



Office of  
the Schools  
Adjudicator

## Determination

<b>Case reference:</b>	<b>ADA 4450</b>
<b>Objector:</b>	<b>A parent</b>
<b>Admission authority:</b>	<b>Educate Together Academy Trust, on behalf of Parklands Educate Together Primary, Weston- Super-Mare</b>
<b>Date of decision:</b>	<b>5 September 2025</b>

## 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 Educate Together Academy Trust, on behalf of Parklands Educate Together Primary, Weston-Super-Mare in the North Somerset local authority 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 person (the Objector), about the admission arrangements (the Arrangements) for Parklands Educate Together Primary (the School), a Free School for children aged three to eleven, for September 2026.
2. The objection relates to the information provided on the admission of summer born children in the School's Arrangements.

3. The local authority for the area in which the school is located is North Somerset Council. The local authority is a party to this objection. Other parties to the objection are Educate Together Academy Trust (the Trust) and the School.

## 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 be in accordance with admissions law as it applies to foundation and voluntary aided schools.

5. The Arrangements were determined under section 88C of the Act by the Trust as the admission authority, on 21 January 2025, as recorded at the Trust Board meeting on 3 February 2025.

6. The Objector submitted their objection on the 6 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.

7. I am satisfied that 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

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

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

- a. a copy of the minutes of the meeting of the Trust Board at which the Arrangements were confirmed to have been determined;
- b. a copy of the determined Arrangements;
- c. the Objector's form of objection dated 6 May 2025;
- d. the Trust's response to the objection and supporting documents;
- e. comments received from the local authority;
- f. information on central government websites, particularly the "Get Information About Schools' (GIAS) site; and
- g. the non-statutory guidance published by the DfE entitled "Summer born children starting school: advice for admission authorities" last updated 28 November 2024, "Summer born children starting school: advice for parents" and "Making a request

for admission out of the normal age group” both last updated 27 April 2023 (collectively the Guidance).

## The Objection

10. The Objector is concerned that the School’s Arrangements do not conform to the Code, specifically paragraphs 2.18 to 2.20. The concerns raised are as follows:

- (i) The Arrangements include insufficient detail as to the process for considering delayed entry requests for summer born children, with the wording implying significant needs are required for a request to be successful.
- (ii) The process described in the Arrangements for parents to follow when making a request for delayed entry for summer born children is incorrect, as the form to be submitted to North Somerset Council does not allow for delayed entry requests, and the wording incorrectly suggests statutory deadlines for such requests.
- (iii) Parents could be discouraged from making requests for delayed entry for summer born children where there is a lack of Special Educational Needs and Disabilities (SEND) involvement.

11. As mentioned above, in respect of these concerns, the Objector referenced the following paragraphs of the Code in the objection form:

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.”

## Other Matters

12. Having considered the Arrangements as a whole it would appear that there are aspects which I identified as not or possibly not conforming with the requirements of the Code. These matters are set out in detail below along with any comments given by the parties and my decision as to whether there is conformity with the Code. In summary, they relate to a lack of clarity in the Arrangements in contravention of 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.” .

## Background

13. The School is a co-educational primary school for children aged three to eleven which opened as a Free School in 2020. It is situated in Weston-Super-Mare in North Somerset. GIAS reports that it has capacity for 450 pupils.

14. Pupils are admitted into the School in Reception and the School has a Published Admission Number (PAN) of 60 pupils. The School reported expecting to have 378 pupils on roll at the start of the 2025/26 academic year with the numbers in each year group as follows:

Year R	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	TOTAL
60	51	60	60	56	56	35	378

15. The oversubscription criteria for the School can be summarised, in order of priority, as follows:

15.1. Looked after and previously looked after children;

15.2. Children with a sibling at the School; and

15.3. Children living nearest to the School.

16. If applicants live equidistant from the School, random selection supervised by someone independent of the School is employed as a final tiebreaker.

