



Office of
the Schools
Adjudicator

Determination

Case reference: ADA4488

Objector: A parent

Admission authority: Shires Multi Academy Trust for Astwood Bank Primary School, Redditch, Worcestershire

Date of decision: 3 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 Shires Multi Academy Trust for Astwood Bank Primary School, which is in the local authority area of Worcestershire County 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 Astwood Bank 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 comply with the Code, in respect of delaying the admission of a summer born child to the School until they reach compulsory school age.

3. The parties to the objection are the objector, the School and Shires Multi Academy Trust (the Trust), which is the admission authority for the School, and Worcestershire County 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 do not believe [certain provisions in the arrangements] follow the admissions code (specifically section 1.9m) for a summer born child. It is the parent’s right that they make this choice and no educational assessment is needed. I wrote to the School and made them aware of this on October 17th 2024 in regard to my own child delaying as he is summer born. They have not removed it from their 24-25 policy.

I did meet with the head and discuss the policy. She said she wasn’t aware but did sign the necessary paper work needed and so my child is successfully starting school at [compulsory school age] but I think it should be corrected for future starters.”

10. The arrangements state:

“Age of Entry to School

All children must legally be in school by the term following their fifth birthday. It is normal for all children to start Astwood Bank Primary School in the September after their fourth birthday mostly full time, however we recognise that parents know their children better than we do and therefore can accommodate children starting school part time. Normally this is for the first term, but in special circumstances this could be for longer. Please talk to the Head Teacher regarding this is (sic) you feel it applies to you and your child.

Parents do have the right to defer entry to the term following their fifth birthday, however if parents are considering doing this, we would strongly advise them to talk to the Head Teacher about this decision, and should parents wish to defer after a place (sic) after being offered a place they must inform the Head Teacher. Should this mean that your child would not enter school until September following their normal entry date, as their birthday is between May and August, the place cannot be guaranteed a year in advance, as it cannot be kept open. Parents would, in these circumstances, need to apply for a Year 1 place.

Admission of Children outside of their normal age group

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, effectively in the year group below or above their chronological age group. 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.

The Head Teacher of the school will reach the final decision. This will involve the Head completing an educational assessment to determine whether it is appropriate

for the individual child to delay or accelerate their entry into school and be taught outside of their chronological age group.”

11. The provisions of the arrangements underlined above are particularly highlighted by the objector as, in their view, they do not comply with the Code.

Background

12. Children reach compulsory school age in the term after their fifth birthday. All children have the right to start school in the school year following their fourth 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.”

13. 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. Their parents have the right to wait until their children reach compulsory school age before starting school, and they also have the right to request that their child starts school in reception rather than year 1. Footnote 57 of the Code explains,

“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.”

14. The relevant paragraphs of the Code read:

“Admission of children below compulsory school age and deferred entry to school

2.17 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.

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."

Consideration of Case

15. The objector reiterates that parents of a summer born child have the right to wait until their child reaches compulsory school age before starting school. Indeed, this right of delayed entry to school is clearly stated in paragraph 2.18 of the Code.

16. However, this right of delayed entry to school does not give rise to an entitlement that these summer born children, when they reach compulsory school age, to start school in reception, rather than Year 1. This would be a misunderstanding of the law relating to admissions, if any party to this objection were asserting or implying that, where a parent of a summer born child had exercised the right for their child to start school following their fifth birthday, the child would have to be admitted to reception, as of right, rather than Year 1, in the school year starting in the September following the child's fifth birthday.

17. I asked the admission authority to respond to the objection. The School gave the following response:

"With regard to the objection, as a school we also feel there has been a misunderstanding... The school recognises the right to defer a year. On this occasion, the school is not objecting to the request to defer a year as this is [their] given right. However, it appears that the complainant believes they have the right to

reserve a place for the following academic year. We would like some clarity as we understood the parent has to reapply for the next academic year.”

18. For the interest of all parties to this objection, I must explain that admission out of the normal year group is not an entitlement but can only be requested for any child, including a summer born child, under the Code. While paragraph 2.18 of the Code expressly refers to the right of the parents of a summer born child to choose not to send that child to school until the September following their fifth birthday, the same paragraph only confers a right on those parents to request that their summer born child be admitted out of their normal age group – to reception, rather than year 1.

