



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** ADA4495

**Objector:** a parent

**Admission authority:** The Lion Academy Trust for the nine schools named below

**Date of decision:** 18 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 Lion Academy Trust for Barclay Primary School, Sybourn Primary School, Thomas Gamuel Primary School, Brook House Primary School, Ruskin Academy, Ruskin Infant School, Leigh Beck Junior School, Maple Grove Primary School and Limebrook Primary School and Nursery.

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

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

## The referral

1. Under section 88H(2) of the School Standards and Framework Act 1998 (the Act), an objection has been referred to the adjudicator by a parent (the objector), about the admission arrangements for September 2026 for the nine schools named above (the arrangements). The Lion Academy Trust (the Trust) is the admission authority for the schools. The objection is to the information in the arrangements regarding the admission of summer born children.

2. Of the nine schools whose arrangements are the subject of this objection:
  - The following schools in the area of the London Borough of Waltham Forest:
    - o Barclay Primary School (Barclay)
    - o Sybourn Primary School
    - o Thomas Gamuel Primary School.
  - The following schools in the area of Essex County Council:
    - o Leigh Beck Junior School
    - o Maple Grove Primary School
    - o Limebrook Primary School and Nursery.
  - The following schools in the area of North Northamptonshire Council:
    - o Ruskin Academy
    - o Ruskin Infant School.
  - The following school in the area of the London Borough of Haringey:
    - o Brook House Primary School.
3. The parties to the objection are:
  - o Essex County Council (Essex),
  - o North Northamptonshire Council (NNC),
  - o London Borough of Haringey (Haringey),
  - o London Borough of Waltham Forest (Waltham Forest),
  - o the objector, and
  - o the Trust.

## **Jurisdiction**

4. The terms of the academy agreements between the Trust and the Secretary of State for Education require that the admissions policy and arrangements for the academy schools are in accordance with admissions law as it applies to maintained schools. These arrangements were determined by the Trust, which is the admission authority for the schools, on that basis.

5. The objector submitted their objection to these determined arrangements on 11 May 2025. The objector has asked to have their identity kept from the other parties and has met

the requirement of regulation 24 of the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 by providing details of their name and address to me. I am satisfied the objection has been properly referred to me in accordance with section 88H of the Act and it is within my jurisdiction. I have also used my power under section 88I of the Act to consider the arrangements for Barclay as a whole.

## Procedure

6. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code). The objector brought the arrangements for Barclay to my attention in the objection and said there that eight other schools in the Trust also had wording that was not clear regarding the admission of summer born children. I therefore decided to review the arrangements for Barclay in detail, including the other matters that I can consider under section 88I of the Act if I come to the view that they may not meet the requirements of the Code. I have not considered any other matters under section 88I of the Act for the other eight schools named on this determination. Therefore, nothing in this determination should be taken as indicating that other aspects of the arrangements do or do not conform with the requirements relating to admissions with regards to these eight schools. Indeed, should the arrangements for these other schools contain similar breaches for the School Admissions Code (the Code) to those I have identified in Barclay's arrangements, the Trust would be advised to take the opportunity to make revisions to those arrangements as well.

7. The information I have considered in reaching my decision includes:
- a. a copy of the minutes of the meeting of the Trust at which the arrangements were determined and copies of the determined arrangements for the schools;
  - b. the objector's form of objection;
  - c. the response of the Trust to the objection and the other matters I have raised;
  - d. the response of Waltham Forest to the objection and the other matters I have raised;
  - e. the responses of Essex and NNC to the objection (no responses were received from Haringey);
  - f. Department for Education (DfE) guidance (updated November 2024): 'Guidance on handling admission requests for summer born children' (the DfE guidance); and
  - g. information published on the websites for the DfE.

## The Objection

8. The objection is to the information provided in the arrangements on the admission of children to years other than the normal year of entry. The objector said,

“With reference to Parts 2.18-2.20 of the Schools Admissions Code, [Barclay’s] Admissions Arrangements severely lack detail with regard to the admission of summer born children. The arrangements do include a section on admissions out of normal age group, but there is no reference to summer born children. The arrangements are, therefore, in my opinion, not clear in this respect.”

9. The objector also said:

“The Lion Academy Trust encompasses ten other schools. I contend that in all but two of their schools, the arrangements also fail to comply with 2.18-2.20 of the Code.”

10. In my view, Paragraph 14 of the Code is also relevant as the objection relates to clarity and paragraph 14 of the Code 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.”

