



Office of
the Schools
Adjudicator

Determination

Case reference: ADA4461

Objector: A member of the public

Admission authority: Surrey County Council for its community and voluntary controlled schools

Date of decision: 29 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 Surrey County Council for the community and voluntary controlled schools in its area.

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 member of the public (the objector), about the admission arrangements for September 2026 for the community and voluntary controlled schools in the area of Surrey County Council (the arrangements). The objection is to the restrictions on in-year admissions.
2. The parties to the objection are Surrey County Council (the local authority or LA) and the objector.

Jurisdiction

3. The arrangements were determined under section 88C of the Act by the local authority, which is the admission authority for the community and voluntary controlled schools in its area. The objector submitted their objection to these determined arrangements on 11 May 2025.

4. This objection is concerned with how the local authority deals with admission applications made in year. In other words, not at the normal point of admission. Footnote 60 of the School Admissions Code (the Code) says,

“An application is an in-year application if it is for the admission of a child to a relevant age group, but it is submitted on or after the first day of the first term of the admission year, or if it is for the admission of a child to an age group other than a relevant age group.”

5. The matters raised by the objector are not in the arrangements determined on 11 May 2025 and I considered carefully if I had jurisdiction to take account of matters outside of these arrangements. The local authority argued that I did not because:

“paragraph 2.23 of the School Admissions Code makes clear that information on how to apply in year need only be published by 31 August. It says:

'...local authorities must publish information on their website by 31 August at the latest each year to explain how in-year applications can be made and how they will be dealt with from 1 September onwards in that year.'

This objection relates to admission arrangements for 2026, but the process for how in year applications can be made and how they will be dealt with for that year will not be published until 31 August 2026. As such, the LA believes this matter to be outside the jurisdiction of the OSA.”

6. Paragraph 5 of the Code says,

“It is the responsibility of admission authorities to ensure that admission arrangements are compliant with this Code.”

7. Footnote 4 to paragraph 5 of the Code says,

“Admission arrangements means the overall procedure, practices, criteria, and supplementary information to be used in deciding on the allocation of school places and refers to any device or means used to determine whether a school place is to be offered.”

8. Paragraph 14 of the Code is also relevant and 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.”

9. These provisions apply regardless of when the in-year arrangements are determined and published. Consequently, I find that the provisions to which the objection relates form part of the admission arrangements. 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.

Procedure

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

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

- a. a copy of the minutes of the meeting of the local authority at which the arrangements were determined, a copy of the determined arrangements and information on in-year admissions on the local authority’s website;
- b. the objector’s form of objection and further correspondence from the objector; and
- c. the local authority’s response to the objection and further correspondence from the local authority.

The Objection

12. The objector said:

“Surrey County will not allow any in year application if the requested start date for the child is in excess of four weeks from the date of submission of the application”.

The objector referred to paragraphs 2.13, 2.23, 2.30, 2.31 and 2.32 of the Code in support of the objection. I will provide these paragraphs below, in the order used by the objector, with their comments.

13. Paragraph 2.23 of the Code says:

“A parent can apply for a place for their child at any school, at any time.”

The objector said:

“Surrey does not allow a parent to apply for a place for their child at any school, at any time. Surrey refuses to process any in year application that indicates a start date is required in excess of four weeks, for example, in the case of a child attending an independent school that requires one terms notice of intention to withdraw. There is no provision with the Schools Admissions Code to allow Surrey to place such a time restriction on applications. By their very definition, in year applications occur due to a multitude of reasons for which legislation cannot be prescriptive and therefore there needs to be leeway and latitude over timeframes.”

14. Paragraph 2.30 of the Code says:

“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.”

The objector said:

“Surrey County Council refuses parents the opportunity to make an application if the required place is more than four weeks after application submission date.”

15. Paragraph 2.30 of the Code also says:

“Where an application is refused, the admission authority **must** also set out the reason for refusal and information about the right to appeal in accordance with paragraph 2.32.”

The objector said:

“When Surrey County Council refuses to process such applications no information regarding appeals is given in conjunction with the refusal to process.”

16. Paragraph 2.31 of the Code says:

“Where an applicant is offered a school place following an in-year application, and the offer is accepted, arrangements should be made for the child to start school as soon as possible, particularly where the child is out of school.”

