



Office of
the Schools
Adjudicator

Determination

Case reference: ADA4443

Objector: A member of the public

Admission authority: Sir Thomas Fremantle School

Date of decision: 7 October 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 Sir Thomas Fremantle School (a single academy trust) for the school of the same name, situated in the local authority area of Buckinghamshire. The matter objected to has already been partially remedied. The admission authority has made revisions to its arrangements in relation to the matters objected to, and is permitted to do so in order to give effect to a mandatory requirement of the School Admissions Code.

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 unless an alternative timescale is specified by the adjudicator. In this case I determine that the arrangements must be revised by 17 October 2025 in order to give effect to this determination. This deadline will ensure that the arrangements are clear before the deadline for applications to be made for 2026 entry.

The referral

1. Under section 88H(2) of the School Standards and Framework Act 1998, (the 1998 Act), an objection has been referred to the adjudicator by a member of the public (the objector), about the admission arrangements (the arrangements, the admission

arrangements) for Sir Thomas Fremantle School (the admission authority, the Academy, the School), a mixed, non-selective 11-16 Free School for September 2026. The objection was to the fact that no information was provided about how the School would process summer born children's applications in breach of the School Admissions Code, and that consequently the arrangements required review.

2. The local authority (LA) for the area in which the School is located is Buckinghamshire. The LA is a party to this objection. Other parties to the objection are the Thomas Fremantle School Trust, the School and the objector.

Jurisdiction

3. The terms of the Academy agreement between the academy 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 governing board of the academy trust, which is the admission authority for the school, on that basis. The objector submitted their objection to these determined arrangements on 23 April 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 1998 Act and is within my jurisdiction. I have also used my power under section 88I of the 1998 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) the objector's form of objection dated 23 April 2025;
- b) a copy of the re-determined arrangements of 14 May 2025, re-determined as described in this determination (noting I have not seen the original determined arrangements);
- c) a copy of the minutes of the meeting of the Governing Board at which the arrangements were re-determined;
- d) replies from the School and the LA to my initial email of 7 May 2025;
- e) replies from the School and the LA to my jurisdiction and information paper of 11 June 2025 and to my subsequent email of 28 July 2025 setting out the matters I intended to consider under section 88I, and replies from the School and the LA to the other parties' comments.

6. I wish to express my thanks to the School and the LA for their timely responses and for going out of their way to be helpful in providing documentation and working together to resolve the issues raised by this objection.

The Objection

7. The objector identified the following issues in their objection: (i) there is no information provided in the arrangements about how the School will process summer born children's applications; (ii) that this factor is in breach of the Code; and, (iii) that the arrangements as a consequence require review.

8. Paragraph 2.18 of the Code sets out a mandatory requirement that “admission authorities must make clear in their admission arrangements the process for requesting admission outside of the normal age group.”

9. On 14 May 2025, as a direct result of this objection and a letter from the Office of the School's Adjudicator dated 30 April 2025 informing the School of the objection and the required next steps, the Governing Board of the School revised its admission arrangements in relation to the process for requesting admission outside of the normal age group (which includes summer born children). Although it is accepted that the admission authority was intending to be helpful in taking the action they did, the initial letter to the parties to this objection (30 April 2025, as noted above) was very clear that no action should be taken pending receipt of the adjudicator's jurisdiction and information paper and/ or determination. The admission authority should, therefore, not have taken this action.

10. However, having received the revised admission arrangements, I noted in my jurisdiction and information paper dated 11 June 2025, that there are mandatory legal requirements relating to variation of arrangements set out in the Code at paragraph 3.6, and set out below in full:

“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. Admission authorities may propose other variations where they consider such changes to be necessary in view of a major change in circumstances. Such proposals must be referred to the Schools Adjudicator (for maintained schools) or the Secretary of State (for academies) for approval, and the appropriate bodies notified. Where the local authority is the admission authority for a community or voluntary controlled school, it must consult the governing body of the school before making any reference. A variation to increase a school's PAN is not required to be referred to the Schools Adjudicator.”

