



Office of
the Schools
Adjudicator

Determination

Case reference: ADA4469, ADA4483

Objector: A parent (Objector 1)
Other member of the public (Objector 2)

Admission authority: Enhance Academy Trust for Highburton CE First Academy

Date of decision: 14 January 2026

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objections to the admission arrangements for September 2026 determined by Enhance Academy Trust for Highburton CE First Academy in the local authority area of Kirklees Council.

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 for 2026/2027 must be revised as soon as practicably possible and in any event by 28 February 2026 which is before the date by which all admission authorities must determine their admission arrangements for 2027/2028 admission.

The referral

1. Under section 88H(2) of the School Standards and Framework Act 1998 (the 1998 Act), two objections have been referred to the adjudicator, by a parent and another member of the public (the objectors), about the admission arrangements (the arrangements) for Highburton CE First Academy (the School, Highburton) for September 2026. The School is

an academy converter primary school with an age range of 4 to 10. The objections are to the fact that the Enhance Academy Trust (the Trust) on behalf of the School does not address in the arrangements the process for parents requesting admission outside of the normal age group, contrary to the School Admissions Code, in particular paragraph 2.18. Further, that reference is made in these arrangements to Kirklees admission arrangements (the Kirklees arrangements) which state that “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,” which is said to be contrary to Department for Education (DfE) guidance on this matter.

2. The local authority (LA) for the area in which the school is located is Kirklees Council. The LA is a party to this objection. Other parties to the objection are the Trust, the School and the two objectors.

Jurisdiction

3. The terms of the Academy agreement between the multi-academy trust and the Secretary of State for Education require that the admissions policy and arrangements for the academy school, Highburton, are in accordance with all relevant admissions law as it applies to foundation and voluntary aided schools. These arrangements were determined by the Local Academy Board on behalf of the Trust, which is the admission authority for the School, on that basis, noting that the Trust fully adopts the admission arrangements of the LA for Highburton for 2026/2027. The minutes of the Local Academy Board meeting at Highburton of 24 September 2024 state that “there would be no changes to admission arrangements for 2026-2027.”

4. The objectors submitted their objections to these determined arrangements on 11 May and 14 May 2025.

5. I am satisfied the objections have been properly referred to me in accordance with section 88H of the 1998 Act and they are within my jurisdiction. I have also used my power under section 88I of the 1998 Act to consider the arrangements as a whole.

Procedure

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

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

- a. a copy of the minutes of the meeting of the Local Academy Board at which the arrangements were determined;
- b. a copy of the determined arrangements and the website of Kirklees Council whose arrangements were followed by the School;
- c. the objectors’ forms of objection dated 11 May and 14 May 2025;

- d. the Trust's and the LA's responses to the objection;
- e. DfE guidance available on the GOV.UK website: "Summer-born children starting school: advice for parents" (the DfE Guidance for parents); and "Guidance on handling admission requests for summer-born children" (the DfE Guidance for admission authorities); collectively "the DfE Guidance";
- f. information available on various websites including the central government website "Get Information About Schools" (GIAS) and the School's website; and,
- g. the decision of the Schools Adjudicator (reference ADA4468) of 19 November 2025 upholding an objection to Kirklees Council's admission arrangements for community and voluntary aided schools for 2026/2027 which includes reference to arrangements relating to entry outside of a child's normal age group.

The Objection

8. The objectors collectively identified the following issues in their objections:
 - there is no information provided in the arrangements about how the School will process summer born children's applications and applications for children outside of their normal age group;
 - that this is in breach of the Code (in particular paragraph 2.18);
 - reference is made in the School's arrangements to the Kirklees arrangements which the School follows, which arrangements state that "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", which is said to be contrary to the DfE guidance.
9. Objector 2 also highlighted a number of other schools within the Trust whose arrangements do not, or appear not, to conform with the Code requirements relating to the admission of summer born children and children outside of their normal age group. I have not considered these other arrangements in my determination. The fact that I have not considered, or commented upon, the admission arrangements of other schools within the Trust should not be taken as an endorsement that the arrangements for any of the other schools within the Trust are fully compliant with the requirements of the Code and other relevant legislation.
10. The objections fall principally within the following provisions of the Code. These are:
 - Paragraph 14: admission arrangements **must** be fair and clear for parents as to how places are allocated.
 - Paragraphs 2.18 to 2.20: admission of children outside of their normal age group. In particular, paragraph 2.18 of the Code which states that: "Admission authorities **must** make clear in their admission arrangements the process for requesting admission out of the normal age group."

Other Matters

11. I raised a number of other matters where the arrangements do not, or appear not to, comply with the requirements of the Code, namely that the arrangements refer to statements of special educational needs, a term no longer in use, and the definition of a “Looked After Child”, which does not include those children previously in state care outside of England, as it is required to do.

