



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** ADA4460

**Objector:** A parent

**Admission authority:** Shireland Collegiate Academy Trust, on behalf of Lightwoods Primary Academy, Oldbury, Sandwell

**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 Shireland Collegiate Academy Trust, on behalf of Lightwoods Primary Academy, Oldbury in the Sandwell 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 Lightwoods Primary Academy (the School), an academy for children aged four to eleven, for September 2026.
2. The objection relates to the information provided in the Arrangements relating to the right for parents to seek to delay the admission of summer born children.
3. The local authority for the area in which the school is located is Sandwell Metropolitan Borough Council. The local authority is a party to this objection. Other parties to the objection are Shireland Collegiate 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, at the Trust's Resources Committee meeting on the 5 February 2025.
6. The Objector submitted their objection on the 9 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 2021 (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's Resources Committee at which the Arrangements were determined;
  - b. a copy of the determined Arrangements;
  - c. the Objector's form of objection dated 9 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 asserts that the right of parents to seek to delay the admission of summer born children is not referred to in the relevant sections of the Arrangements in breach of the Code.

11. I have identified the following paragraphs of the Code as being relevant to the objection:

14: “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.”

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.”

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.

## Background

13. The School is a co-educational primary school for children aged four to eleven. It is situated in Oldbury in Sandwell. GIAS reports that it has capacity for 390 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 the following numbers on roll in each year group as follows:

Year R	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	TOTAL
57	55	60	61	58	60	59	410

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 particular medical condition;

15.3. Children with a sibling at the School; and

15.4. 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 do not reference the right of parents to seek to delay the admission of summer born children in the relevant sections of the Arrangements.

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. The parents of a summer born child have the right to request the delay of 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 the 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 seek 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). I will refer to this as ‘admission out of the normal age group’ or ‘admission outside of their normal age group.’

20. A child’s parents can also 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.’

21. Paragraph 2.17 of the Code requires admission authorities to “make it clear in their arrangements” the options available to parents in relation to deferred entry. 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” and this includes summer born children. Paragraph 2.19 of the Code then sets out the requirements in respect of making decisions on requests for admission of children outside their normal age group.

22. 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.

23. 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.

24. In order to make clear the process for requesting admission out of the normal age 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 age 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.”

25. 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.”

26. 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.

27. 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 age 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.

28. The Arrangements deal with deferred entry and admission of a child outside of their normal age group and the relevant sections are as follows:

#### **"Deferred entry**

Parents offered a place in Reception for their child have a right to defer the date their child is admitted, or to take the place up part-time, until the child reaches compulsory school age. Places cannot be deferred beyond the beginning of the final term of the school year for which the offer was made.

Children reach compulsory school age on the prescribed day following their 5th birthday (or on their fifth birthday if it falls on a prescribed day). The prescribed days are 31 August, 31 December, and 31 March.

#### **Admission of children outside their normal age group**

Parents may request that their child is admitted outside of their normal age group. To do so parents must submit an application for the child's normal age group along with a written letter to the LA outlining the reasons for the request prior to the deadline.

When such a request is made, the Academy Trust will make a decision on the basis of the circumstances of the case and in the best interests of the child concerned, taking into account the views of the headteacher and any supporting evidence provided by the parent."

29. As can be seen from the above, the Arrangements contain only brief details with much of the detail envisaged by the Guidance lacking. I therefore asked the School to comment on the Objector's concern that there is insufficient detail in the Arrangements as to the process for parents to follow when requesting the delay of admission of a child outside their normal age group and specifically, for summer born children. Its response was as follows:

"Although not referenced within the policy we generally follow the approach provided by the Local Authority when dealing with delayed entry requests.... We are happy to include [a] link into our policies so it is clearer for families.

The process for families with respect to delayed entry is referenced in the policy under the section 'Admission of children outside their normal age group.' This outlines that parents must submit a normal application to the LA with a written request outlining reasons for delayed entry."

30. The local authority website which the School referred to in its response does hold further information for parents considering delaying admission of their child outside of their normal age group. This comprises a policy note with details of the process for applications, how the application will be considered and who are the decision making body. This policy, however, states that it only applies to the local authority's community and voluntary controlled schools and there are also some elements of the policy note which conflict with the provisions currently in the Arrangements. For example, the decision making body is correctly identified as the Trust, as the admission authority, in the Arrangements but this is not the case in the local authority policy note.

31. The Code requires that arrangements make clear the process for requests for a child to be admitted out of their normal age group. 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 therefore do not comply with Paragraph 2.18 of the Code. In any event, in these particular circumstances, if the School were to include a link to the local authority policy in its Arrangements, as it has suggested, there would still be a lack of clarity due to the conflict between the Arrangements and the local authority policy and as the School is an academy and not a community or voluntary controlled school.

32. The School also responded in terms of the provisions in the Arrangements relating to deferred entry in that it "acknowledge[d] that the policy does not explicitly outline the process for parents to follow to request a deferred entry (different from delayed entry). We are happy to add a line to indicate that parents should formally write to the Academy including reasoning for deferring entry." Although it is appreciated that the School has offered to clarify the wording in the Arrangements, it should be noted that there is no requirement in the Code for parents to "include reasoning for deferring entry" and this wording would not comply with paragraph 2.17 of the Code.

33. I find that the arrangements do not comply with the requirements of the Code in relation to deferred entry and 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 deferred entry and admission outside of the normal age range (including for summer born children), the factors that will be considered in considering any applications for admission outside of the normal age range, and the steps that need to be taken by parents.

## **Consideration of other matters**

34. I now turn my attention to considering the Arrangements as a whole. There are matters which I have found that do not comply with the requirements of 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.

35. 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:



- a. Oversubscription criterion 4 refers to two different methods for determining the location of the School: “the centre point of the site located on Wolverhampton Road, Oldbury, B68 0LP” and “the school’s main entrance”. It is therefore unclear how distance from home to school is measured which does not comply with paragraph 1.13 of the Code.

The School responded that this was an “administration error” and would be amended to the front gate of the School.

- b. 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 they do not clearly set out how the random allocation will operate.

The School responded that the local authority “have now provided us with slightly amended wording to make the processes clearer which we will use.”

- c. The website link provided in the “In year admissions” section of the Arrangements results in a “Page not found” error message.

The School responded that this will be corrected.

- d. 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 names to remain on it.

The School responded to confirm that “wording changes” will be “made around waiting lists.”

36. 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.

37. I am also thankful to the local authority who have shown a willingness to work with the School to ensure compliance with the Code and make any necessary changes.

## Determination

38. 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 Lightwoods Primary Academy, Oldbury.

39. 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.

40. 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