



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** ADA4491

**Objector:** A parent

**Admission authority:** The Westbrook Trust, on behalf of Oaklands School, Walderslade

**Date of decision:** 9 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 the Westbrook Trust, on behalf of Oaklands School, Walderslade in the Medway 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 Oaklands School (the School), an academy for children aged three to eleven, for September 2026.
2. The objection relates to the information provided in the Arrangements on the admission of children outside their normal age group.
3. The local authority for the area in which the School is located is Medway Council. The local authority is a party to this objection. Other parties to the objection are the Westbrook 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 local governing board of the School on behalf of the admission authority, on 9 October 2024.
6. The Objector submitted their objection on the 14 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 local governing body 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 14 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 Arrangements do not conform to the Code as they fail to clearly explain how parents request the admission of their child outside their normal age group.

11. 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 reads as follows:

“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 converted to an academy in 2020. It is situated in Walderslade in Kent. 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 having 412 pupils on roll in Reception to Year 6 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     | 52     | 59     | 59     | 59     | 62     | 61     | 412   |

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;
- 15.3. Children with health, medical or special access reasons;
- 15.4. Multiple birth children;
- 15.5. Children of a member of staff;
- 15.6. Children eligible for the Service Premium; and
- 15.7. Children living nearest to the School.

16. If applicants live equidistant from the School, random selection is employed as a final tiebreaker.

## Consideration of Case

17. As mentioned above, the Objector is concerned that the Arrangements do not conform to the Code as they fail to clearly explain how parents request the admission of their child outside of their normal age group.

18. Parents have a right to seek a place for their child outside of their normal age group. This could mean that they seek to delay the admission of their child to school. For example, a child who has suffered ill health or a summer born child may start full time education in September 2025, however the parent may apply to postpone the child starting school until September 2026 when the child reaches compulsory school age. Such a child would join year 1 (Year 1), unless the parent requests and the admission authority agree, that the child should join in the reception year (Reception). Alternatively, a parent with a child who is gifted and talented may seek to have their child admitted early or in a higher year group. This is known as ‘admission outside of their normal age group.’

19. 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 group.” Paragraph 2.19 of the Code then sets out the factors that should be considered when admission authorities make decisions on requests by parents for admission of children outside their normal age group.

20. 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. Where the word ‘must’ is used in the Code, this represents a mandatory requirement.

21. 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.

22. 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 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.”

23. 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.”

24. 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.

25. Section 2.3 of the Arrangements deals with admission of a child outside their normal age group and the relevant section is as follows:

“Parents/carers of children with summer term birthdays (1st April to the 31st August) may ask to start their child in Year 1 but the Reception place will not be saved. Parents/carers will have to reapply for a Year 1 place. Parents/carers are not able to defer entry beyond the beginning of the term after the child’s fifth birthday. More information regarding delayed admission to Year R can be found in the Medway co-ordinated admissions scheme.”

26. As can be seen from the above, the Arrangements contain only the briefest details and this only appears to be in respect of parents of “children with summer term birthdays (1st April to the 31st August)” (this is assumed to mean summer born children (which see below paragraph)) applying for admission of their child outside of their normal age group, and not in any of the other circumstances as envisaged by the Code.

27. 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). The Guidance suggests that it should be rare for an authority to refuse a parent’s request for a 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 purpose of non-statutory government guidance is to explain how the law should be interpreted, and although the Guidance does not impose mandatory requirements in the same way as the Code or primary or secondary legislation, admission authorities are expected to follow guidance which applies to them unless (as mentioned above) they have a good reason to depart from it.

28. For clarity, I requested more detail of the process from the School. The School responded that in the event of an application for admission by parents of a pupil outside of their normal age group, "the [Trust] document 'Handling Admission Requests for Summer Born Children' outlines the processes...and is available on the Academy Trust website (which is signposted on the School website)."