11. Given paragraph 2.18 of the Code requires an admission authority to make clear in their admission arrangements the process for requesting admission outside of the normal age group, I noted at the time that “the admission authority's action could be seen as complying with a mandatory requirement of the Code and I am minded to adopt that

conclusion. However, my final decision on that point will be made on receipt of the further information requested and any comments from the other parties which may affect my decision.”

Other Matters

12. I raised a number of other matters where the arrangements did not, or appeared not to, comply with the requirements of the Code, including (but not limited to) the fact that the School’s admissions page is not operational, the published admission number (PAN) is unclear, there is a lack of clarity with the random allocation process, and various compilation errors in the arrangements resulting in a lack of clarity. Paragraph 14 of the Code states that “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.”

13. Full details of these other matters and an analysis of the issues follow in my “Consideration of Case” below.

Background

14. The School is a non-selective 11-16 mixed Free School and is a single academy trust, holding the same name as the School. It opened on 1 September 2013 to address a requirement for additional educational provision. As of 9 September 2025, the central government website “Get Information About Schools” (GIAS) records the School’s capacity at 650 and the number of pupils on roll at 632. The School’s PAN for 2026 admission is (incorrectly) noted in the arrangements as 750, but has subsequently been confirmed to me by the School as 150 for entry to Year 7.

15. The School’s admission arrangements for September 2026 entry were re-determined by the School’s Governing Board on 14 May 2025, as described above. A new section in the arrangements addressing the subject of this objection - “5. Requests for admission outside the normal age group” - was included in the re-determined arrangements as follows:

“Parents are entitled to request a place for their child outside of their normal age group. The headteacher will consider these requests and decide whether to agree the request in principle. These requests are not applications for admission, which must still be made in the usual way.

Requests must be made in writing to the headteacher giving all relevant information, having regard to the factors outlined above, with supporting documentation from medical or other professionals where appropriate.

Parents should make these requests as soon as possible and before the normal admission round, so that a decision in principle can be made before the application deadline.

Decisions on requests for admission outside the normal age group will be made on the basis of the circumstances of each case and the best interests of the child concerned. In accordance with the School Admissions Code, this will include taking account of:

- Parents' 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;
- Whether they may naturally have fallen into a lower age group if it were not for being born prematurely;
- The headteacher's views.

Wherever possible, requests for admission outside a child's normal age group will be processed as part of the main admissions round. They will be considered on the basis of the admission arrangements laid out in this policy, including the oversubscription criteria listed in section 6. Applications will not be treated as a lower priority if parents have made a request for a child to be admitted outside the normal age group.

Parents will always be informed of the reasons for any decision on the year group a child should be admitted to. Parents do not have a right to appeal if they are offered a place at the school, but it is not in their preferred age group.

Parents do not have a statutory right of appeal against the headteacher's decision not to agree admission outside normal age group in principle, however a complaint may be made under the school's published Complaints Policy."

Consideration of Case

The Objection

16. The objection was that the arrangements did not include any information about how the school would process summer born children applications contrary to the requirements of the Code.

17. Paragraph 2.18 of the Code sets out the relevant mandatory requirement, stating in full:

"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.”

18. The arrangements did not (at the time the objection was made) include any information about how to request admission outside of the normal age group as required by paragraph 2.18 of the Code and, therefore, the arrangements were in breach of a mandatory requirement of the Code. As I have already described above, the admission authority took action to remedy this breach on its own direction by re-determining its admission arrangements on 14 May 2025 at a meeting of its Governing Board. I made clear in my subsequent jurisdiction and information paper that no remedial action should have been taken in advance of my consideration and determination of the case. However, it is clear to me that the admission authority was intending to be helpful in taking the action they did. Further, as I have already noted, paragraph 3.6 of the Code sets out that where a “revision [to arrangements] 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”, the arrangements may be revised by the admission authority. Paragraph 2.18 is a mandatory requirement of the Code and therefore I conclude that the admission authority’s action to remedy this breach is permitted by paragraph 3.6.

