



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** ADA4441 Englefield Church of England Primary School

**Objector:** A Parent

**Admission authority:** The Governing Body for the School

**Date of decision:** 24 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 determined by the governing body for Englefield Church of England Primary School, West Berkshire.

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 Englefield Church of England Primary School (the school), a voluntary aided primary school for children aged 4 to 11 with a Church of England religious character. The objection is to the contents of the arrangements concerning summer born children and the process for parents to request that their child be admitted out of their normal age group.
2. The local authority (LA) for the area in which the school is located is West Berkshire Council. The LA is a party to this objection. Other parties to the objection are the objector, the school, the Diocese of Oxford (the Diocese) and the school's governing body.

## Jurisdiction

3. These arrangements were determined under section 88C of the Act by the school's governing body, which is the admission authority for the school. The objector submitted their objection to these determined arrangements on 24 April 2025. The objector has asked to have her 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 her 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 as a whole.

## Procedure

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

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

- a. a copy of the minutes of the meeting of the governing body at which the arrangements were determined;
- b. a copy of the determined arrangements;
- c. the objector's form of objection dated 24 April 2025;
- d. the responses of the parties to the objection and subsequent correspondence, and
- e. a copy of the guidance on admissions provided to the school by the Diocese.

## The Objection and Other Matters

6. The objector set out her objection in the following terms:

"In the 2026/27 admission policy document, there is no summer born section and so there is no summer born CSA start option."

When I wrote to the parties setting out my jurisdiction, I said that I understood "CSA" to refer to the School Admissions Code (the Code) and that the substance of the objection was that:

- (i) the arrangements make no statement that the parents of a summer-born child may delay their entry to the September following their fifth birthday or that the child may start school in Year 1 or as a deferred entry to Year R, and
- (ii) the arrangements do not make clear the process by which parents can request that a child be admitted out of the normal age group.

Both are elements of paragraph 2.18 of the Code, which refers to a request made by the parent of a child that their admission to a school should take place outside the normal age group. None of the parties has responded to me with any comments concerning my understanding of the objection.

7. Having considered the arrangements as a whole, it would appear to me that the following matters also did not, or may not, conform with requirements:

- (i) the statement concerning in-year admissions that “Applications will not be considered earlier than one short term in advance of entry, ....” fails to conform with the requirement of paragraph 2.30 of the Code which says that:

“Parents **must** not be refused the opportunity to make an application or be told that they can only be placed on a waiting list rather than make a formal application. Upon receipt of an in-year application, the admission authority, or the local authority if it is co-ordinating the admissions authority’s in-year admissions, should aim to notify the parents of the outcome of their application in writing within 10 school days, but they **must** be notified in writing within 15 school days”, and

- (ii) the arrangements do not include the statement required by paragraph 2.15 of the Code that:

“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.”

## Background

8. Englefield is a village in West Berkshire not far to the west of Reading and just to the north of the M4 motorway. The school is a small voluntary aided primary school. The GOV.UK website “Get information about schools” records the school’s capacity as 112 and the current number on roll as 107. The arrangements give the published admission number as 16 and the school’s website says that it is frequently oversubscribed. The school was most recently inspected in January 2025, when it received three key judgements of “good” and two of “outstanding”.

9. The objector has raised the same concerns about the admission arrangements of a nearby voluntary aided primary school, Yattendon Church of England Primary School, which I shall consider under ADA4442.

10. The arrangements say that children are “normally” admitted to the school at the beginning of the school year in which they reach their fifth birthday, but that (in relation to such early admissions) they may attend the school on a part-time basis until the child reaches compulsory school age [which they do on the “prescribed day” following their fifth birthday]. The arrangements correctly describe this part-time attendance as a parental right.

11. The arrangements also say the following:

- (i) “For children born between 1 April 2022 and 31 August 2022 (summer born children), parents can defer the date that their child is admitted to school but not beyond the beginning of the final term of the school year.”
- (ii) “Requests from parents for places outside a normal age group will be considered carefully.....It is recommended that parents discuss their wishes with the headteacher in advance of applying for a place. The governing board may ask relevant professionals for their opinion.”
- (iii) In relation to admissions other than at the normal point of entry:

“The administration of applications will be dealt with by the Governing Body. Applications will not be considered earlier than one short term in advance of entry, for example for entry in January, applications will not be considered until after the October half term break.”

- (iv) In describing the waiting list for children who are not offered a place and whose parents wish them to be place on the list, the arrangements say that the order of the waiting list is determined by the school’s oversubscription criteria and that no reference is made to the length of time a child’s name has been on the list, but no more.

## Consideration of Case

12. Each of the parties was invited to comment on the objection and on the other matters set out above, and each did so.

### The content of the arrangements concerning summer born children

13. The relevant paragraphs of the Code are paragraphs 2.17 and 2.18, which are as follows:

#### **“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.”

14. The school responded to the objection by saying that the paragraph from the admission arrangements quoted above concerning summer born children “does state that children can be deferred though we accept that it doesn’t state here specifically that this can be a deferral to start in FS2 [Foundation Stage 2, Reception] in the following academic year. According to ODBE [the Oxford Diocesan Board of Education, the Diocese] this is due to simplification of their model policy.”