19. Therefore, where a summer born child being offered a place at reception by a school following their fourth birthday has delayed admission until reaching compulsory school age, the offer is not held over to the next school year, i.e. to the September of the school year following their fifth birthday. Paragraph 2.17(b) of the Code makes it clear that, in these circumstances, any deferred entry does not go “beyond the beginning of the final term of the school year for which it was made.” If a parent has decided that their summer born child is not to start school until the September after their fifth birthday, the parent may either –

- apply for in-year admission of the child to Year 1, which would have been their normal year group if the child started school following their fourth birthday. I note that the arrangements have set out provisions to guide parents making applications for entry to year groups other than reception; or
- request that the child be admitted out of their normal age group, i.e. to reception, in the new school year. It is for the admission authority to decide on this type of requests on the basis of the circumstances of each case and in the best interests of the child concerned, in accordance with paragraph 2.19 of the Code.

20. Paragraph 2.18 of the Code does not just refer to summer born children but also to cases where a parent wants the child to be in an older year group, or a younger year group, depending on the circumstances. The same decision-making process described under paragraph 2.19 of the Code applies.

21. I find that the arrangements, as cited above, comply with the Code, as far as they:

- recognise parents’ right to defer entry of their child to the term following their fifth birthday, and permit expressly the parents of a summer born child to choose not to send that child to the School until the September following their fifth birthday. In my view, advising parents to “talk to” the head teacher regarding the parents’ decision to defer entry does not, by itself, prejudice the right of the parents planning this delay; and
- clearly state, in such cases of delayed admission, the parents of a summer born child may request that the child is admitted out of their normal age group – to reception rather than Year 1, in the September following their fifth birthday.

22. Nevertheless, I find that the following aspects of the arrangements do not comply with paragraphs 2.18 and 2.19 of the Code, as explained below:

- The arrangements fall short of describing a clear process for requesting admission out of the normal age group, for a summer born child, or any other children with specific circumstances. Since the ability to request such admissions is a right, paragraph 2.18 of the Code requires that admission authorities must make clear in their arrangements the process of making such a request;
- The decision making for any such request for admission out of a child's normal age group rests with the admission authority, after consultation with the head teacher of the School, according to paragraph 2.19 of the Code. By stating that the head teacher will reach the 'final decision' of any such request, the arrangements do not comply with the Code; and
- It is not entirely clear what "an educational assessment" referred to in the arrangements means in the context of this admission authority deciding on any request for admission out of a child's normal age group. Paragraph 2.19 of the Code sets out a number of relevant factors for consideration in this decision-making process. The arrangements should be clear on the nature of the "educational assessment", should there be one, and how the assessment falls within the consideration and decision as required under paragraph 2.19. Any "educational assessment" which included interviewing children or parents would not be permitted under paragraph 1.9(m) of the Code.

23. I therefore uphold the objection because of these defects in the relevant provisions of the arrangements, as cited and analysed above, as they do not comply with the Code.

Other Matters

24. 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".

25. First, the arrangements, on the first page, show a link which is said to be taking parents to a website of Worcestershire County Council to ascertain their child's catchment school. The hyperlink appears to be broken. The arrangements say that a map is available at the school office. The catchment area is part of the arrangements and therefore must be published. It is not reasonable for a parent to have to visit the School to look at a map. In this connection, the catchment area is not clearly defined, in accordance with paragraph 1.14 of the Code, which reads "Catchment areas **must** be designed so that they are reasonable and clearly defined".

26. Second, the arrangements refer to the “Pupil Admission Number (PAN)”.
- Although a minor point, as the Code uses the term “Published Admission Number” (also abbreviated to “PAN”) this reference to “Pupil Admission Number” lacks the clarity required by the Code.
 - The section on PAN states that “children will be admitted to the school in the school year in which they will be 5 years of age, which is from 1st September 2025 to 31st August 2026”. The dates “1st September 2025 to 31st August 2026”, in respect of the arrangements for 2026/27 cited above, do not apply to the 2026/27 school year, and are inaccurate and confusing. It may be that the arrangements meant to refer to “1st September 2026 to 31st August 2027”.
 - Under the section “How to apply for year groups other than Reception, or for in year admissions”, the arrangements state that “the PAN is 60 for all year groups”. According to paragraph 1.2 of the Code, the PAN is the admission number set for each “relevant age group”, which is defined as “the age group at which pupils are or will normally be admitted to the school”, i.e. reception in the School’s case. Paragraph 1.4 of the Code also says that the PAN only applies to the “relevant age group”. The reference in the arrangements to the application of the PAN to all year groups is not consistent with paragraphs 1.2 and 1.4 of the Code.
27. Third, under the section “Late Applications”, the arrangements state:
- “Late applications received after the closing date will be given the lowest priority, no matter which criteria point they meet unless a family has moved into the catchment area of the school, in which case a copy of the solicitor’s letter or tenancy agreement will be needed to evidence this.”

