



Office of
the Schools
Adjudicator

Determination

Case reference: ADA4477

Objector: A member of the public

Admission authority: The Grand Union Partnership

Date of decision: 5 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 Grand Union Partnership for New Bradwell School.

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

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

The referral

1. Under section 88H(2) of the School Standards and Framework Act 1998 (the Act), an objection has been referred to the adjudicator by a member of the public to the admission arrangements (the arrangements) for September 2026 for the New Bradwell Primary school (the school), Milton Keynes, in the local authority area of Buckinghamshire. The Grand Union Partnership (the trust) is the admission authority for the school which mainly caters for children aged three to eleven. The objection is to the information provided on the admission of summer born children. The trust, the local authority and the objector are the parties to this objection.

Jurisdiction

2. These arrangements were determined under section 88C of the Act by the local authority. The objector submitted their objection to these determined arrangements, and it was received by the Office of the Schools Adjudicator on 15 May 2025. I am satisfied the objection has been properly referred to me in accordance with section 88H of the Act and it is within my jurisdiction. I have also used my power under section 88I of the Act to consider the arrangements as a whole.

Procedure

3. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code). The documents I have considered in reaching my decision include:

- a. a copy of the minutes of the meeting of The Grand Union Partnership Trust Board (11 March 2025) at which the arrangements were determined and a copy of the determined arrangements.
- b. the objector's form of objection and further comments;
- c. the parties responses to the objection and the other matters I raised;
- d. Department for Education (DfE) guidance regarding the admission of summer born children (published 2023):
 - I. 'Summer born children starting school: advice for parents';
 - II. 'Making a request for admission out of the normal age group';
 - III. 'Guidance on handling admission requests for summer born children' (the DfE guidance for admission authorities); and
- e. information published on the websites for the local authority and the DfE.

The objection

4. The objection is to the information in the arrangements regarding the admission to school of children who reach compulsory school age between 1 April and 31 August and who therefore reach compulsory school age at the beginning of the autumn term following their fifth birthday. Such children are often referred to as a 'summer born children.' Section 8 of the Education Act 1996 and the Education (Start of Compulsory School Age) Order 1998 set out what constitutes compulsory school age. The Code also defines what is meant by the term "compulsory school age" in footnote 56 of the Code which says,

"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."

5. Footnote 57 of the Code defines the term “summer born children” and says,
- “The term summer born children relate 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.”
6. The parents of a summer born child have the right to defer the admission of their child to school until after 31 August following the child’s fifth birthday, which would mean the child would be admitted to school in September of the year following the September when the child could have started school. For example, a summer born child may have the right to start full time education in September 2025, however the parent can postpone the child starting school until September 2026 when the child reaches compulsory school age. Such a child would join year 1 (Y1), unless the parent requests and the admission authority agrees that the child should join in reception year (YR). I will refer to this as ‘admission out of the normal year group’.
7. A child’s parents can defer the date their child is admitted to the school until later in the school year, though not beyond the point at which the child reaches compulsory school age and not beyond the beginning of the final term of the school year for which the offer of admission was made. I will refer to this as ‘deferred entry’.
8. The objection is that “there is no mention whatsoever of deferring entry, part-time attendance prior to CSA or admission out of normal age group.” CSA refers to compulsory school age.
9. Admission out of the normal age group is something which parents can request; the admission authority has discretion to decide whether such a request should be granted. In making such discretionary decisions, the admission authority must take into account the relevant provisions in the Code and the DfE guidance (unless the admission authority has a good reason to depart from the guidance).
10. Paragraphs 14 and 2.17 to 2.20 of the Code are relevant. Paragraph 14 says,
- “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.”
11. Paragraph 2.17 of the Code refers to deferred entry. This says,
- “Admission authorities **must** provide for the admission of all children in the September following their fourth birthday. The authority **must** make it clear in their arrangements that where they have offered a child a place at a school:

a) that child is entitled to a full-time place in the September following their fourth birthday;

b) the child's parents can defer the date their child is admitted to the school until later in the school year but not beyond the point at which they reach compulsory school age and not beyond the beginning of the final term of the school year for which it was made; and

c) where the parents wish, children may attend part-time until later in the school year but not beyond the point at which they reach compulsory school age."

12. Paragraphs 2.18 – 2.20 of the Code refer to admissions out of the normal age group.

Paragraph 2.18 of the Code says,

"Parents may seek a place for their child outside of their normal age group, for example, if the child is gifted and talented or has experienced problems such as ill health. In addition, the parents of a summer born child may choose not to send that child to school until the September following their fifth birthday and may request that they are admitted out of their normal age group – to reception rather than year 1. Admission authorities **must** make clear in their admission arrangements the process for requesting admission out of the normal age group".

13. Paragraph 2.19 says,

"Admission authorities **must** make decisions on the basis of the circumstances of each case and in the best interests of the child concerned. This will include taking account of the parent's views; information about the child's academic, social, and emotional development; where relevant, their medical history and the views of a medical professional; whether they have previously been educated out of their normal age group; and whether they may naturally have fallen into a lower age group if it were not for being born prematurely. They **must** also take into account the views of the head teacher of the school concerned. When informing a parent of their decision on the year group the child should be admitted to, the admission authority must set out clearly the reasons for their decision."

