



Office of
the Schools
Adjudicator

Determination

Case reference: ADA4468
Objector: A parent
Admission authority: Kirklees Council
Date of decision: 19 November 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 Kirklees Council for the community and voluntary schools in its area.

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 19 December 2025.

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 for the community and voluntary schools in the area of Kirklees Council for September 2026 (the Arrangements). The objection is to that section of the Arrangements which relates to the admission of children outside of their normal age group.
2. The parties to this objection are Kirklees Council (the Local Authority), which is the admission authority for the schools, and the objector.

Jurisdiction

3. These arrangements were determined under section 88C of the Act by the Local Authority, which is the admission authority for the schools. The objector submitted their objection to these determined arrangements on 14 May 2025. 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 local authority at which the arrangements were determined;
- b. a copy of the determined arrangements;
- c. the objector's form of objection dated 14 May 2025;
- d. the Local Authority's response to the objection and to the other matters I have raised;
- e. Department for Education (DfE) guidance for admission authorities (updated November 2024): 'Guidance on handling admission requests for summer born children' (the DfE guidance); and
- f. information published on the websites for the local authority and the DfE.

The Objection

6. The objector states that the position of Kirklees Council on the admission of children outside of their normal age group, as set out in the Arrangements, does not comply with the requirements of the Code.

7. They have drawn my attention to a paragraph in the Arrangements ("the Paragraph") which states:

"It is the general view of Kirklees Council that **all** [objector's emphasis] children and young people will complete their primary and secondary education in school year groups according to their normal age group. It is also the general view of the Local Authority that moving pupils into older or younger year groups is usually not in their best educational, social or emotional interests. This includes either early or late admission to primary school or early or late transfer to secondary school"

8. The objector raises the following points about the Paragraph. They say:

“ [The Paragraph] certainly sounds like “exceptional circumstances only”, which is an outdated view of the guidance.

I specifically object to the word “all” in the first sentence of the admission arrangements above. It should be Kirklees’ view that *most* children and young people will complete their primary and secondary education in school year groups according to their normal age group, not all. Citing the School Admissions Code section 2.18, there are many children (gifted, those with ill health, summer-born) who are entitled to be educated out of chronological age group. Kirklees policy must reflect this, and the current version does not.”

Background

The statutory framework

9. Children reach compulsory school age in the term after their fifth birthday. All children have the right to start school in the academic year in which they have their fifth 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.”

10. 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. Parents of summer born children have the right to wait until their children reach compulsory school age before starting school. They also have the right to request that their child starts school in Reception Year rather than in Year 1, which would have been their year group if the child had started school in the year in which they reach five years of age. This is known as delayed entry.

11. Footnote 57 of the Code explains:

“The term summer born children 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.”

12. Paragraph 2.18 of the Code says:

“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.”

13. Paragraph 2.18 therefore does not just refer to summer born children but also to cases where a parent wants the child to be with children in an older year group or a younger year group depending on the circumstances.

14. Paragraph 2.19 of the Code says:

“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.”

15. My role is to ensure that whatever is said in a set of admission arrangements complies with the Code. Having said that, there is a general requirement that admission arrangements must be reasonable and I would expect an admission authority to have good reasons if it decided not to follow DfE guidance, otherwise it would be acting unreasonably. The DfE guidance says:

- “Children are not required to attend school until they reach compulsory school age. Children born from 1 April to 31 August – known as summer born children – do not need to start school until the September after their fifth birthday, a year after they could first have started school.
- A parent may request their summer born child is admitted out of their normal age group at this point – to reception rather than year 1.
- If a child is admitted to primary school out of their normal age group, the parent may make further requests, for example, when they transfer from primary to secondary school.
- The admission authority of each school must make a decision based on the circumstances of the case and in the child’s best interests. It should be rare for an authority to refuse a parent’s request.

- An admission authority may not decide that a child should start school before compulsory school age - that is the parent's decision.
- The government believes it is rarely in a child's best interests to miss a year of their education, for example, by beginning primary school in year 1 rather than reception, or secondary school in year 8 rather than year 7."

16. As well as the specific aspects of the Code that relate to admission outside of normal age group, paragraph 14 of the Code requires that the Arrangements are clear:

"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."

The Arrangements

17. The Arrangements contain a section titled "Summer Born Children" and a separate section titled "Admission of Children Outside Normal Age Group".