29. The Trust document does contain further detailed information for parents considering delaying admission of their child outside of their normal year group. This includes guidance on the process for applications and how they will be determined. The Code requires that the Arrangements themselves make clear the process for such requests and if the admission authority is relying on a Trust document in satisfying that duty, then this should be clear in the Arrangements. Currently the Arrangements are insufficiently clear on this, as they refer to the local authority co-ordinated admissions scheme for further information and make no reference to the Trust document.

30. The Trust has committed to amend the Arrangements so that this is included or referred to and this is appreciated. However, I would point out that the Trust document currently does not comply with the Code in that although the website link on the Trust website refers to 'Requests for out of Normal Age Group Admissions', the document itself refers to 'Handling Admission Requests for Summer Born Children' with the focus being very much on the admission of summer born children outside of their normal age group. The process would therefore be unclear for parents of children other than summer born children (for example, where a child who is gifted and talented or has experienced problems such as ill health) who may wish to make an application for admission outside their normal age group.

31. The Arrangements therefore do not comply with paragraphs 14, 2.18 and 2.19 of the Code as it is not clear for parents all the circumstances in which an application for admission of children outside of their normal age group can be made, the process for requesting admission outside of the normal age group, and the factors which are to be taken into account in making a decision so that parents will know what information they need to provide. The Arrangements also do not accord with the Guidance in relation to the admission of summer born children outside of their normal age group.

32. I find that the arrangements do not comply with the requirements of the Code in relation to admission out of the normal age range. 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

33. 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.

34. I asked both the School and the local authority to comment on the other matters raised. The matters in the Arrangements I raised are as follows:

- 34.1. The “Statement of Intent” in the Arrangements includes a table which states that the Schools Adjudicator is responsible for arranging/providing for an appeal against refusal of a place at the School. This is inaccurate and does not comply with paragraph 11 of the Code. The School responded that this would be amended.
- 34.2. In respect of deferred entry to the School, the Arrangements state, in section 2.3, that parents/carers “may ask to defer their child’s admission” or “request that their child attends part-time.” This implies that deferred entry or attending part-time is something that may be requested, rather than a right as set out in the Code (paragraph 2.17). The School responded that this would be amended to make this clearer.
- 34.3. In section 3.1 of the Arrangements, under the title ‘Oversubscription criteria,’ the phrase “Statement of Special Educational Need” is used. Statements no longer exist, and arrangements should therefore only refer to Education Health and Care Plans (EHCPs). Reference to out of date terminology means that the Arrangements are unclear for parents. The School responded that this would be amended.
- 34.4. Oversubscription criterion 3.1 a) prioritises children in public care, looked after children and previously looked after children. Paragraph 1.7 of the Code provides that the highest priority must be given 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”. “Previously looked after children are children who were looked after but ceased to be so because they were adopted (or became subject to a child arrangements order or special guardianship order).” The oversubscription criterion is not compliant with the Code in that:
  - 34.4.1 the Arrangements refer to “children in public care” which is not defined. Children in public care is also not a term reflected in the Code. This renders the criterion unclear; and
  - 34.4.2 it is not clear that the criterion includes, as specified by paragraph 1.7 the Code, those 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.”

The School responded that this would be amended to include the full definitions in the Code.