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

Background

13. The School is a co-educational primary school for children between 4 and 10 years of age. It is an academy converter which opened on 1 September 2023. It is part of a multi-academy trust. The School’s religious character is Church of England. Although located within the diocese of Leeds, the School does not have faith-based oversubscription criteria. As of 20 November 2025, GIAS records the School’s capacity at 180 and the number of pupils on roll at 173. The School has not been inspected by Ofsted since opening.

14. Highburton has chosen to follow the Kirklees arrangements in their entirety.

Consideration of Case

The Objections

15. The objections are that the arrangements do not include any information about how the School would process outside of age group applications (including summer born children applications) contrary to the requirements of the Code, particularly paragraph 2.18.

16. Reference is made in the School’s arrangements to the Kirklees arrangements which the School follows. These arrangements state that “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.” This is said to be contrary to the DfE guidance.

17. On 19 November 2025, another schools adjudicator found that Kirklees arrangements for children to be admitted outside of the normal age group (including summer born children) were unclear and did not comply with paragraph 14 of the Code. The objectors say that it appears from this previous determination that the LA is aware of the contents of the DfE guidance and that it “takes full account” of the guidance in handling requests for admission outside of normal age group.

18. The LA has told me in correspondence dated 26 November 2025, which was sent in response to these objections, that “The Kirklees Admission Arrangements are due to be changed imminently as a result of the adjudicators determination.”

Relevant Code provisions

19. The relevant Code provisions are paragraphs 2.18 to 2.20. These are set out in full below.

Paragraphs 2.18 to 2.20 (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.

2.19: 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.

2.20: Where an admission authority agrees to a parent’s request for their child to be admitted out of their normal age group and, as a consequence of that decision, the child will be admitted to a relevant age group (i.e. the age group to which pupils are normally admitted to the school) the local authority and admission authority **must** process the application as part of the main admissions round, unless the parental request is made too late for this to be possible, and on the basis of their determined admission arrangements only, including the application of oversubscription criteria where applicable. They **must not** give the application lower priority on the basis that the child is being admitted out of their normal age group. Parents have a statutory right to appeal against the refusal of a place at a school for which they have applied. This right does not apply if they are offered a place at the school, but it is not in their preferred age group.

Footnote 56: “Compulsory school age” is defined 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.

Footnote 57: The term “summer born children” relates 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.”

Summary of the entitlements of parents set out in the Code in relation to 2026/2027 admission arrangements

20. Parents whose children were born between 1 September 2021 and 31 August 2022 (plus parents of children who have had a request for admission outside of the normal year group approved in the previous year) may apply for them to be admitted to the Reception Year in September 2026.

21. Parents of all such children – including children who were summer born – have the right to apply for a place in Reception and to defer taking up that place until later in the school year, provided they do not defer until a date which is after their child has reached compulsory school or after the beginning of the final term. They also have a right for their child to attend on a part-time basis until the child reaches compulsory school age.

22. Parents of summer born children do not have to apply for a place in Reception in the September following their child’s fourth birthday, although they can do if they so wish. They must apply for a place in the school for the September following their child’s fifth birthday, in Year 1, or in Reception, if admission outside of the normal age group has been agreed.

23. Parents of summer born children may choose that the child’s admission be delayed for a year, and request that the child be admitted outside of their normal year group into Reception, as opposed to Year 1. They do not have an entitlement to be admitted in Reception, but they have the right to make such a request. The factors which an admission authority needs to take into account in making a decision on such an application are set out in the Code and the DfE Guidance for admission authorities.

24. Parents of a summer born child have the right to choose to delay admission to the September following that child’s fifth birthday, so entering the school in Year 1 rather than Reception. This is an entitlement which admission authorities cannot legally refuse.

25. This means that although a summer born child may, for example, have the right to start full time education in September 2026, the parent can postpone the date at which the child starts school until September 2027. Such a child would join Year 1 in September 2027 unless the parent requests, and the admission authority agrees, that the child should be admitted outside of their normal year group and join Reception.

Summary of the requirements of the Code

26. Regarding part-time and deferred attendance, admission arrangements must make clear that:

- parents of children eligible to start school in Reception will be offered a place in Reception if they apply and there is a place available. Where a school is oversubscribed, the oversubscription criteria will need to be applied;

- parents who are offered a place in Reception have an entitlement to defer their child's start date until the term in which the child reaches compulsory school age, but they are not able defer admission to a date after the beginning of the final term; and
- parents have a right for their child to attend on a part-time basis until the child reaches compulsory school age.

27. Admission arrangements must make clear the process for requesting admission outside of the normal age group. I have interpreted this to mean the following. Admission arrangements must explain:

- who the application needs to be made to;
- when the application needs to be made;
- who the decision-maker is; and
- what the decision-maker will take into account when reaching their decision.