18. The "Summer Born Children" section is as follows:

"The majority of parents apply and take up a reception place in the school year in which their child will reach the age of five (rising fives). All children are entitled to a full-time place in the September following their fourth birthday. However, the legal starting age for full time education is the start of the term following the child's fifth birthday and parents may request that their child's entry is deferred until later in the same school year or until the term in which the child reaches compulsory school age.

Kirklees Council receives a small number of enquiries from parents (whose children are 'summer born') to delay their entry to school until the September following their fifth birthday.

In many of these cases where a request is made for a delayed entry of a 'summer born' child, a place would be offered in Year 1 as this enables the child to remain within their chronological age group, however, non-statutory Department for Education (DfE) Guidance states: "If you decide your summer born child will start school aged 5, and you want your child to start school in reception (not year 1), you need to make a request to the school's admission authority. The admission authority decides whether children who start school at compulsory school age should be admitted to reception or year 1. They must make this decision in the child's best interests."

All requests for such transfers will be explored with the parent/carers on an individual basis.

Parents should still apply online in the normal admission round for 2026 and also email Pupil Admissions to make their request. The request will be considered by a panel of education experts after the relevant closing date for applications and the individual case will be considered. The panel will make a decision on the basis of the circumstances of the case and in the best interests of the child concerned, taking into account the views of the headteacher and any supporting evidence provided by the parent.”

19. In addition to the Paragraph, the Arrangements contain three more paragraphs relating to the admission of children outside of normal age group:

“The National Curriculum sets out a clear, full and statutory entitlement to learning for all pupils. In addition, schools in Kirklees deliver an offer which supports access to high quality differentiated education. This should ensure that a pupil’s curricular needs are met without either early or delayed transfer to the next phase of schooling being necessary other than in exceptional circumstances. A request may be made for a child to be admitted outside of their normal age group, for example if the child is gifted and talented, has experienced problems such as ill health or has already been taught out of chronological age.

Parents should still apply online in the normal admission round for 2026 and also write to or email Pupil Admissions to make their request. The request will be considered by a panel of education experts after the relevant closing date for applications and the individual case will be considered. The panel will make a decision on the basis of the circumstances of the case and in the best interests of the child concerned, taking into account the views of the headteacher and any supporting evidence provided by the parent.

There is no statutory barrier to children being educated out of their chronological year group however, there is no duty either for an admission authority to agree such a request and a parent/carer cannot insist their child is educated out of their normal year group. The admission authority for the school ultimately has responsibility for making the decision. All requests for such transfers will be explored with the parent/carer on an individual basis.”

¹ The arrangements are published on the Local Authority’s website. This sentence appears to be a dead weblink to outdated guidance. The absence of a correct working link serves to make the Arrangements unclear.

Consideration of Case

20. I note at the outset that the use of two separate sections (“Summer Born Children” and “Admission of Children Outside Normal Age Group”) may be somewhat confusing to parents. Summer born children are not a separate category but rather constitute a large subset of those children who are admitted outside of normal age group. In this respect, the Arrangements are unclear and so do not comply with paragraph 14 of the Code.

21. The Local Authority has told me the following:

“Even though the wording [in the Paragraph] refers to a ‘general view, the Local Authority agrees that the word ‘all’ in this sentence is not ideal.

Subject to a determination by the Schools Adjudicator we would make an immediate change to our published admission arrangements. Alternatively, we would be willing to consider changing this to something like ‘vast majority’ via a normal admission consultation process as this would better reflect the practice in Kirklees where there is a right and an associated process available for parents to apply for admission outside normal age group.

Kirklees Local Authority does take full account of the Department for Education guidance on handling admission requests for the admission of children out of normal age group.

Kirklees Local Authority as the admission authority for all Community and Voluntary Controlled schools in the Kirklees area has a panel of educational professionals/officers (Kirklees Local Authority Out of Chronological Age Group Panel) who consider requests for admission to Community or Voluntary Controlled schools out of the normal age group. The panel make their decision based on the circumstances of the individual case, in the child’s best interests and in accordance with the [DfE guidance for local authorities and admission authorities.](#)”

22. It is reassuring to read that the Local Authority is aware of the contents of the DfE guidance and that it “takes full account” of the guidance in handling requests for admission out of normal age group. It is also encouraging to see that the Local Authority is aware of the direct link to the latest DfE guidance, although the published Arrangements would be clearer if the link were provided.