15. The LA said that it agreed that the arrangements “could be revised to explicitly state that parents of summer born children may request to delay entry until September following their fifth birthday”.

16. When the Diocese responded, it said that it thought that the arrangements were compliant with what paragraph 2.17 of the Code requires, and that the objection was based on “a misunderstanding... about the meaning of ‘deferred entry to school’”, although it did not say what this misunderstanding was. The Diocese quoted paragraph 2.17b) of the Code and stated, accurately, that the arrangements contain a statement which makes this parental right plain.

17. The Diocese then added that:

“Parents may also choose not to send their child to school until the September following that child’s fifth birthday (Code 2.18). This is not a deferral and the parents must apply for the child to be admitted out of their normal age group – there is no statutory right to choose this route. This is covered in the section ‘Admission outside of the normal age group’ [in the arrangements].” I comment here that what the Diocese has said is only partly correct. A parent of a summer born child can wait until their child reaches compulsory school age and seek their admission to Year 1 of a school without seeking admission outside the normal age group. There is indeed a statutory right to choose this route.

18. When the Diocese commented on what the LA had said, it argued that the suggested addition to the arrangements was “not appropriate” because “the intention of the policy is to set out the relevant admissions arrangements so that parents can understand easily how places will be allocated and criteria that will be applied”. This last statement is of course accurate, but the Diocese did not say why it thought the statement which the LA had suggested would not be helpful in this regard.

19. Paragraphs 2.17 and 2.18 of the Code need to be read together but not conflated, as they refer to two different matters (as indicated by the different headings each is given). Paragraph 2.17 concerns all children and the relationship between the availability of full-time and part-time schooling in the school year which follows their fourth birthday. The objector did not complain that the arrangements were not compliant with paragraph 2.17 of the Code, and the use of the word “defer” was my own explanation of what I understood the objection to refer to, as I told the parties very clearly. The objector complained that the arrangements did not set out fully the rights which the Code confers on parents of summer born children, and I used the word “defer” to describe what that means, in everyday language. There is no requirement that this word can only be used to describe the rights conferred in paragraph 2.17 of the Code, as the Diocese seems to imply.

20. Paragraph 2.18 concerns only the issue of admission outside a child’s normal age group. All parents may seek such a place, and parents of summer born children may use this possibility to request that their child be admitted to a school’s Year R, rather than to Year 1.

21. The Diocese has kindly supplied me with a copy of the Guidance which it provides to schools concerning school admissions, as mentioned by the school in this case. The purpose of guidance from the relevant religious authority for admission authorities of schools which have a religious character is set out in paragraph 1.38 of the Code. It says there that admission authorities must have regard to such guidance when constructing any faith-based admission arrangements, although that does not apply here as the school does not use faith-based oversubscription criteria. The objection and other matters described above concern matters relevant to any school admission authority and to model admission arrangements which the Diocese’s guidance provides. As the school has indicated, these model admission arrangements only have the following to say as a specific statement concerning summer born children:

“For children born between 1 April 2022 and 31 August 2022 (summer born children) parents can defer the date that their child is admitted to school but not beyond the beginning of the final term of the school year.”

This is the statement which is repeated in the school’s arrangements.

22. I set out in the following table my own understanding of the effects of paragraph 2.17, as relevant to children born between 1 September 2021 and 31 August 2022, who are the children who will be entitled to a full-time school place in Year R from September 2026.

<b>Basis of child’s admission to school</b>	<b>If born 1 Sept 2021 to 31 Dec 2021</b>	<b>If born 1 Jan 2022 to 31 March 2022</b>	<b>If born 1 April 2022 to 31 Aug 2022  (Summer born)</b>

<b>Pre-compulsory full-time entitlement begins</b>	Autumn term 2026	Autumn term 2026	Autumn term 2026
<b>Pre-compulsory entry may be deferred until</b>	n/a	Spring 2027	Spring or summer terms 2027
<b>Part-time entitlement during terms</b>	Autumn term 2026	Autumn term 2026, spring term 2027	Autumn term 2026, spring and summer terms 2027
<b>Compulsory full-time education begins</b>	Spring term 2027	Summer term 2027	Autumn term 2027

23. What paragraph 2.18 of the Code does is to state that if a parent of a summer born child makes a successful request that they be admitted out of their normal age group, they could begin full-time compulsory schooling in the autumn of 2027 in Year R and not in Year 1 as part of their chronological age group. As such, the paragraph does not confer any new or special right on such parents.

24. Parents of a summer-born child may therefore either:

- (i) Accept a full-time place in Reception for their four-year-old child in the autumn term, or
- (ii) If doing so, defer entry to the start of the following spring or summer term on a full or part-time basis, or
- (iii) Wait until the following September before taking up a full-time place (at the start of compulsory schooling in Year 1), or
- (iv) If doing so, request that the child be admitted out of their normal age group and start in Year R.

25. The arrangements state that:

“Parents of a child born between 1 September 2021 and 31 March 2022 may defer entry until their child reaches compulsory school age (the term beginning in January or April after his or her fifth birthday).”