## Background

11. Children reach compulsory school age at the start of the term after their fifth birthday. All children have the right to start full time education in the academic year in which they have their fifth birthday but do not have to start school until reaching compulsory school age. Footnote 56 of the Code explains,

“Compulsory school age is set out in Section 8 of the Education Act 1996 and the Education (Start of Compulsory School Age) Order 1998. A child reaches compulsory school age on the prescribed day following his or her fifth birthday (or on his or her fifth birthday if it falls on a prescribed day). The prescribed days are 31 December, 31 March, and 31 August.”

12. Therefore, a child who is born in the summer months does not reach compulsory school age until the September following their fifth birthday. Such children are known as summer born children. Parents of summer born children have the right to wait until their children reach compulsory school age before starting school. They may also request that their child starts school in reception rather than year 1. Year 1 would have been their year group if the child had started school in the year in which they reach five years of age. Postponing admission to Reception until the following year is known as delayed entry.

13. Footnote 57 of the Code explains,

“The term summer born children refers to all children born from 1 April to 31 August. These children reach compulsory school age on 31 August following their fifth birthday (or on their fifth birthday if it falls on 31 August). It is likely that most requests

for summer born children to be admitted out of their normal age group will come from parents of children born in the later summer months or those born prematurely.”

14. 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.”

15. Paragraph 2.18 therefore does not refer only to summer born children but also to cases where a parent wants the child to be with children in an older year group or a younger year group depending on the circumstances (accelerated or delayed admission respectively).

16. Paragraph 2.19 of the Code 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.”

17. The DfE has published guidance on handling admission requests for summer born children which I have referred to above. 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 ensure 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 I would expect an admission authority to have good reasons if it decided not to follow DfE guidance when determining their admission arrangements for summer born children, otherwise it could be argued that the authority was acting unreasonably.

18. Paragraph 2.20 of the Code 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.”

19. Paragraph 2.20 of the Code is therefore also largely about the process when a parent applies for their child to be admitted to other than the normal age group.

## Consideration of Case

20. The admission arrangements for Barclay say, with regard to admission other than to the normal age group:

“Applying for a year group outside of chronological age group

Where parents want their child to be educated outside of their chronological age group, an application should be made in writing to the school at the same time as the application for a place. This should explain why the parents wish for their child to be educated outside of their chronological age group and enclosing any evidence that supports it. The views of the headteacher will also be considered. Parents will be notified of the decision on the application, which will be based on the circumstances of the case and what is in the best interests of the child, in writing once it has been made. This decision is separate from the decision on whether a place is granted.

### Pupils Below Compulsory School Age

By law, parents must ensure that their children are receiving suitable full-time education at the beginning of the term after their 5th birthday, which is when a child reaches compulsory school age. The Academy offers places for children to be admitted to Reception Class in the September at the start of the academic year in which they reach five years of age. Parents may defer their child’s admission to the Academy 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 of which the offer was made. A parent has the right for their child to be admitted on a part-time basis during the Reception year but not beyond the point that they reach compulsory school age.”

21. The Trust said, in response to my enquiries, that it felt that the arrangements for Barclay were largely compliant with the requirements of the Code and that the Code did not require any reference to summer born children. The Trust also said:

“However, I acknowledge that, although the policy for Barclay sets out the right to defer entry and attend part-time, along with the process for requesting admission outside normal age group, it does not clearly explain that parents of ‘summer born children’ cannot defer entry for a whole year and still keep their place, but they can delay entry for a whole year and relinquish their place and, if they then want their child to be admitted to Reception Year rather than Year 1, they would need to make a request for admission outside normal age group. This would then make the position clearer before the policy sets out the requirements for making such requests.”

22. I agree that the rights of a parent to delay admission until their summer born child reaches compulsory school age are not clear.

23. The Trust also said, “I acknowledge that the information contained across the policies for the other eight academies referred to is either missing or incomplete.” In light of this acknowledgement I will not provide the relevant paragraphs for each of the other eight schools and describe in what ways they do not meet the requirements of the Code. I uphold the objection that the arrangements for the nine schools named in this determination are not clear with regard to the admission of summer born children.

24. The Trust has acknowledged the lack of clarity on the admission of summer born children in the arrangements for the nine schools and has expressed its intention to address these matters. This is welcomed.

