



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** ADA4490

**Objector:** A parent

**Admission authority:** The Griffin Schools Trust for Kingfisher Community Primary School

**Date of decision:** 17 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 Griffin Schools Trust for Kingfisher Community Primary School, which is in the local authority area of Medway Council.

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 parent (the objector), about the admission arrangements (the arrangements) for Kingfisher Community Primary School (the School), a co-educational academy school for pupils aged three to eleven, for September 2026.
2. The objection is that the arrangements do not contain information in respect of the process for requesting admission out of a child's normal age group.

3. The parties to the objection are the objector, the School and The Griffin Schools Trust (the Trust), which is the admission authority for the School, as well as Medway Council (the Local Authority).

## 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 are in accordance with admissions law as it applies to maintained schools. These arrangements were determined by the Trust as the admission authority for the School on that basis.

5. The objector submitted their objection to these determined arrangements on 13 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.

6. I have also used my power under section 88I of the Act to consider the arrangements as a whole and to determine whether or not they conform with the requirements relating to admissions and, if not, in what ways they do not so conform. I will refer to these as 'Other Matters' and they are covered in the section of the determination under that heading.

## Procedure

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

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

- a copy of the minutes of the meeting of the Trust at which the arrangements were determined;
- a copy of the determined arrangements;
- the objector's form of objection dated 13 May 2025;
- responses from the parties to the case to the objection, and supporting documents; and
- information available on the websites of the School, the Local Authority, and the Department for Education (DfE).

## The Objection

9. The objector states:

"I am objecting [to] this school's admissions policy because:

- It is not compliant with S218-220 of the School Admissions Code;
- It fails to explain how to request admission out of normal age group. It's an academy so must by law have its own policy/ procedure."

10. The arrangements state:

"Children reach compulsory school age at the start of the term following their fifth birthday. Kingfisher [Community] Primary School will admit 4-year-olds into its Foundation Stage class, i.e. those children born between 1 September 2021 and 31 August 2022.

...

Parents/carers are not obliged to start their child at school until the beginning of the term after the child is 5. Therefore, parents/carers who have been offered a September place may ask to defer their child's admission until later in the school year or until the child reaches compulsory school age in that school year without losing the offer of a place. Parents/carers can also request that their child attends part-time until the child reaches compulsory school age. Parents/carers of children with summer term birthdays (1 April to 31 August) may ask to start their child in Year 1 in September 2027 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." (My emphasis added through underlining)

## Background

11. Children reach compulsory school age in the term after their fifth birthday. All children have the right to start school in the school year following their fourth birthday but do not have to start school until the child reaches 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. Their parents have the right to wait until their children reach compulsory school age before starting school, and they also have the right to request that their child starts school in reception rather than year 1. Footnote 57 of the Code explains,

“The term summer born children relates 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.”

13. Therefore, if a parent has decided that their summer born child is not to start school until the September after their fifth birthday, the parent may either:

- apply for in-year admission of the child to Year 1, which would have been their normal year group if the child started school following their fourth birthday; or
- request that the child be admitted out of their normal age group, i.e. to reception, in the new school year. It is for the admission authority to decide on this type of requests on the basis of the circumstances of each case and in the best interests of the child concerned, in accordance with paragraph 2.19 of the Code (see below).

14. The relevant paragraphs of the Code read:

**“Admission of children below compulsory school age and deferred entry to school**

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.

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

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."

## Consideration of Case

15. For the interest of all parties to this objection, I must explain that admission out of the normal year group is not an entitlement but can only be requested for any child, including a summer born child, under the Code. Paragraph 2.18 of the Code (as above) expressly refers to the right of the parents of a summer born child to choose not to send that child to school until the September following their fifth birthday. The same paragraph also confers a right on those parents, in these circumstances, to request that their summer born child be admitted out of their normal age group – to reception, rather than year 1.

16. Paragraph 2.18 of the Code does not just refer to summer born children but also to cases where a parent wants the child to be in an older year group, or a younger year group, depending on the circumstances. The same decision-making process described under paragraph 2.19 of the Code applies.

17. Since the ability to request such admissions of children outside their normal age group is a right, the Code requires that admission authorities must make clear in their arrangements the process of making such a request. It is clear that the arrangements do not contain any specific provision to guide parents on the process for requesting admission of children outside their normal age group.

18. Moreover, I find that the following aspects of the arrangements are ambiguous and do not comply with paragraphs 2.17 and 2.18 of the Code, as explained below:

- The arrangements provide for the admission of children in September 2026 following their fourth birthday and allow the parents to ask to defer the date their child is admitted to the School until later in the school year, or request that the child attends part-time, until the child reaches compulsory school age. However, such deferred entry or part-time education is the child's right or entitlement under paragraph 2.17(b) and (c) of the Code (as above), and the wording in the arrangements implies, in my view, that the "ask" or "request" may be refused, that is, that the admission authority has the discretion to agree or refuse such requests. Also, the arrangements do not make it clear that such deferred entry cannot be "beyond the beginning of the final term of the school year for which [the offer] was made", in accordance with paragraph 2.17(b) of the Code.
- The arrangements presuppose that the parents of a summer born child, who choose not to send that child to school until the September following their fifth birthday, have to reapply for a Year 1 place. As explained above, the parents of such a summer born child may, in my view, be misled by the arrangements to believe that they cannot request admission of their summer born child to reception, rather than year 1, following their fifth birthday.