## Consideration of Case

17. As mentioned above, the Objector is concerned that the Arrangements fail to provide sufficient detail as to the process for considering delayed entry requests for summer born children, the process which is described is incorrect and that due to the wording of the Arrangements, parents may be unclear as to whether 'significant needs' are required for a request to be successful. The Objector asserts that this could therefore discourage parents from making requests for delayed entry for summer born children where there is a lack of SEND involvement.

18. The Code defines the term summer born children as relating 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)." (see footnote 57 to paragraph 2.18 of the Code).

19. Paragraph 2.18 further provides that "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 thrust of the provisions in paragraph 2.18 of the Code in connection with summer born children, therefore, is how those summer born children are treated when they first start their education upon reaching compulsory school age.

20. Paragraph 2.18 of the Code requires admission authorities to "make clear in their admission arrangements the process for requesting admission out of the normal age range" and this includes summer born children. Paragraph 2.19 of the Code sets out the requirements in respect of making decisions on requests for admission of children outside their normal age group.

21. The Code is clear that admission authorities **must** make decisions on the circumstances of each case and in the best interests of the child concerned. There are a number of factors listed in paragraph 2.19 which could be relevant to the decision. This includes taking account of parents' views, information about the child's academic, social, and emotional development, a child's medical history, where relevant, 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. In addition, admission authorities **must** also take into account the views of the head teacher at the school concerned. When the word 'must' is used in the Code, this represents a mandatory requirement.

22. In addition, the DfE has issued the Guidance. This Guidance, which is non-statutory, provides support for admission authorities in implementing the relevant provisions of the Code and help for parents seeking to ask an admission authority to admit their child out of their normal age group. Although the Guidance is non-statutory, it is a relevant consideration

for admission authorities to take into account and they would need good reason to depart from it.

23. 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. The Guidance is helpful in the interpretation of what the process must comprise. It says:

“Admission authorities should ensure parents:

- are aware of when and how they can make requests
- know what information they need to provide
- know the outcome of their request in time to make an informed decision about whether their child will start school before compulsory school age.”

24. The Guidance says that it is for local authorities and admission authorities to decide what their process should be. However, for primary schools there is a recommendation that the process being used:

- “expects parents to make an application for a school place in their child's normal age group at the usual time
- enables parents to submit a request for admission outside the normal age group at the same time
- ensures parents receive the response to their request before primary national offer day.”

25. My view is that, in order to be sufficiently clear, the arrangements also need to describe the factors set out in paragraph 2.19 of the Code which are to be taken into account in making a decision so that parents will know what information they need to provide. Both the Code and the Guidance make clear that the admission authority of each school must make decisions based on the circumstances of the case and in the child's best interests.

26. However, the Guidance goes further in suggesting that it should be rare for an authority to refuse a parent's request for their summer born child to be admitted outside the normal year group, that the parent has discretion in deciding when their child starts school where the child is below compulsory school age, and that it would rarely be 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. The Guidance does not impose mandatory requirements in the same way as the Code or primary or secondary legislation. The purpose of non-statutory government guidance is to explain how the law should be interpreted, and admission authorities are expected to follow guidance which applies to them unless (as mentioned above) they have a good reason to depart from it.

27. Section 14 of the Arrangements deals with the delayed admission of summer born children and the relevant sections are as follows:

**“14 Deferring or delaying of admission**

14.1 Children born between 1 April and 31 August are often known as ‘summer born children’.

14.5 A **delayed** school place is when the child starts school a year later than usual. This could be with them joining their age-related cohort in year 1 or starting in reception with children a year younger than them.

14.6 A decision about delaying a school place will typically be made during the Education, Health, and Care Plan (EHCP) process for a child with significant additional needs but may also arise in other circumstances.

14.7 When applying for a delayed place for summer born children who do not have an EHCP, the form must be submitted to North Somerset Council in line with the statutory deadlines, but you must indicate you are requesting delayed entry for your child. You must also write to the School outlining the reasons for requesting delayed entry with any supporting evidence.

14.8 Further useful information from North Somerset Council can be found on their website: <https://n-somerset.gov.uk/my-services/schools-learning/school-admissions/deferrals-or-education-requests-outside-year-group>.”