28. Paragraph 2.19 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 head teacher, which makes the decision. The head teacher's views will be a relevant factor, but they are only one of a number of relevant factors.

29. To assist admission authorities in making decisions on whether summer born children should begin school, at age five, in Reception as opposed to their normal year group, the DfE has issued the Guidance for admission authorities. That guidance also applies to admissions in the normal year of entry for junior, middle and high schools. Admission authorities should be complying with the DfE Guidance unless they have good reason to depart from it. The DfE Guidance says that the child's best interests should be the deciding factor and also makes clear that it should be rare for a child to start school for the first time in Year 1 as opposed to Reception.

30. Often, an application for admission to Reception out of the normal age group (in the September following the child's fifth birthday) will be made at the same time as the application for a place in the September following the child's fourth birthday. A parent may also choose not to apply for a place in the September following the child's fourth birthday and request a place outside of the normal age group for the following September. However, the request for a place must be made to the relevant local authority on the common application form and the request for the child to be admitted outside their normal age group must be made to the admission authority. Admission arrangements need to make this process clear to parents.

31. The arrangements must also make clear that: if admission outside of normal age group to Reception is approved, parents must nevertheless make an application for a place in Reception the following year; that the offer of such a place will be determined having applied the oversubscription criteria; 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.

32. Finally, the parents of any child can apply for their child to be admitted to any year group outside the normal year of entry. This provision is not exclusive to applications to Reception for “summer born” children. Again, the arrangements must make this clear.

Whether Highburton’s arrangements comply with the Code

33. The arrangements of the School for 2026/2027 simply adopt the Kirklees arrangements in full by cross-referring on the School’s website to those arrangements (“Admission to Highburton First Academy in Reception Class is subject to the local authority’s admission arrangements and these can be accessed by clicking here [embedded link]”).

34. In turn, the decision of the adjudicator of 19 November 2025 in relation to the Kirklees arrangements highlights flaws in the arrangements for the admission of children outside of their normal age group. These are being rectified by the LA who are also a party to this objection. However, it is the responsibility of the admission authority, in this case the Trust on behalf of Highburton, to ensure that the School’s arrangements are compliant with the Code.

35. The Kirklees arrangements are not/ were not clear in themselves. Consequently, Highburton’s arrangements are not/ were not compliant with the requirements of paragraph 14 of the Code, which 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. A parent/ other person cannot look at Highburton’s arrangements and be clear what the arrangements are for the admission of children outside of their normal age group.

36. The arrangements also breach the mandatory requirement of the Code at paragraph 2.18 by not clearly setting out the process for requesting admission outside of the normal age group.

Highburton’s proposed arrangements for 2027/2028

37. The Trust, on behalf of Highburton, have consulted on the arrangements for 2027/2028. The consultation ended on 5 January 2026. On the consultation page on the School’s website, the Trust state it has “updated the policy to clarify how parents can request a place for a child to be admitted outside their normal age group, including summer-born pupils. The process now clearly explains how to make a request, what we consider, and how decisions are made. This does not alter the admissions criteria but provides clearer information for families.” I am grateful to the Trust for taking action to rectify the issues raised by the objections in relation to the School’s proposed arrangements for 2027/2028.

38. The Trust, when determining the arrangements for Highburton post consultation for 2027/2028, should take account of the section in this determination: “Summary of the requirements of the Code.” The consultation draft as it currently stands does not contain all the information required by the Code.

39. Further, there is a draft heading entitled “Admission of Children Outside Their Normal Age Group (Summer-Born)”. The Trust may wish to note that admission outside of the normal age group does not solely apply to the admission of summer born children and to reflect this in the heading.

Section 88I consideration

40. I have also used my section 88I jurisdiction to consider other provisions in the arrangements as a whole.

41. The arrangements refer to statements of special educational needs. This is a term no longer in existence and reference should be to children with an Education, Health and Care Plan (EHCP).

42. The definition of “Looked After Child” does not include those children previously in state care outside of England who ceased to be in state care as a result of being adopted and so it is not in accordance with paragraph 1.7 of the Code. The definition will, therefore, need to be revised.

43. I have noted on the School’s website that the Trust’s consultation on the arrangements for 2027/2028 at Highburton includes the changes set out above. I would like to thank the Trust for taking the points I have raised into account when considering the arrangements for 2027/2028. The arrangements for 2026/2027 must be revised as a result of this determination in order to render them compliant with paragraphs 1.7 and 14 of the Code.

Determination

44. 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 Enhance Academy Trust for Highburton CE First Academy in the local authority area of Kirklees.

45. 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.

46. 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 for 2026/2027 must be revised as soon as

practicably possible and in any event by 28 February 2026 which is before the date by which all admission authorities must determine their admission arrangements for 2027/2028 admission.

Dated: 14 January 2026

Signed:

Schools Adjudicator: Emma Harrison