19. I asked the Trust to explain why there is no such provision in the arrangements regarding a clear or transparent process to regulate the admission of children outside their normal age group, and to respond to the matters indicated above. Its response was as follows:

"The Griffin Schools Trust is working with legal partners, at Winkworth Sherwood, to review the admissions criteria for the school, ahead of consultation and approval.

The Trust follows DfE 'Guidance on handling admission requests for summer born children', and has a strong track record of working closely with parents and the local authority to ensure that the best interests of children and families is at the heart of every decision made."

20. As the Trust helpfully accept that the arrangements will need to be reviewed to ensure compliance with the Code, I will uphold the objection without any further analysis.

## Other Matters

21. Having considered the arrangements as a whole it appeared to me that the following matters also do not conform with the relevant requirements of the Code. Paragraph 14 of the Code states that:

"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."

22. First, the arrangements state, “places will be offered to those children with statements of special educational needs where Kingfisher [Community] Primary School is named.” As an Education, Health and Care Plan replaces Statements of Special Educational Needs in England, pursuant to the Children and Families Act 2014, the reference to an obsolete term “statements of special education needs” here render the arrangements inaccurate.

23. Second, under the section “Oversubscription Criteria”:

- The first oversubscription criterion prioritises “children in public care” and refers to a definition given under the Medway co-ordinated admission scheme. The arrangements by themselves are not clear that they have given the highest priority 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. This is contrary to paragraph 1.7 of the Code.
- The fourth oversubscription criteria priorities “multiple birth children, as defined in the Medway coordinated admission scheme”, but it is not clear how the priority described would operate in practice. The arrangements should not depend on reference to some other document or provision which is not included in the arrangements. I note that, twins or siblings from multiple births can be admitted above the class size limit as “excepted pupils” under paragraph 2.16(g) of the Code, reflecting the provisions of The School Admissions (Infant Class Sizes) (England) Regulations 2012.
- The fifth oversubscription criterion prioritises applicants on the basis of the distance from the School. There is no reference to how the “home” address will be determined (apart from asking applicants to refer to a definition in the Medway coordinated admission scheme), and to the point(s) in the School from which all distances will be measured. No provision is made to consider 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. In these respects, the arrangements are contrary to paragraph 1.13 of the Code.
- The tie-breaker adopted in the arrangements is that “In the unlikely event that two or more children in all other ways have equal eligibility for the last available place at the school, the names will be issued a number and drawn randomly to decide which child should be given the place.” It is not clear whether this random allocation process is supervised by someone independent of the School, as required under paragraph 1.35 of the Code.

24. Third, the arrangements state, in respect of a waiting list maintained by the School, that “names are kept in priority order according to the oversubscription criteria and not according to how long a child’s name has been on the list. Any place that becomes available will be offered to the child at the top of the list.” The arrangements do not state that the waiting list is to be maintained until at least 31 December in the year of admission. Also, the arrangements do not contain an express provision that each added child will

require the list to be ranked again in line with the published oversubscription criteria. These aspects of the arrangements are contrary to paragraph 2.15 of the Code.

25. Fourth, the provision for “Casual Admissions” states that “places will be offered in accordance with the co-ordinated scheme”. This is not clear. As I explained above, the arrangements should not depend on reference to some other document or provision which is not included in the arrangements.

26. I asked the Trust to respond to these other matters, and its reply of 26 August 2025 stated:

“The consideration set out [above] will be used to ensure that the policy is fully compliant and independently reviewed by admissions experts. The Griffin Schools Trust is working to ensure that the admissions arrangements are fully compliant and in line with the Code and DfE Guidance.

The Griffin Schools Trust is reviewing the policy and your comments will support us to ensure full compliance and best practice.”

27. This is welcomed. However, the matters I have raised must be addressed in line with section 88K(2) of the Act within two months of the date of this determination.

## Summary of Findings

28. In summary, I find that the arrangements do not contain express or clear information in respect of the process for parents to request admission of their children out of their normal age group, and that some provisions concerning deferred entry to the School following admission of children below compulsory school age are ambiguous. I therefore find that the arrangements do not comply with paragraphs 2.17 and 2.18 of the Code.

29. I have raised other matters as described above, which must also be addressed.

## Determination

30. 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 Griffin Schools Trust for Kingfisher Community Primary School, which is in the local authority area of Medway Council.

31. 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.

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: 17 September 2025

Signed:

Schools Adjudicator: Jackie Liu