The objector said:

“ ‘As soon as possible’ exists within the legislation because in year applications occur for a variety of reasons and not all reasons can be pigeon-holed into a specific timeframe. If the legislation intended for a local authority to have the right to refuse to process an application then this paragraph would be explicit with that time restriction. That no such restriction is explicitly stated demonstrates an intention that the education of the child is as continuous as possible but should not prohibit the right of a parent to apply in year when giving a current school notice of intention to withdraw.”

17. Paragraph 2.13 of the Code says:

“An admission authority **must not** withdraw an offer unless it has been offered in error, a parent has not responded within a reasonable period of time, or it is established that the offer was obtained through a fraudulent or intentionally misleading application.”

The objector said:

“Surrey states that if an offer was accepted but not taken up within four weeks then they would withdraw the offer. The legislation in paragraph 2.13 is clear that no such right exists for the local authority as it clear in the only circumstances that an offer can be withdrawn. Not taking up a place within four weeks after acceptance is explicitly not one of those.”

18. Paragraph 2.32 of the Code says:

“When an admission authority informs a parent of a decision to refuse their child a place at a school for which they have applied, it **must** include the reason why admission was refused; information about the right to appeal; the deadline for lodging an appeal and the contact details for making an appeal.”

The objector said:

“Surrey County Council provides no such information regarding rights of appeal when it refuses to process an application outside of a four week time window.”

Consideration of Case

19. The arrangements for in-year admissions are provided on the local authority’s webpage with the heading: “In-year admission - outside the normal admissions round”. There is considerable information provided in this section and I have only considered that which is relevant to the objection. A section on this webpage is under the title, “When to apply?” This section says:

“You can apply for in-year admission **up to four school weeks** before the place is needed with the exception of:

- **Members of the Armed Services and Crown Servants** who may be able to apply **up to four months in advance of a move** (please see Members of the Armed Forces and Crown Servants section below for further details)
- Applicants seeking an in-year school place for a child from the beginning of the autumn term (September) who can apply from the beginning of July.”

20. The reasons given by the local authority for the limitations on when a parent can apply are set out below. As there are several reasons, I have considered each one in turn. For ease, I reproduce some of the wording from the Code already quoted above.

21. Footnote 60 of the Code says:

“An application is an in-year application if it is for the admission of a child to a relevant age group and it is submitted on or after the first day of the first school term of the admission year; or it is for the admission of a child to an age group other than a relevant age group.”

21.1. The local authority said its “interpretation of this is that the purpose of an in-year application is to enable a child to be admitted to school, at the time the admission is needed.”

21.2. I agree with this interpretation.

22. Paragraph 2.23 of the Code says:

“A parent can apply for a place for their child at any school, at any time.”

22.1. The local authority said its interpretation of this is, “a parent can apply for a school place at any time a school place is needed i.e. there is no restriction on parents applying for a school place only at a certain time of the year or only under certain circumstances, such as a change of address. Our view is that a parent must require or wish an imminent change of school for their child, whatever the reason, in order to make an application.”

22.2. I do not agree that the statement, “A parent can apply for a place for their child at any school, at any time,” can be interpreted as “a parent must require or wish an imminent change of school for their child, whatever the reason, in order to make an application.”

23. Paragraph 2.31 of the Code says:

“Where an applicant is offered a school place following an in-year application, and the offer is accepted, arrangements should be made for the child to start school as soon as possible, particularly where the child is out of school.”

23.1. The local authority said its interpretation of this is that “from a practical perspective, allowing parents to apply up to four weeks ahead of a place being needed enables the Local Authority to ensure a place can be offered and arrangements made for the child to start school when the place is needed and within a reasonable timeframe.”

23.2. I can see that practically it is helpful for the local authority to have constrained timescales. Four weeks or sooner from application to admission is a practical timeframe in most cases. In addition, if a child is out of school then a speedy admission is highly desirable. However, the desirability of a child being admitted when not in school does not mean that all children must be admitted within a particular and limited timeframe. In its arrangements, the local authority recognises that due to the long school summer holidays, a longer timescale is required for in-year applications made at that time of year. There will be other circumstances where more than four weeks may be appropriate. I do not find the local authority’s explanation for its arrangements in this matter to be appropriate for all circumstances.

24. The local authority said:

“The fact that paragraph 2.21 of the Code provides for a specific exception for applications from service personnel and crown servants to be considered in advance of a family arriving to the area would appear to support the Local Authority's view that other applications should be made at the point a place is needed. If this was not the case, there would be no need for a specific exception for armed service or crown servant applicants in paragraph 2.21.”