26. By contrast, the statement concerning summer born children in the arrangements (given above) says nothing about deferring entry until compulsory school age (and nowhere states what this is for such children). The arrangements therefore only refer to the parents of a summer born child in terms of what is available to them if they have accepted a year R

place. Paragraph 2.17 requires in that case that the place must be taken up, at least on a part-time basis, in Year R and no later than the beginning of the summer term, as shown in the table.

27. Paragraph 2.17 requires that admission arrangement set out the entitlements which I have summarised in the above table, and the school's arrangements do this. Paragraph 2.18 concerns admissions out of a child's normal age group and requires that admission arrangements make clear the process for requesting such an admission, and I shall come to this shortly.

28. Neither paragraph requires there to be a "summer born section" in a school's admission arrangements, which is the way the objection was phrased. However, I have asked myself whether, if I were the parent of a summer-born child, I would be able to understand from the arrangements that they permit me to pursue all the alternatives which the Code provides, and my view is that I would not.

29. What is absent for a full understanding is a statement that the parents of summer-born children (like all others) may also defer the start of schooling until compulsory school age, the addition suggested by the LA. Since the right for a child not to go to school until they reach compulsory school age is stated in the arrangements for all children other than those who are summer born, a parent of a summer born child reading them is very likely to believe that this is not available to them, or at least to be uncertain about this. While admission arrangements cannot be expected to state every statutory right concerning school admissions, what they can be expected to do is not to confuse parents about such matters. Both the school and the LA have told me that in practice admissions of summer born children have been made to the school in line with the Code, but I am nevertheless of the view that the arrangements as determined fail to be sufficiently clear for the reason I have stated. They are in breach of paragraph 14 of the Code, which states:

"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."

I therefore uphold this aspect of the objection.

#### The clarity of the process for requesting admission out of the normal age group

30. The school told me that it thought that the arrangements were compliant in setting out a clear process, since they suggest a discussion with the Headteacher. The Diocese said that the arrangements contained "the details". My understanding of what is meant by the requirement in paragraph 2.18 that arrangements make clear the process for requesting admissions out of the normal age group is that a parent should be able to know how the application itself should be made. That is to say, whether they should apply in writing, to whom should the request be addressed, and what supporting evidence would be taken into



account if provided, as a minimum. The arrangements provide none of this information, and do not comply with what paragraph 2.18 requires.

31. As I have explained, I understood this to be an aspect of the objector's complaint, which I therefore uphold.

#### The consideration of in-year applications

32. The parties have responded constructively to my concern that the arrangements could be construed by parents to state that in-year applications cannot be made more than half a school term in advance, and they therefore fail to meet the requirement of paragraph 2.30 of the Code that "parents **must** not be refused the opportunity to make an application". The LA and the school acknowledged that the arrangements could be read in this way. Also, each of the parties pointed to the way in which the section of the Code covering in-year admissions makes it clear that arrangements are expected to be used promptly to ensure that children without a school place are admitted as soon as possible. The LA in particular expressed concern that parents could not reasonably be permitted to make applications too far in advance of needing them, resulting in the distortion of the normal admission process, and this is completely understandable.

33. The issue here is the distinction between when an application for a school place is made and when the admission authority makes a decision concerning it. It is obviously necessary in relation to when the decision is made to have a reasonable restriction placed upon the process such that decisions are not made too far in advance of the time when the place may potentially be taken up, and for parents that make applications well in advance of this time to be informed of this. The LA went as far as suggesting a possible wording for admission arrangements that would balance these requirements and comply with all of the requirement of the Code concerning in-year admissions.

34. It is not for me to express an opinion concerning potential amendments to a school's admission arrangements since I am concerned only with those which have been determined by its admission authority. As determined, the school's arrangements could be construed to allow parents only a very short window for applying for a place at the school, and so this does not conform with what paragraph 2.30 requires.

#### The waiting list

35. Paragraph 2.15 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."

36. The school agreed that this was "not clearly stated" in the arrangements, the LA took the view that while that was the case, the school's practice was compliant with the Code, and the Diocese thought the same. I have considered these views carefully, but it remains

the case that paragraph 2.15 is unequivocal in requiring admission arrangements to contain a statement about the re-ordering of waiting lists, and the arrangements do not do this.

37. For that reason, I am of the view that the arrangements fail to comply with paragraph 2.15 of the Code.

## Summary of Findings

38. I have explained above why I have:

- (i) upheld the aspects of the objection about the contents of the arrangements concerning summer born children and about the clarity of the process described in the arrangements for parents to request that their child is admitted out of the normal age group, and
- (ii) found that the arrangement do not comply with paragraph 2.30 of the Code by appearing to place a restriction on when in-year places can be applied for, and with paragraph 2.15 of the Code by not containing the statement concerning waiting lists that is mandated there.

## Determination

39. 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 governing body for Englefield Church of England Primary School, West Berkshire.

40. 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.

41. 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: 24 September 2025

Signed:

Schools Adjudicator: Dr Bryan Slater