- 34.5. Oversubscription criterion 3.1 c) deals with the prioritisation of children with health, medical or special access needs. Paragraph 1.16 of the Code states that the admission authority must set out in their arrangements how they will define any medical need, give clear details of what supporting evidence will be required and then make consistent decisions based on the evidence provided. The Arrangements do not set out how the admission authority will define any medical need and do not give clear guidance on what type of supporting evidence is required (e.g. a letter from a doctor or social worker). The Arrangements therefore do not comply with the Code. The School responded that this would be amended so that further clarification and detail is included regarding how a medical condition is defined and the type of supporting evidence that is required.
- 34.6. Oversubscription criterion 3.1 e) prioritises the children of staff who have been “been employed at the school for two years or more” but does not make clear the point of time from which the two years of employment is to be calculated. This does not meet the requirements of paragraph 1.39 of the Code. The School responded that this would be amended.
- 34.7. Oversubscription criterion 3.1 g) prioritises applicants on the basis of the “Nearness of child’s home to school measured using Medway Council’s criteria.” Section 3.2 of the Arrangements states that “Where criteria involve measuring distance to a child’s home, the Local Authority’s procedures for ascertaining the shortest available route between home and the school will be used.” No further explanation of “Medway Council’s criteria” or the “Local Authority’s procedures” is provided. Paragraph 1.13 of the Code states that admission authorities **must** clearly set out how distance from home to the school will be measured. In addition, admission authorities **must** make clear how the ‘home’ address will be determined and the point(s) in the school from which all distances will be measured. This should also 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. The Arrangements do not include these requirements and therefore do not comply with the Code. The School responded that this would be amended.
- 34.8. The random allocation explanation in the “Tie-Breaker” section of the Arrangements does not meet the requirements of paragraph 1.35 of the Code as it does not clearly state that the random allocation process will be supervised by someone independent of the School. The School responded that this would be amended.

- 34.9. Paragraph 2.15 of the Code specifies that admission authorities must maintain a clear, fair, and objective waiting list until at least the 31 December in each admission year “stating in their arrangements that each added child will require the list to be ranked again in line with the published oversubscription criteria. Waiting lists are only referred to at section 4.2 of the Arrangements in relation to “Casual In-Year” admissions. It may therefore be unclear to parents that a waiting list is maintained for the normal admissions round and accordingly the Arrangements do not comply with the Code.

The School responded that this would be amended so that it is clear that a waiting list is maintained for the normal admissions round.

- 34.10. Under the section entitled ‘Casual Admissions,’ it is not likely to be clear for parents that this section covers the process in respect of ‘in-year admissions.’ The term ‘Casual Admissions’ is not recognised in the Code.

Both the local authority and the School advised that the term ‘Casual Admissions’ is commonly used locally. The local authority also said, however, that it encouraged the use of the term ‘in-year admissions.’ The School has agreed to change the wording to ‘in-year admissions.’

- 34.11. Section 4.5 of the Arrangements, which deal with a pupil transferring schools, refers to the Head teacher contacting a pupil’s current school “to ascertain the situation” and that it is expected that the parent/carer of the child, along with child themselves when appropriate, visit the School and meet with the Head Teacher “before any place will be offered”. This is contrary to the Code as it is not clear that where places are available, they must be offered, subject to that not prejudicing the efficient provision of education or use of resources and where places are not available, they may only be allocated based on the oversubscription criteria.

The School responded as follows:

“Section 4.5 is aimed at being a supportive measure for children and parents to ensure they receive the right support. It also ensures that, if required, certain information can be verified by the school, for example which year group the child is currently being taught in. This section is not intended to be contrary to the Code and doesn’t state that places wouldn’t be allocated based on the oversubscription criteria. The wording however can be amended to ensure that it is clear that places will be allocated based on the oversubscription criteria only.”

The local authority also commented that a “certain level of information will need to be verified by the school in cases of families who request an in-year transfer to the school, for a year group other than the child’s chronological one. For instance, the school should consider whether the child has been taught out of

year group up to that point and that may need to be verified by their previous school.”

It is accepted that some information will be required in dealing with transfers effectively and this would be allowable, but this can be requested after an offer is made, not before and needs to be within the parameters outlined in the Code.

35. The School has told me that it will address these matters, as permitted by paragraph 3.6 of the Code, which is welcomed. The Code requires that the Arrangements be amended to address the points I have raised within the timescale set out in this determination.

36. I am also thankful to the local authority for its comments and its willingness to work with the School to ensure compliance with the Code and make any necessary changes.

## **Determination**

37. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the Arrangements determined by the local governing board of the School on behalf of the admission authority for Oaklands School, Walderslade.

38. 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.

39. 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:** 9 September 2025

**Signed:**

**Schools Adjudicator:** David Holland