19. I note that in the absence of this remedial action, there was no information in the arrangements as required by paragraph 2.18 of the Code. This constitutes a breach of a mandatory requirement of the Code. As the arrangements did not conform with the Code at the time of the objection, I uphold the objection. However, the School does not need to take further remedial action except in relation to the matters described below.

20. As described above, the re-determined arrangements include a new section 5, “Requests for admission outside the normal age group”. This new section is set out in full at paragraph 15 above.

21. Admission arrangements must make clear the process for requesting admission out of the normal age group. I have interpreted this to mean the following: Parents must be clear who the application needs to be made to; what the deadline is for making the application; who the decision-maker is; and what will be taken into account. Paragraph 2.19 of the Code sets out the factors that must be taken into account, and it must be the admission authority, as opposed to the local authority or the headteacher, which makes the decision. The headteacher’s views will be a relevant factor but are only one of a number of relevant factors.

22. Ordinarily, an application for admission outside the normal age group will be made at the same time as the application for a place in Year 7. However, the request for a place will be made to the relevant local authority on the common application form and the request to be admitted outside of the normal age group will be made to the admission authority.

23. The arrangements should also make clear that, if delayed admission to Year 7 is approved, parents must nevertheless make an application for a place in Year 7 the following year and that, whilst an appeal can be made against a decision not to offer a

place at the school, there is no right of appeal against a refusal to admit a child outside of their normal age group.

24. The parents of any child can apply for their child to be admitted outside the normal year of entry. This provision is not exclusive to “summer born” children, and the arrangements must make this clear.

25. Also of relevance is the non-statutory guidance (“Guidance on handling admission requests for summer born children”) issued by the Department for Education to assist admission authorities in making decisions on whether summer born children should be able to begin primary or secondary school in Reception or Year 7, when this is outside their normal year group of entry.

26. Finally, paragraph 14 of the Code requires 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 clear, and that parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated.

27. I have read the new section 5 of the School’s re-determined arrangements and conclude that, for the most part, it conforms to the requirements of the Code except in the following ways: the arrangements do not make clear who makes the decision about an out of normal age group application. Paragraph 2.19 of the Code states that it is **admission authority** which must make decisions [about admissions out of the normal age group] on the basis of the circumstances of each case and in the best interests of the child concerned. The Code makes clear that the headteacher’s views are simply one of a range of factors to be taken into account. There is reference in the revised arrangements to the headteacher making a decision “in principle” but it is not clear what this terminology means. The arrangements also state that “parents do not have a statutory right of appeal against the headteacher’s decision not to agree admission outside normal age group in principle”. This is correct. There is no right of appeal against a decision not to admit a child out of the normal year group, and the appropriate avenue of redress would be the school’s complaints procedure. However, since decisions on approval of admission out of the normal year group should not be made by the headteacher, this sentence will need to be revised to reflect that a complaint can be made about the admission authority’s decision not to approve an out of year group application through the school’s complaints procedure. I have noted a typographical error in the words “requests must be made in writing to the headteacher giving all relevant information, having regard to the factors outlined above”: for clarity, the reference to “the factors outlined above”, should be to “the factors outlined below”. The arrangements must also make clear that, although requests may be made via the headteacher, such requests will be referred to the Governing Board for decision-making.

Section 88I consideration

28. I have also used my section 88I jurisdiction to consider other provisions in the arrangements as a whole and make the following conclusions, set out at paragraphs 29 to 36. I wrote to the parties to the objection on 28 July 2025 raising the issues described

below and the School and LA provided their comments. These are reflected where relevant. I am grateful to the LA and to the School for working collaboratively with me and one another and to the headteacher for agreeing to take the necessary action with the Governing Board to rectify the issues raised.

29. The link to the policy on the School's website admissions page was not operational. Admission arrangements are required to be "published" on the school's website (see paragraph 1.50 of the Code). At the time of writing my determination, this has been corrected.

30. There is additionally a requirement in paragraph 1.50 that: "Admission authorities must also send a copy of their full, determined arrangements to the local authority as soon as possible before 15 March in the determination year". In its comments to me, the LA stated it has not consistently been supplied with the School's determined admission arrangements. The School has supplied the LA with its re-determined arrangements for September 2026 and has agreed to comply with this requirement in future years.