24.1. The specific exception for the children of those in the armed services or Crown Servants is because there may be a lack of a UK address, when the application is made. This provision does not mean that because other circumstances are not specified, that no consideration can be given to them. I do not find this a convincing argument for the four week restriction.

25. The local authority referred to paragraph 2.13 of the Code which says:

“An admission authority **must not** withdraw an offer unless it has been offered in error, a parent has not responded within a reasonable period of time, or it is established that the offer was obtained through a fraudulent or intentionally misleading application. Where the parent has not responded to the offer, the admission authority **must** give the parent a further opportunity to respond and explain that the offer may be withdrawn if they do not. Where an offer is withdrawn on the basis of misleading information, the application **must** be considered afresh, and a right of appeal offered if an offer is refused.”

This applies to in-year admissions and admissions at the normal point of entry.

25.1. The local authority said, “If the LA was required to process applications from families far in advance of the place being needed, we would find ourselves making offers that were not yet needed, only to have to potentially withdraw them once the places were not taken up within a reasonable amount of time. However, this may put the LA in breach of paragraph 2.13 of the Code, as withdrawing an offer on the basis of the child not being ready to take up the place is not referred to here. The consequence of this is that we could have offers that had been made and accepted far in advance of a place being needed, leaving schools to the whim of the parent to decide when they want their child to start. This in turn could affect a school's funding, if the child was not on roll on the relevant date, and could lead to other children who need a place immediately being denied a place at a preferred school.”

25.2. If a place is not needed, the parent should inform the local authority accordingly but clearly this does not always happen. Paragraph 2.13 does give scope for a local authority to withdraw a place if an offer is not accepted in a reasonable timeframe. In this instance the local authority refers to the place not being taken up in a reasonable time, and of course the local authority has set that reasonable time as being four weeks from application to admission. What paragraph 2.13 does not do, is give scope for a school place

to be withdrawn except in the particular circumstances listed. I understand that this would mean that if a parent accepted a place, changed their mind, and did not inform the local authority, this would not be known until the child did not turn up on the agreed date. And it would be possible for another child to have been refused admission in the meantime. These would not be desirable outcomes.

- 25.3. I do not like the local authority referring to the “whim of the parent to decide when they want their child to start” but I assume that the local authority has had experiences that could be referred to in these terms. However, I hope that most parents seeking a school place in advance of four weeks are doing so for rational reasons. I can see that there could be circumstances where a parent applies for a place, for example, on the expectation that the family will move to an area in two months and then plans change or are delayed.
- 25.4. The local authority also refers to school funding. Schools are funded based on the number of pupils at a school on certain dates known as census dates, typically there is a census date in each of October, January and May. While a rational and accepted method of funding, the use of census dates means that if a child left the day before a census date, or joined the day after, the child’s presence at the school would not attract funding because the child would not be on the school roll on the date of the census. This happens and generally evens out for most schools with other children being admitted. While pupil movement may have a minimal impact on a school’s funding, there does not appear to be a direct link between this and the need for a four-week window to apply and take up a school place.
- 25.5. More directly relevant is that it would be possible for a child (Child A) to be offered a place in September at a school (School X) for January admission. As a direct result, another child (Child B) may subsequently be refused a place, but then the parents of Child A no longer need the place. Child B may have been admitted to another, less preferred school (School Y), in the meantime. Clearly School X may have one child less and this could affect their funding if no other child had taken the place. However, School Y would have admitted Child B and have the benefit of the funding associated with this pupil.
- 25.6. The scenario described above does require, however, that School X has one place, and one place only, available such that Child A is offered the last place available in-year. It also requires that School X has no waiting list with a child or children who would meet a higher oversubscription criterion and would consequently be admitted in preference to Child A. The situation modelled in paragraph 25.5 requires a very specific set of circumstances for which I have no evidence of the likelihood of it occurring frequently. In addition, for Child B, the parents would have the opportunity of appeal for School X.

26. The local authority said:

“This approach [of being able to apply more than four weeks in advance] would be likely to advantage families who find it easier to navigate the system who would choose to apply early, even if the place was not yet needed, in order to secure a school place in advance. Potentially applying 'just in case' to reserve a place and perhaps later deciding not to take up the place. This would most likely disadvantage children whose families find it harder to navigate the admissions system, those with English as an additional language or those who are new to the area and who would not have been able to apply in advance.”