It is not clear what “a solicitor’s letter” means in this context.

28. Fourth, under the section “Age of Entry to School” (as provided in paragraph 10 above) -
- The arrangements do not make it clear that, where the School has offered a child below compulsory school age a place, “that child is entitled to a full-time place in the September following their fourth birthday”, as required under paragraph 2.17(a) of the Code.
 - The arrangements do not make it clear that, when parents defer the date their child is admitted to school, such deferral is to be 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”, as required under paragraph 2.17(b) of the Code.
 - The section mentions the possibility of part-time attendance for such children when it says the part-time attendance is normally “for the first term but in special circumstances this could be longer”. This is not consistent with paragraph 2.17(c) of

the Code, which requires the arrangements should have clear words to the effect that “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”.

29. Fifth, under the section “Oversubscription Criteria” -

- The arrangements say “the purpose of the published oversubscription criteria is to give everyone a fair and equal opportunity to apply for a place at the school, in line with the Local Authority’s Fair Access Protocol.” It is unclear why the Fair Access Protocol is referred to in this context.
- The third oversubscription criterion states, “Children living in the school catchment area - this is defined as the address where the child is normally resident. In cases of shared custody, the school will need to see the terms of the residency order to clarify the home address. Where there is no residency order, school will consider that residency is with the parent who has primary, day to day care.” There are no longer “residence orders” under the law (and they were never called “residency orders”). These orders are now called a “child arrangements order” as referred to in paragraph 1.7 of the Code.
- The fourth oversubscription criterion states that, “(In the event of equi-distance applicants, any place will be allocated by random selection. Someone totally independent of the Governing Body/Academy Trust will supervise this process). In cases of equal distance places to be allocated by random lottery, supervised by an independent source.” This is stating the same thing twice.
- No tie-breaker has been prescribed for the application of the first four oversubscription criteria. This is contrary to paragraph 1.8 of the Code which requires that “admission arrangements **must** include an effective, clear, and fair tie-breaker to decide between two applications that cannot otherwise be separated”.
- The arrangements state, “A child whose statement or Education Health Care Plan that names Astwood Bank Primary School will be offered a place at the school”. As an Education, Health and Care Plan replaces Statements of Special Educational Needs in England, pursuant to the Children and Families Act 2014, the reference to an obsolete term “statement” here render the arrangements inaccurate. Also, the correct reference should be “Education, Health and Care Plan”.

30. Sixth, the arrangements contain a section on “Waiting Lists”. The following respects of the arrangements render that section inconsistent with paragraph 2.15 of the Code:

- The arrangements state that “parents will notify the school in writing that they wish their child to be placed on the waiting list for the relevant year group”. The maintenance of a waiting list is mandatory under paragraph 2.15 of the Code. Parents are not expected to “notify the School” or to ask for their child to be placed on a school’s waiting list if they are not offered a place during the normal admissions

round. However, it is permissible for the School to ask parents to confirm if they wish their child to stay on the waiting list.

- As no date is given until which the waiting list is maintained, it is not clear whether the waiting list will be kept until at least 31 December 2026, as required by the Code.
- The arrangements do not state that “each added child will require the list to be ranked again in line with the published oversubscription criteria”, as required by the Code.

31. I asked the admission authority to respond to these other matters. In its reply of 26 August 2025, the School stated:

“Although we have followed local authority guidance and policy, as you have highlighted, this is an issue of clarity. We will work with our academy trust and the local authority to make any necessary changes following your recommendations to ensure full clarity for parents in line with the admissions code. Admission arrangements and policies are set to be reviewed by the Academy Trust in September and will be put out for consultation following that. We are very happy to make any changes recommended by you to ensure we are following the admissions code and there is clarity for parents.”

32. This is welcomed. However, I have not made recommendations; the matters I have raised must be addressed in line with section 88K(2) of the Act within two months of the date of this determination.

Summary of Findings

33. In summary, I find that certain provisions under the arrangements do not comply with paragraphs 2.18 and 2.19 of the Code, in relation to the delayed admission of a summer born child to the School until they reach compulsory school age.

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

Determination

35. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements determined by Shires Multi Academy Trust for Astwood Bank Primary School, which is in the local authority area of Worcestershire County Council.

36. 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.

37. 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: 3 September 2025

Signed:

Schools Adjudicator: Jackie Liu