## Other Matters

25. I raised the following matters with the Trust as I did not believe that the arrangements for Barclay complied with the Code in these areas. The Trust recognised that the arrangements for Barclay needed addressing and said,

“the Board is currently undertaking a full review of the admission arrangements for all eleven of its academies with the aim of making them clear, compliant and consistent... In essence, I have accepted all the others matters you have brought to my attention. Unfortunately, it seems that the admission arrangements for most of the Trust’s academies, many of which were inherited some time ago from those determined by their respective Local Authorities before they were academies, do require work to make them fully compliant and clear for parents, which has flown under the radar until now. I assure you that this will now be urgently addressed by the Board to ensure full compliance going forwards.”

26. This is welcomed. I note, however, that the Trust is the admission authority for its schools and is responsible for the admission arrangements of its schools. Barclay, for example, became a member of the Trust in 2021 and so the Trust will have determined the arrangements for Barclay every year since then and is responsible for making sure that the arrangements comply with the requirements of the Code.

27. The matters I brought to the attention of the Trust regarding the arrangements for Barclay were as follows (most relevant paragraphs of the Code in brackets).

- a) Overall the admission arrangements are muddled and include repetition, formatting and editing problems and confusing terminology and some examples are given below. This makes the arrangements unclear (14).
- b) The arrangements say, "The level of ability of a child or any special needs that s/he may have plays no part in the admissions policy of this school, except if a parent requests special admission arrangements on these grounds". It is not clear to me what the latter part of this sentence means and so the arrangements are unclear in this regard (14).
- c) There are several references as to how to apply for a school place. They are not consistent or clear (14).
- d) There is a reference that "sometimes the school notifies parents about the school place as soon as all the applications have been considered." Paragraph 2.10 of the Code says,  
  
"In the normal admissions round, offers of primary and secondary places **must** be sent by the home local authority and schools must not contact parents about the outcome of their applications until after these offers have been received." The arrangements are not in accordance with paragraph 2.10, and use of the word 'sometimes' also makes this provision in the arrangements unclear. (14 and 2.10)
- e) There is a reference to "Places are allocated (sic) to Nursery does not mean automatic entry to the primary school and a separate application for this must be made in line with the procedures set out in 2.7." The reference to "2.7" is unclear as there is no relevant 2.7 in the arrangements (14).
- f) The information on in year admissions implies that the only way that a parent can apply for a place at the school is by visiting the school. This is inaccurate and makes the arrangements unclear because they do not explain that applications must be made using the Common Application Form and can be made irrespective of whether a parent has visited the school. (14).
- g) There are two sets of oversubscription criteria in the arrangements, which are similar but not identical. An example is that in the first set, the second oversubscription criterion gives priority on the basis of "Medical or Social reasons or Children 'At Risk'" and definitions are provided. The second oversubscription criterion in the second set is "Medical reasons". These are inconsistent. Having two different sets of oversubscription criteria makes the arrangements unclear of itself, and having similar but not identical wording exacerbates the lack of clarity. Parents would not be able to look at these differing criteria and understand easily how places for that school will be allocated. (14 and 1.8).
- h) The definition of medical reasons in the first set of oversubscription criteria says,  
  
"For medical conditions affecting the mobility of the child or parent, consideration will only be given to the school nearest to the home address. Examples of possible exceptional medical or social reasons:  
  
• Any acute or chronic condition that would make it difficult for a child to attend any



school other than the school closest to the child's address.

- Any acute or chronic medical condition that requires regular, long-term attendance at a particular medical establishment which is closest to the school named.
- A child and their family who are considered 'at risk' due to circumstances beyond the family's control such as fleeing domestic violence (housed in a refuge in Waltham Forest)."

There are contradictions in this definition which makes the arrangements unclear. The first sentence says, "consideration will only be given to the school nearest to the home address." However, this would not necessarily work for "Any acute or chronic medical condition that requires regular, long-term attendance at a particular medical establishment which is closest to the school named".

Similarly, attending the school nearest to the child's home may not be right for "A child and their family who are considered 'at risk' due to circumstances beyond the family's control such as fleeing domestic violence (housed in a refuge in Waltham Forest)."

The arrangements are not logical, reasonable or clear in this regard (14 and 1.8).

- i) The fourth criterion in the first set of oversubscription criteria is,

"School Staff Children

Children of members of staff who have been employed at the school for two or more years at the time at which the application for admission is made, or who are recruited to fill a vacant post for which there is a demonstrable skill shortage. You must provide a letter from the school in support of your application confirming that you are employed by them and fall within this criteria (sic)."