28. The Objector’s concern is that there is insufficient detail in the Arrangements as to the process for parents to follow and that the process described is incorrect. As can be seen from the above, section 14.7 of the Arrangements contains some details providing for a “form to be submitted” to the Council “in line with statutory deadlines” indicating “you are requesting delayed entry” with an additional obligation to “write to the School outlining the reasons for requesting delayed entry with any supporting evidence.”

29. For clarity, I requested more detail of the process from the School. The School responded that in the event of an application for delayed admission by parents of a summer born child, parents should “follow the information on the North Somerset Council website.” The School added further that “[t]he guidance from the school and Local Authority make it clear who is entitled to delayed entry.”

30. The local authority website does contain further detailed information for parents considering delaying admission of their child outside of their normal year group, including summer born children. This includes a guidance note and details of the process for applications. The Code requires that that the Arrangements make clear the process for such requests and where an admission authority is relying on the process and procedures of the local authority, it should be clear in the Arrangements that this is what it is doing. Currently the Arrangements are insufficiently clear on this and the Arrangements therefore do not comply with Paragraphs 14 and 2.18 of the Code.

31. In addition, the process on the local authority website makes clear that any request by parents in relation to an academy is to be in writing, or email and sent to the Headteacher of the preference school as “All other mainstream schools in North Somerset are Own Admissions Authority schools, such as Academy’s [sic], making it the responsibility of the school to make the decision.” This is the correct position in that as the School is an academy, it is for the Trust as the admission authority to make the decision around the admission of children outside their normal age group not the local authority. The Arrangements incorrectly state that a “form must be submitted” to the Council. There is no form to be submitted and further to that, any request will need to be made to the School rather than the Council. The Arrangements therefore do not comply with Paragraphs 14 and 2.19 of the Code as they are unclear, containing incorrect and misleading information for parents, and do not make clear that decisions about whether a child can be admitted outside their normal age group must be made by a school’s admission authority.

32. The Arrangements also refer to “statutory deadlines” which again I consider to be unclear in this context as there are no separate statutory deadlines relating to requests for the admission of children outside of their normal age group. All the usual deadlines will still apply to the application for admission to the School, with the separate application (made in writing or by email to the School) to be admitted outside the normal age group being considered alongside, and in the same way as, all of the other applications. The Arrangements therefore do not comply with the requirement for clarity in paragraph 14 of the Code.

33. A further concern of the Objector was that Arrangements refer to Education, Health, and Care Plans (EHCP) in sections 14.6 and 14.7 of the Arrangements and that this may indicate that ‘significant needs’ are required for a request to be successful or could dissuade parents from making a request for delayed entry.

34. In line with paragraph 2.19 of the Code, I asked the School to clarify what factors are considered when making any decision on any application made by parents. The Trust responded as follows:

“Each decision is made on a case-by-case basis on the child’s best interests. The criteria include the child’s social and emotional development; views from any external source such as medical professional; SEN[D] status; feedback from current setting (if applicable); relevant data against Early Years framework; impact on the child of being delayed a year and separated from their cohort; parent views and School Admissions Code 2021 guidance.”

35. Although this appears to be in line with the requirements as set out under paragraph 2.19 of the Code, the Arrangements themselves currently make no reference to any of the evidence that would be considered to decide on the outcome of any application made. The Arrangements therefore do not comply with paragraph 14 of the Code, in that they are not clear to parents.

36. Turning to the specific point relating to the reference to EHCP in 14.6 and 14.7, the School stated in the additional information that it provided to me that the Arrangements do



not “specify that a child must have Special Education Needs, contrary to the objection raised.” Although this is correct as the Arrangements state that requests for delaying a school place “may also arise in other circumstances” than where an EHCP is involved and the application process outlined in 14.7, albeit deficient, is for summer born children “who do not have an EHCP”, my view is that section 14.6 of the Arrangements and any reference to EHCP in section 14.7 are redundant. Including sections 14.6 and 14.7 has made the Arrangements unclear for parents and not compliant with paragraph 14 of the Code.

37. The Arrangements should therefore be amended so that it is clear what the process is for any applications for admission outside of normal age range, who is the decision making body, the factors that will be considered, and the steps that need to be taken by parents.

