Office of
the Schools
Adjudicator

Determination

Case reference: **REF4550**

Referrer: **A member of the public**

Admission authority: **The governing body for St Michael's Church of England Primary School in Sunninghill, Berkshire**

Date of decision: **29 October 2025**

Determination

I have considered the admission arrangements for September 2026 for St Michael's Church of England Primary School in accordance with section 88I(5) of the School Standards and Framework Act 1998 and find that, in relation to the matters raised by the referrer, the arrangements conform with the requirements. I have found that there are other matters, which do not conform with the requirements relating to admissions.

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 was referred to the adjudicator by a member of the public (the referrer), about the admission arrangements for September 2026 (the arrangements) for St Michael's Church of England Primary School (the School). The admission authority for the School is the governing body (the governing body).

2. The referral related to unclear or inaccurate information in the arrangements. When the arrangements were brought to my attention I considered that other matters did not, or might not, conform with the requirements for admission arrangements.

3. The parties to the case are the referrer, the governing body, the Royal Borough of Windsor and Maidenhead (the local authority) and the Diocese of Oxford which is the religious authority for the School (the faith body).

Jurisdiction

4. These arrangements were determined under section 88C of the Act by the governing body on 3 March 2025. The referrer submitted an objection to these determined arrangements on 26 May 2025. The School Admissions Code (the Code) requires objections to admission arrangements for September 2026 to be made to the adjudicator by 15 May 2025. As this deadline was missed, the case cannot be treated as an objection. However, as the arrangements were brought to my attention, I decided to use the power conferred under section 88I(5) of the Act to consider whether the arrangements conform with the requirements relating to admission arrangements and I am treating the objection as a referral.

5. The referrer asked to have their identity kept from the other parties and this request was agreed by the Chief Adjudicator.

Procedure

6. In considering this matter I have had regard to all relevant legislation and the Code.

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

   a) the referrer's form of objection and subsequent correspondence;

   b) a copy of the minutes of the meeting of the governing body at which the arrangements were determined and a copy of the determined arrangements;

   c) responses from the governing body on the matters raised and in response to my enquiries; and

   d) comments from the faith body on the matters raised.

8. The local authority did not comment on the matters raised.

The Referral

9. The matters raised by the referrer were (relevant paragraph of the Code in brackets):

   a) There are references to previous Codes which are not in force (14).

   b) Published admission numbers are used as if applicable to other years rather than the year of entry (14 and 1.2).

   c) The information on waiting lists does not meet the requirements of the Code (2.15).

10. 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."

11. Paragraph 1.2 of the Code says,

"As part of determining their admission arrangements, all admission authorities **must** set an admission number for each 'relevant age group'."

Footnote 11 to paragraph 1.2 explains, "[The relevant age group] is the age group at which pupils are or will normally be admitted to the school e.g. reception, year 7 and year 12 where the school admits external applicants to the sixth form (Section 142 of the SSFA 1998)."

12. 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. Priority **must not** be given to children based on the date their application was received, or their name was added to the list. Looked after children or previously looked after children allocated a place at the school in accordance with a Fair Access Protocol **must** take precedence over those on a waiting list."

Other Matters

13. I considered the arrangements as a whole using my power under section 88I of the Act as they were brought to my attention. I therefore asked the parties to comment on the following matters (relevant paragraph of the Code in brackets):

13.1. The arrangements were determined on 3 March 2025. This does not comply with the requirement of paragraph 1.49 of the Code that arrangements **must** be determined by 28 February in the determination year.

13.2. The arrangements give first priority to looked after and previously looked after children. The definition provided does not make clear the definition of previously looked after children and does 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 and does not comply with the requirements of paragraph 1.7 of the Code (14 and 1.7).

13.3. The arrangements say,

"The Governors reserve the right to verify to their satisfaction any of the information on the application form. Once an offer has been accepted, a copy of the child's original birth certificate must be sent to the School. The school

reserves the right to have an original produced in person, should this be necessary to confirm the pupil's identity."

This may not comply with paragraph 2.5 of the Code which says, in part:

"Once a place has been offered, admission authorities may ask for proof of birth date, but must not ask for a 'long' birth certificate or other documents which would include information about the child's parents."

It is not clear whether the long birth certificate is required and so the arrangements are unclear in this regard (14 and 2.5).

13.4. The arrangements say,

"Information regarding the number of applications and criterion for the Reception Class in the School year 2025 / 2026:

The School received applications - 0 'Statemented', 0 'Looked After', 0 'in catchment sibling' category, 0'in catchment' category, 0 'out of catchment sibling' category and 0'other'."

It is not clear to me what the purpose or meaning of this section is. In addition, the reference to 'statemented' makes the arrangements unclear as statements of educational need no longer exist (14).

14. The governing body said in response that it would amend the arrangements so that they complied with the Code. This is welcomed and I will not refer to these matters further except to make clear that the governing body must address them.

Consideration of Case

15. The referral said,

"Apologies for delay in slightly late submission but the 2026 Admissions policy is not displayed with other admissions information on the website, but was eventually found hidden away in governors' information. There is no notice about objections to this policy and the notice shown relates to a previous policy. The Policy refers to the 2014 Admissions Code and the outdated notice refers to the 2012 Code. The policy places a number on year groups other than year of admission – contrary to the Code. There is no reference in the Policy to the waiting list being ranked by the Admissions committee (if there is one) each time a name is added."

16. When this case was referred to me I found the arrangements on the School's website. The arrangements on the website are the same as the arrangements provided to me by the governing body. I considered the arrangements and I could not find the matters raised in the referral and asked for clarification.

17. The governing body told me that it made amendments to the arrangements in order to make sure that they complied with the Code and published the arrangements on 22 May 2025. I do not know what happened but the arrangements as currently published on the School's website do conform with the Code with regard to the matters raised in the referral.

18. However, paragraph 1.50 of the Code says (I have underlined for emphasis),

> "Once admission authorities have determined their admission arrangements, they **must** notify the appropriate bodies and **must** publish a copy of the determined arrangements on the school's website or their own website (in the case of a local authority) by 15 March in the determination year and continue displaying them for the whole offer year (the school year in which offers for places are made)."

19. Clearly, as the governing body explained, the arrangements were not published by 15 March 2025 but on 22 May 2025. The deadline for objections to admission arrangements for 2026 was 15 May 2025. As the arrangements were not published until after that date, no person was in a position to consider them and come to a view on them. The governing body did not comply with the requirements of the Code in this matter.

Determination

20. I have considered the admission arrangements for September 2026 for St Michael's Church of England Primary School in accordance with section 88I(5) of the School Standards and Framework Act 1998 and find that, in relation to the matters raised by the referrer, the arrangements conform with the requirements. I have found that there are other matters, which do not conform with the requirements relating to admissions.

21. 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: 29 October 2025

Signed:

Schools Adjudicator: Deborah Pritchard