of the Trust at which the arrangements were determined;
- a copy of the determined arrangements;
- the objector's form of objection dated 13 May 2025;
- responses from the parties to the case to the objection, and supporting documents; and
- information available on the websites of the School, the Local Authority, and the Department for Education.

The Objection

9. The objector states:

"I am objecting [to] this school's admissions policy because:

- It is not compliant with S218-220 of the School Admissions Code;
- It fails to explain how to request admission out of normal age group. It's an academy so must by law have its own policy/ procedure”.

10. The relevant paragraphs of the Code read:

“Admission of children outside their normal age group

2.18 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.

2.19 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.

2.20 Where an admission authority agrees to a parent’s request for their child to be admitted out of their normal age group and, as a consequence of that decision, the child will be admitted to a relevant age group (i.e. the age group to which pupils are normally admitted to the school) the local authority and admission authority **must** process the application as part of the main admissions round, unless the parental request is made too late for this to be possible, and on the basis of their determined admission arrangements only, including the application of oversubscription criteria where applicable. They **must not** give the application lower priority on the basis that the child is being admitted out of their normal age group. Parents have a statutory right to appeal against the refusal of a place at a school for which they have applied. This right does not apply if they are offered a place at the school, but it is not in their preferred age group”.

Consideration of Case

11. The arrangements state:

“All children who reach the age of 5 years old between September 1st and 31st August are admitted to school during September.”

Apart from this, the arrangements do not have any provision to regulate the admission of children outside their normal age group.

12. I asked the Trust to explain why there is no such provision, and its response was as follows:

“Due to this objection, we have reviewed our admission policy and we have identified that our policy was not specific enough around 'out of age range' admissions; therefore, please also find attached the alterations we would like to make to ensure our policy and future policies so it is clear and transparent and linked to Section 2.18-2.20 of the Schools Admissions Code 2021.”

13. 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 they are summer born. Since the ability to *request* such admissions is a *right*, the Code requires that admission authorities must make clear in their arrangements the process of making such a request. It is clear that the arrangements do not contain any specific provision to guide parents on the process for requesting admission out of the normal age group of a child.

14. As the Trust helpfully accept that the arrangements will need to incorporate additional provisions to indicate the process by which a parent may request admission of a child out of their normal age group, I will simply uphold the objection without any further analysis. It is not the role of the Adjudicator to advise on the wording of revisions, so I will not comment on the proposed amended wording.

Other Matters

15. Having considered the arrangements as a whole it appeared to me that the following matters also do not conform with the relevant requirements of the Code. Paragraph 14 of the Code states that:

“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”.

16. First, the School's website does not publish a copy of the determined arrangements for September 2026. According to the records provided by the Trust, the determination of the arrangements for September 2026 took place on 21 March 2025. The deadline for determining arrangements is 28 February 2025. The lack of publication and the lateness of the determination is contrary to paragraphs 1.49 and 1.50 of the Code.

17. Second, the arrangements seem to have been adapted from relevant documents issued by the Local Authority, but certain expressions (e.g. “for community and voluntary controlled schools” and “named school”) were not properly modified. This lack of precision

and clarity renders the arrangements confusing for parents and so contrary to paragraph 14 of the Code.

18. Third, the arrangements have not provided an express priority to children whose Education, Health and Care plan names the School. Such children must be admitted. This lack of reference is contrary to paragraph 1.6 of the Code.

19. Fourth, a few issues arise in respect of the oversubscription criteria:

- The first oversubscription criterion does not give the highest priority to looked after children and all previously looked after children, including 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. This is contrary to paragraph 1.7 of the Code.
- The fifth oversubscription criterion prioritises applicants on the basis of distance from the School. There is no reference to how the “home” address will be determined, and to the point(s) in the School from which all distances will be measured. No provision is made to consider 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”. These respects do not comply with paragraph 1.13 of the Code.
- The tie-breaker adopted in the arrangements is that “places will be allocated to those living closest to the school measured by the shortest walking route”. There is no provision for a final tie-breaker. This is contrary to paragraph 1.8 of the Code, which states that “Admission arrangements must include an effective, clear, and fair tie-breaker to decide between two application that cannot otherwise be separated”.

20. Fifth, the arrangements state, “in the event of the school being oversubscribed where the parent / carer for the final qualifying place(s) available is the parent/ carer of twins, triplets or multiple birth, the council would give multiple birth applications a higher priority for places that other applications with the exception of children in public care. This will enable multiple birth children to be offered places at the same school”. In respect of this:

- The admission authority for the School is the Trust. The mention of “the council” may be misleading. This is contrary to paragraph 14 of the Code.
- This part of the arrangements is not clear. It is not clear how the priority described would operate in practice. I note that, twins or siblings from multiple births can be admitted above the class size limit as “excepted pupils” under paragraph 2.16(g) of the Code, reflecting the provisions of The School Admissions (Infant Class Sizes) (England) Regulations 2012.

21. Sixth, the arrangements do not indicate that the admission authority will “maintain a clear, fair, and objective waiting list until at least 31 December of each school year of admission”. The arrangements do not contain an express provision that each added child

will require the list to be ranked again in line with the published oversubscription criteria. The only reference to a waiting list is under the heading “Casual Admissions”, which does not appear itself to meet the Code’s requirement. These are contrary to paragraph 2.15 of the Code.

22. Seventh, the arrangements do not provide for the admission of children below compulsory school age, and for their deferred entry to the School. This does not comply with paragraph 2.17 of the Code.

23. Finally, the provision for “Casual Admissions” states that “places will be offered in accordance with the co-ordinated scheme”. This is not clear and fails to be in accordance with paragraph 14 of the Code. The arrangements should not depend on reference to some other document or provision which is not included in the arrangements.

24. In its reply of 29 July 2025, the Trust accepts that the arrangements lack the degree of precision required under the Code as I explained above, and that the wording as cited above was vague. The Trust also explained that the arrangements had temporarily not been shown on the School’s website due to a recent change of the website administrator.

25. The Trust has provided me with some proposed wording on how the arrangements could be revised or improved, but it is not for me as the Adjudicator to advise on the revisions as I stressed above.

Summary of Findings

26. In summary, I find that the arrangements do not contain express or clear information in respect of the process for parents to request admission of their children out of their normal age group, and therefore that the arrangements do not comply with paragraph 2.18 of the Code.

27. I have raised other matters as described above, which must also be addressed.

Determination

28. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements determined by Rivermead Inclusive Trust for Walderslade Primary School, which is in the local authority area of Medway Council.

29. 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.

30. 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: 01 September 2025

Signed:

Schools Adjudicator: Jackie Liu