23. I agree with the Local Authority that the use of the word “all” in the first sentence of the Paragraph is, in their words, “not ideal”. However, their suggestion to replace it with the phrase “vast majority” is not, in my view, sufficient to render the sentence compliant with the Code. This is because it will always be the case that the vast majority of children are educated in their normal age group, regardless of whether or not that is the view of Kirklees Council. Indeed, the “general view of Kirklees Council”, whether that be a statistical observation or a policy position, cannot be a factor in the handling of any individual case, and so may lead to misunderstanding if a parent infers that it is relevant to their own

particular request. I, therefore, consider that any reference to such a view (as opposed to a simple statement of the facts) renders the Arrangements unclear and in breach of paragraph 14 of the Code.

24. The arrangements state that:

“...schools in Kirklees deliver an offer which supports access to high quality differentiated education. This should ensure that a pupil’s curricular needs are met without either early or delayed transfer to the next phase of schooling being necessary other than in exceptional circumstances.”

25. I am concerned that the use of the term ‘exceptional circumstances’ may easily be misunderstood by a parent as it implies such a request is rarely agreed. If this were to be the case, the Arrangements would be unclear, since such decisions are made in the best interests of the child and not as a blanket policy. Whilst the Arrangements do go on to explain that Kirklees Council will follow the DfE guidance, the use of the sentence regarding exceptional circumstances may cause misunderstanding. The arrangements are therefore unclear and do not meet the requirements of paragraph 14 of the Code.

26. The Arrangements state that:

“Parents should still apply online in the normal admission round for 2026 and also write to or email Pupil Admissions to make their request”.

27. It is understandable that the Local Authority would see it as beneficial for parents to know any decision about delayed admission in advance. Nevertheless, the parents of a summer born child have the absolute right to delay admission until their child reaches compulsory school age. For example, I have considered the hypothetical case of a boy born 2 months prematurely in August 2022 whose normal year of admission is 2026 but whose parents have no intention of applying for a place for September 2026 when had he not been born prematurely he would still be three years old. Instead they wish for him to start school in Reception Year in September 2027. The DfE guidance is clear that it is highly unlikely to be in the child’s best interests to miss Reception Year when he starts school then. Any obligation on parents to apply a year in advance (that is, for a start in September 2026 that they do not want,) is likely to be unlawful. There is however, no reason why the Local Authority cannot advise parents to do so, in line with the [DfE’s guidance to parents of summer born children](#)

28. The Arrangements refer to “supporting evidence provided by the parent”. I consider that this does not fully reflect the list of factors listed in paragraph 2.19 of the Code, and so parents reading the Arrangements may not know what factors are relevant to the information they might need to provide and to any decision in their child’s case. This aspect of the Arrangements does not comply with paragraph 14 of the Code, which requires that parents should “understand easily” how a place at a School is allocated.

29. For the reasons given above, I uphold the objection to that aspect of the Arrangements relating to the admission of children outside of their normal age group, which includes those who are summer born.

Other Matters

30. The Arrangements contain six oversubscription criteria. All applicants that meet criterion one (looked-after and previously looked after children) will be admitted and there are provisions for ranking applicants within criteria two to five. However, there is no provision in the Arrangements for ranking applications within criterion six. The Local Authority have recognised that this is an error, and paragraph 3.6 of the Code permits this to be corrected, on the grounds that the revision is necessary to give effect to a mandatory requirement of the Code.

31. Paragraph 1.8 of the Code requires that:

“Admission arrangements **must** include an effective, clear, and fair tie-breaker to decide between two applications that cannot otherwise be separated.”

32. The tie-breaker appears in the Arrangements under a section titled “Flats”, and states that

“In the event of two or more children living equidistant from the school, eg, blocks of flats, the place will be decided by drawing lots, the first name drawn out of the bag will be offered the place.”

33. The Local Authority has acknowledged that the current title of that section might make the Arrangements less clear than they should be, and I agree. They have suggested that changing the title from “Flats” to “Tie-break arrangement for two equally ranked applications” would make the Arrangements clearer for parents. I agree that this change would assist the Arrangements in complying with the requirements for clarity set out in paragraph 14 of the Code.

Determination

34. 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 Kirklees Council for the community and voluntary schools in its area.

35. 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.

36. 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 19 December 2025.

Dated: 19 November 2025

Signed:

Schools Adjudicator: Clive Sentance