26.1. I am aware that many local authorities experience families who at the normal point of entry apply for a school place and then make alternative arrangements, perhaps to use private education. This may be the type of situation to which the local authority was referring.

26.2. However, it seems unlikely that this will commonly apply to in-year applications. Those who are “new to the area” could, possibly, have applied in advance if the local authority had not had its four week time restriction. However, I will consider the risk of parents ‘reserving’ places further below.

27. The local authority referred to paragraph 14 of the Code, which 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.”

The local authority expressed its belief that, “ensuring all parents apply no more than four weeks of a place being needed is the most reasonable and fair approach.”

27.1. The local authority has given its reasons for restricting applications to four weeks in advance and they are not arbitrary. However, this does not mean that it is a fair approach and I will consider this further below.

28. The local authority referred to paragraph 1.8 of the Code which says:

“Admission authorities **must** ensure that their arrangements will not disadvantage unfairly, either directly or indirectly, a child from a particular social or racial group, or a child with a disability or special educational needs”.

The implication being made here is that permitting applications to be considered more than four weeks in advance of the place being needed could disadvantage children with such characteristics. I have seen no evidence to support this argument and see little merit in it.

29. I will now reflect on the matters raised more broadly. For admissions at the normal point of entry there are set closing dates. These are on or around 31 October for entry to secondary schools for the following September, so nearly 11 months in advance, and on or

around 15 January for entry to primary schools the following September, so nearly seven months in advance. Applications after these dates are considered but normally after those received by the closing date. At a normal point of entry, all the children will be starting school at broadly the same time and time is required to prioritise and administer admissions across a range of schools in a geographical area for many children. However, these timescales are distinctly different to four weeks. The reasons the local authority has given for its four week restriction could equally apply to admissions at the normal point of entry.

30. I do note that local authorities have to manage a high number of changes from places offered on national offer days (March for secondary age pupils and April for primary age pupils) to those places actually taken up at the start of the academic year in September. I acknowledge that the longer the period between application and admission, the greater the likelihood that a family's circumstances will change and that this will consequently impact on whether or not a specific place is taken up.

31. Having considered the arguments the local authority has given for its in-year admission arrangements, I will consider the reasons why a parent may wish or need to apply more than four weeks in advance. I would anticipate that most parents seek certainty for their child's education. Some would, for example, if moving into an area, look for houses in a particular area based on the schools that they would like their child to attend. It is an established fact that house prices are higher around very popular schools. It is, in these circumstances, possible that a parent may want to secure a place at a school before putting in an offer on a house. This could favour wealthier parents but actually popular schools are likely to be full and have waiting lists and so an offer of admission would not be made anyway. Alternatively, the school would have a number of vacancies in which case it is likely that applicants would be admitted anyway.

32. As paragraph 2.8 of the Code explains, if an application is made and a place is available, a place must be offered. It does not matter where the child is living at the time.

33. Of course, many families do not have that luxury of choice and on moving into an area, they would need somewhere to rent. The choice may be limited by budget and securing a home will come before applying for a school place. However, it would still seem possible that a parent would seek a place for their child in advance of moving. For example, a parent plans to move to an area as they have been offered a job, or somewhere to live. In either of these circumstances it would seem desirable to establish the school their child might attend and there could be more than four weeks between application and admission.

34. The example given by the objector is that a parent might have to give a term's notice to a private school. It is clearly possible for the child to join another school without working out a notice period; it would mean paying for a service not received but that is the parent's choice. This argument does not have merit.

35. Often parents and schools seek that children start school at the start of a term, preferably the September term when classes are being organised. However, circumstances

mean that if a child is to be admitted as soon as possible, the child could be admitted at any point, be that mid term or even mid week.

36. In summary, paragraph 2.23 of the Code is clear that, “A parent can apply for a place for their child at any school, at any time.” The Code, therefore, provides no restrictions on the timing of applications for in-year admissions and says that they can be made at any time. This is unequivocal. For this reason I uphold the objection.

37. I have sympathy with the local authority seeking a practical way of managing in-year applications. The local authority has referred to other local authorities which have similar restrictions; I have not considered the arrangements of other local authorities.

Determination

38. 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 Surrey County Council for the community and voluntary controlled schools in its area.

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.

40.

Dated: 29 October 2025

Signed:

Schools Adjudicator: Deborah Pritchard