The fourth criterion in the second set of oversubscription criteria is,

"Children of staff who are employed by the Trust"

Being employed by the Trust and being employed at the school are not the same thing. This makes the arrangements unclear (14 and 1.8).

Paragraph 1.39 of the Code says,

"Admission authorities may give priority in their oversubscription criteria to children of staff in either or both of the following circumstances:

- a) where the member of staff has been employed at the school for two or more years at the time at which the application for admission to the school is made; and/or
- b) the member of staff is recruited to fill a vacant post at the school for which there is a demonstrable skill shortage."

This wording does not provide for priority to be given simply to any staff employed by the Trust. It is specific in enabling priority for the parents of children employed at the school for a prescribed period of time and children of staff recruited to fill a vacant post. In addition to being internally inconsistent, and therefore unclear, this oversubscription criterion is not in accordance with paragraph 1.39 of the Code. (14 and 1.39).

- j) Some items are under irrelevant headings or included with dissimilar matters. For

example, the arrangements say,

“Previously looked after children are children who were looked after, but ceased to be so because they:

- Were adopted under the Adoption Act 1976 or the Adoption and Children Act 2002, or
- Became subject to a child arrangements order, or
- Became subject to a special guardianship order.

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. How parents can apply for their child to be admitted to Barclay Primary.”

These matters may not be inaccurate but the arrangements are incoherent and hard to follow and thus unclear (14).

- k) The definitions of looked after and previously looked after children are muddled. Paragraph 1.7 of the Code and its footnotes provide the definitions of looked after children and previously looked after children. Some of the wording in the arrangements is inconsistent with the definition in the Code and elsewhere in the arrangements. These definitions also do not meet the requirements of the Code to be clear (14 and 1.7).
- l) The definitions of previously looked after children do not include, “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.” This makes the arrangements unclear (14, 1.7 and 1.8).
- m) Paragraph 2.14 of the Code says, “Each admission authority **must** maintain a clear, fair, and objective waiting list until at least 31 December of each school year of admission, stating in their arrangements that each added child will require the list to be ranked again in line with the published oversubscription criteria. Priority **must** not be given to children based on the date their application was received, or their name was added to the list.”

The arrangements have a heading “in year admissions”. The paragraph under this heading says, “If there are no spaces available at the time of your application, your child’s name will be added to a waiting list for the relevant year group. When a space becomes available it will be filled by one of the pupils on the waiting list in accordance with the oversubscription criteria listed in section 9 of this policy. Priority will not be given to children on the basis that they have been on the waiting list the longest. Applications for in-year admissions should be sent to the Local Authority.”

The heading “in year admissions” would not lead a person applying at the normal point of entry to assume that there was any information regarding waiting lists under that heading. It is not clear for how long the waiting list will be maintained. The arrangements do not state “that each added child will require the list to be ranked again in line with the published oversubscription criteria.” The information on the waiting list is not clear and does not meet the requirements of the Code (14 and 2.14).

- n) Paragraph 1.13 of the Code says, as far as relevant here, “Admission authorities **must** clearly set out how distance from home to the school ...used in the arrangements will be measured. This **must** include making clear how the ‘home’ address will be determined and the point(s) in the school...from which all distances will be measured. This should 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 definition of distance in the arrangements does not make clear how the home address will be determined or include provision for where parents share responsibility for the child and live at different addresses and so the arrangements do not comply with the Code in this regard (14, 1.8 and 1.13).

28. Paragraph 3.6 of the Code explains,

“Once admission arrangements have been determined for a particular school year, they cannot be revised by the admission authority unless such revision is necessary to give effect to a mandatory requirement of this Code, admissions law, a determination of the Schools Adjudicator or any misprint in the admission arrangements.”

29. In other words, the Trust does not have to consult on changing the arrangements before taking steps to revise them in order to ensure that they comply with the Code and my determination. The Trust must revise its arrangements to address all of the points I have raised above in order to ensure that the arrangements comply with the Code, and must do so within two months of the date of this determination.

## Determination

30. 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 Lion Academy Trust for Barclay Primary School, Sybourn Primary School, Thomas Gamuel Primary School, Brook House Primary School, Ruskin Academy, Ruskin Infant School, Leigh Beck Junior School, Maple Grove Primary School and Limebrook Primary School and Nursery.

31. I have also considered the arrangements for Barclay Primary School 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.

32. 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:

18 September 2025

Signed:

Schools Adjudicator: Deborah Pritchard