31. The School's PAN is unclear. The arrangements state that "the school has a published admission number of 750 pupils for entry in year 7-11". Paragraph 1.2 of the Code is clear that the PAN relates to the "relevant age group" only, namely Year 7 in this case. The School has noted the error and has agreed to correct it following this determination.

32. The inclusion of the admission of children with an Education, Health and Care Plan as admissions priority 1 in the arrangements' oversubscription criteria is incorrect but would appear to result from a misunderstanding on the part of the School. Paragraph 1.6 of the Code states that "All children whose Education, Health and Care Plan names the school must be admitted". This statement should appear prior to the list of oversubscription criteria of a school. The School has noted this and agreed to correct it.

33. The effect of random allocation arrangements is unclear: Paragraphs 1.34 and 1.35 of the Code state that admission authorities that decide to use random allocation when schools are oversubscribed must set out clearly how this will operate, ensuring that arrangements are transparent, and that looked after children and previously looked after children are prioritised. Further that the random allocation process must be supervised by someone independent of the school, and a fresh round of random allocation must be used each time a child is to be offered a place from a waiting list. Random allocation is to be used in relation to admissions priority 6 in the oversubscription criteria (distance from the School): where applicants have identical distance measurements, priority amongst them will be determined at random. Paragraph 1.35 of the Code would appear to be satisfied as would paragraph 1.13, namely that "Admission authorities must clearly set out how distance from home to the school and/or any nodal points 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 or nodal points from which all distances will be measured".

34. The LA made the following observations in relation to concerns raised about the School's random allocation arrangement:

“[The School] have set out a process of drawing coloured balls to be used for a random allocation process.

‘3 The random determination of applications will be overseen by an independent panel which is independent of STFS. The process by which random selection is decided will be by allocating a different coloured ball to each applicant, placing each ball in an opaque bag and the first ball which is drawn from the bag will indicate the allocation of the places.’

The council has a process for random allocation of places which is different from the above. As part of the phased admissions processes, we offer all schools a random allocation process if there is a need to determine between two equidistant children at the cut off point for that school’s allocation (equidistance at any other point in the allocation list is not a problem per-se). Our random allocation process is set out here: Random Allocation Procedure | Buckinghamshire Council.

Of course, the school is entitled to develop their own method of random allocation generation, my only concern is that they would have to pre-rank them in random order before providing their allocation ranking to us and then remember to re-rank and re-draw for subsequent allocation rounds.

None of the above is insurmountable but we would generally observe that school staff are not always sure about how to apply the admission criteria created and determined by their governing body and so are often reliant upon us for interpretation of their determined admissions policy, so our wish would always be for schools to align their definitions and processes with the ones used locally so that when we encounter decisions that need to be made there is some local consistency. “

35. The headteacher has indicated in principle the School is content to amend its policy on random allocation in accordance with the LA’s process subject to the agreement of the Governing Board as admission authority.

36. There are a number of compilation errors in the arrangements: notes and footnotes have been included as admission rules in certain places. For example, the note accompanying the meaning of looked after child or previously looked after child is included as admissions criterion 3 in the arrangements when this should be a footnote: sibling priority should, therefore, be criterion 3 and so on. The School has noted these errors and has agreed in principle to correct them.

Determination

37. 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 Sir Thomas Fremantle School (a single academy trust) for the school of the same name, situated in the local authority LA area of Buckinghamshire. The matter objected to has already been partially remedied. The admission authority has made revisions to its arrangements in relation to the matters objected to and is permitted to do so in order to give effect to a mandatory requirement of the School Admissions Code.

38. 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.

39. 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 unless an alternative timescale is specified by the adjudicator. In this case I determine that the arrangements must be revised by 17 October 2025 in order to give effect to this determination. This deadline will ensure that the arrangements are clear before the deadline for applications to be made for 2026 entry.

Dated: 7 October 2025

Signed:

Schools Adjudicator: **Emma Harrison**