## Consideration of other matters

38. I now turn my attention to considering the Arrangements as a whole. There are matters which I have found do not comply with the requirements set out in the Code. Where I refer to parts of the Arrangements not being clear for parents, that is in respect of paragraph 14 of the Code. Other parts of the Code are specified where relevant.

39. I asked both the School and the local authority to comment on the other matters raised. On the whole, the local authority agreed that the various matters outlined did not comply with the Code. The School did not comment on each individual point raised, other than where I have included it below (in sub-paragraphs 40 f&g), but made the general comment that there are “some comments that can be addressed at the next Policy review, such as clarifying some of the vocabulary within the document.”

40. The matters in the Arrangements I raised are as follows:

- a. Paragraph 1.6 of the Code states that “All children whose Education, Health and Care Plan names the school must be admitted.” The words “with a significant level of need who have” and “through a separate process” in section 3.2 of the Arrangements are therefore unnecessary and therefore cause this part of the Arrangements to be unclear to parents. .
- b. In the ‘Definitions’ section of the Arrangements, it is not made clear in the definition of “looked after child,” that this refers to the time when the application for a place at the School is being made.
- c. Section 1.4 of the Arrangements refers to ‘these applications.’ It is not clear what ‘these applications’ refers to and this is therefore unclear.
- d. Section 5.4 of the Arrangements refers to “a random number generator,” but this is a situation where there is a lack of agreement between parents as to which address to use for admission purposes. There is no explanation as to how a random number generator would work in this situation.
- e. The random allocation explanation in section 6 “Tie Breaker” of the Arrangements does not meet the requirements of paragraph 1.34 of the Code as it does not clearly set out how the random allocation process will operate.

- f. Section 9 of the Arrangements deals with late applications. The Code defines late applications as “applications for entry in a relevant age group which are submitted before the first day of the first term in the admission year but have not been made in time to enable the local authority to offer a place on National Offer Day.” All local authorities are required to co-ordinate the normal admissions round and late applications for primary and secondary schools in their area. Section 9.2 of the Arrangements state that late applications will be “refused” in the event of oversubscription. I queried this with the School who commented as follows:

“Any late applications will be ‘refused’ in cases of oversubscription in terms of them being accelerated in any way to have preference over those who applied on time - their application will still, however, be able to be placed on a waiting list for any spaces that become available within the oversubscription criteria”.

This is not what the Arrangements currently say and the use of the word “refused” is also incorrect as any late applications should be treated as part of the co-ordinated admissions round in which all admission authorities must participate as part of the normal admissions round. Section 9 of the Arrangements is therefore non-compliant with paragraph 2.22 of the Code.

- g. Sections 11.2 and 12.2 of the Arrangements obliges parents to request that their child’s name is added to the waiting list for the School. Paragraph 2.15 of the Code specifies that admission authorities must maintain a waiting list until at least the 31 December in the admission year. A waiting list, to all intents and purposes, is created automatically where there is oversubscription; the children who were not admitted are the waiting list. The Code does not set out that a further process needs to take place at the point of oversubscription such that parents must request being on a list. The Admission Authority cannot, therefore, require parents to request to be on the waiting list, though it can enquire if a parent wishes for their child’s / children’s name(s) to remain on it.

The School responded to confirm that it “does maintain a waiting list as per the guidance.” The local authority also responded that “For all schools covered by North Somerset Council, the Council asks for applicants to request to be added to a waiting list for any schools, if they have been refused a place at their preferred school(s).” It also referred me to central government guidance on School waiting lists. However, that guidance does not change the provisions of the Code which as stated above, does not set out any further process that needs to apply to pupils who have been unsuccessful with their application for a place at a particular School. In those circumstances, they should be added to the waiting list automatically rather than via a separate request being made.

41. The Code requires that the Arrangements be amended to address the points I have raised within the timescale set out in this determination.

## Determination

42. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the Arrangements determined by Trust for Parklands Educate Together Primary, Weston-Super-Mare.

43. 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.

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

**Dated:** 5 September 2025

**Signed:**

**Schools Adjudicator:** David Holland