14. Paragraph 2.20 says,

"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.”

15. The DfE guidance to admission authorities says in relation to admission out of the normal year group:

- “The admission authority of each school must make a decision based on the circumstances of the case and in the child’s best interests. It should be rare for an authority to refuse a parent’s request.
- An admission authority may not decide that a child should start school before compulsory school age - that is the parent’s decision.
- The government believes it is rarely in a child’s best interests to miss a year of their education, for example, by beginning primary school in year 1 rather than reception, or secondary school in year 8 rather than year 7.”

Background

16. The trust is the admission authority for the school. The oversubscription criteria for the school are, in summary:

- 1) Looked after and previously looked after children.
- 2) Children living in the “defined area” with siblings in the school.
- 3) Children living in the “defined area”.
- 4) Children living outside the “defined area” with siblings in the school.
- 5) Children who attend the school nursery.
- 6) Children who live outside the “defined area”.

Consideration of case

17. The arrangements do not refer to arrangements for “Admission of children below compulsory school age and deferred entry to school” or for “Admission of children outside their normal age group” as required by the Code.

18. The obligation upon admission authorities imposed by the Code in terms of the content of their admission arrangements is that they must make clear in their arrangements the process for requesting admission out of the normal age group. The DfE 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”.

19. 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.”

20. My view is that, in order to be sufficiently clear, the arrangements also need to describe the factors which are taken into account in making a decision so that parents will know what information they need to provide. Both the Code and the DfE 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.

21. However, the DfE 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 Y1 rather than YR. The DfE guidance does not impose mandatory requirements in the same way as the Code or primary or secondary legislation. The purpose of government guidance is to explain how the law should be interpreted, and admission authorities are expected to follow DfE guidance which applies to them unless (as mentioned above) they have a good reason to depart from it.

22. It is important that I explain the role of the Schools Adjudicator and the limitations of that role. My function under the Act is to determine the objection before me. In so doing, I must determine whether the admission arrangements comply with the Code. I have no role in the enforcement of whether the procedures followed by admission authorities are compliant with the DfE guidance. My role is confined to ensuring that whatever is said in a set of admission arrangements complies with the Code. Having said that, there is a general

requirement that admission arrangements must be reasonable and, in my view, arrangements which describe a process for requesting admission out of the normal age group, which is contrary to DfE guidance, are unreasonable.

23. The arrangements for 2026 are available on the school website. They are extremely short and provide a summary of process, oversubscription criteria and appeals. By themselves they do not meet the requirements of the Code.

24. The arrangements state that “The school works in conjunction with Milton Keynes City Council and details of the coordinated scheme for admissions are available in the local authority’s booklet, available from the school. The booklet also explains how parents can express a preference for a school and give reasons for that preference.” The arrangements provide a link to the LA website where additional information is available.

25. The LA website link provided in the arrangements does not provide information about summer born children or deferred entry.

26. The school say that this information is made available to parents through an additional information booklet “Applying for a primary / junior school place in Milton Keynes: A guide for parents and carers”. However, there is no clear link to the information booklet on either the school or LA website.

27. It is my view that the arrangements do not meet the requirements of paragraphs 2.17-2.20 of the Code and I therefore uphold this aspect of the Objection.

28. I am pleased that having had this matter brought to its attention, the trust has expressed its intention to amend the arrangements in order to address the issues highlighted above. I make no comment on the wording that the trust is considering and expect it to ensure that the requirements of the Code will be met by the changes it makes.

Other matters

29. I asked the Trust to consider paragraph 1.14 of the Code which requires that catchment areas “must be designed so that they are reasonable and clearly defined”. Often, admission authorities and local authorities provide a map that defines a catchment area for the avoidance of doubt about which residences fall within or outside the catchment.

30. The school’s admission arrangements refer to “the defined area for admissions is New Bradwell, Oak Ridge Park, Stantonbury Farm Park and the northern part of Bancroft.”

31. Although paragraph 1.14 does not require the inclusion of a map, there is significant ambiguity in the written definition of, for example, “the northern part of Bancroft”. It is my view that this means arrangements do not comply with paragraph 1.14 of the Code.

32. Paragraph 1.8 of the Code states that “Admission arrangements must include an effective, clear and fair tie-breaker to decide between two applications that cannot be otherwise separated. The school’s arrangements do not have a clear tie-breaker.

33. The trust state that “the details in the arrangements about how a tie-break will be resolved is available” in the LA information booklet, however, there is no clear link or reference in the published arrangements.

Summary of findings

34. As the admission authority, it is the responsibility of the trust to ensure that admission arrangements for the school comply with the Code. The determined arrangements do not meet the requirements of the Code by themselves. The school and trust argue that the information required is available via information provided by the LA; however, it is clear that this information is not easily accessible by parents and therefore places the trust at risk of not meeting their obligations under the Code.

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 the Grand Union Partnership for New Bradwell School in the Milton Keynes Local Authority area.

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: 5 September 2025

Signed:

Schools Adjudicator: Mr Philip Lloyd