



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** REF4595

**Referrer:** A parent

**Admission authority:** Bohunt Education Trust on behalf of Bohunt Horsham School

**Date of decision:** 6 February 2026

## Determination

I have considered the admission arrangements for September 2026 for Bohunt Horsham School, part of Bohunt Education Trust, in accordance with section 88I(5) of the School Standards and Framework Act 1998 and find that in relation to the delayed admission to Reception of summer born children, the arrangements did not conform with the relevant legal requirements for school admissions.

I have also found that 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 admissions. The admission authority has indicated its readiness to do so.

## 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 Office of Schools Adjudicator (OSA) by a parent (the Referrer), about the admission arrangements (the arrangements) for Bohunt Horsham School, an all-through free school (the School, Bohunt Horsham), for September 2026. For the reasons explained below, I have considered the objection as a referral under section 88I(5) of the 1998 Act. The objection relates to the lawfulness of the information Bohunt

Horsham had added to its website concerning the admission of summer born children, entitled “Delayed Admission to Reception Class, Summer Born Children.”

2. The parties to the case are the School, Bohunt Education Trust (the Trust, the multi-academy trust), the local authority (LA) and the Referrer.

## **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, Bohunt Horsham, are in accordance with all relevant admissions law as it applies to foundation and voluntary aided schools. The arrangements were determined by the Board of Trustees on behalf of the Trust, which is the admission authority for the School, on that basis.

4. The referrer submitted their objection to these determined arrangements on 17 October 2025. The School Admissions Code (the Code) requires objections to admission arrangements for 2026 to be made to the OSA by 15 May 2025. As this deadline was missed, the case cannot be treated as an objection. However, as the arrangements have been brought to my attention, I have decided to use the power conferred under section 88I(5) of the 1998 Act to consider whether the arrangements conform with the requirements relating to admission arrangements by treating the objection as a referral. I have also used my power under section 88I to consider the arrangements as a whole.

5. The Referrer 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.

## **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 dated 17 October 2025;
- b) a copy of the determined arrangements for 2026/2027 and the proposed arrangements for 2027/2028;
- c) the Trust’s and the LA’s responses to the objection;
- d) DfE Guidance available on the GOV.UK website: “Summer born children starting school: advice for parents”; and “Guidance on handling admission requests for summerborn children”; and,
- e) information available on various websites including the central government website “Get Information About Schools” (GIAS) and the School’s website.

8. I am grateful to the Trust and the LA for their rapid and helpful responses to my requests for information.

## The Referral

9. The Referrer identified the following issues in their objection:

- Concerns about the lawfulness of the information Bohunt Horsham has added to its website concerning the admission of summer born children, entitled “Delayed Admission to Reception Class, Summer Born Children,” possibly after arrangements had already been determined for September 2026, including some of the questions and information within the “Delayed Entry Request Form.”
- In particular, question 5 of the Delayed Entry Request Form asked the following: “A decision to delay entry should incorporate a plan to “recover” the child to his / her correct chronological year group, where appropriate. When and how would the child be enabled to re-join his/her peer group?”. This would appear to conflict with the non-statutory summer-born guidance issued by the Department for Education “Guidance on handling admission requests for summer-born children” (the DfE Guidance) which states: “your child’s school should continue to educate them out of their normal age group unless there are good educational reasons not to”, meaning there is no requirement for parents to consider how they would enable their child to join their chronological year group. The Referrer’s view was that it is in a child’s best interests to remain with their adopted cohort throughout their school life and not to miss a year of school to fit into their chronological year group.
- The information about summer-born children being admitted outside their normal age group on Bohunt Horsham’s website portrays the process and experience in a very negative light which may discourage parents who are wanting to seek a delayed start in Reception for their summer born child.

10. The objection falls 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: which set out the requirements for admission of children outside their normal age group. See [School admissions code 2021](#)

## Other Matters

11. I also raised a number of other matters where the arrangements do not, or appear not to, comply with the requirements of the Code. These issues related to the published admissions number (PAN) of the School and the wording of the exceptional medical or social needs priority oversubscription criterion.

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 all-through free school for children aged 4 to 16, which opened on 2 September 2019. As of 25 November 2025, GIAS records the School's capacity at 1620 with 1121 pupils on roll. The overall outcome of the last Ofsted inspection on 31 October 2023 was "Good" (with two of the four inspection domains at the time recorded as "Outstanding").

## Consideration of Case

### The Referral

14. The referral was that the arrangements did not comply with the requirements of the Code in relation to the consideration and processing of applications for summer born children. In particular that information on the School's website entitled "Delayed Admission to Reception Class, Summer Born Children" and some of the questions within the associated "Delayed Entry Request Form" were unlawful. Question 5 of that form asked the following: "A decision to delay entry should incorporate a plan to "recover" the child to his / her correct chronological year group, where appropriate. When and how would the child be enabled to re-join his/her peer group?". It was unclear whether this information and form had been added after the arrangements had been determined.

15. The information about summer born admission on Bohunt Horsham's website is also alleged to portray the process and experience in a very negative light which the Referrer considered may discourage parents who are wanting to seek a delayed start in Reception for their summer born child.

16. The Trust's Governance Lead confirmed to the OSA on 18 December 2025 (received by the OSA's administrative office on 8 January 2026 due to the Christmas holidays) that the Delayed Entry Request Form and information was added to the Bohunt Horsham website in March 2025, after the determination of the arrangements took place for 2026-27. This additional information had been added when the determined admission arrangements were uploaded to the School's website.

17. Although no changes have been made to the to the 2026-27 arrangements, the Trust took action in December 2025 to remove the Delayed Entry Request Form with immediate effect acknowledging to me and to the other parties to the objection that this form was not appropriate. The Trust also removed the wording on the School's website around delayed admission which it agreed could be interpreted to be a negative response to delayed admission, noting that was not how it had been intended.

18. I make no comment on the Trust's actions other than to say that it is clear to me that the Trust was intending to be helpful in taking this action.

## 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 deciding 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. 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 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 Bohunt Horsham’s arrangements complied with the Code**

33. Prior to the remedial action taken by the Trust on behalf of the School, I find the arrangements of the School for 2026/2027 did not comply with the requirements of the Code and conflicted with the DfE Guidance. The determined arrangements did not make clear the process for requesting admission out of the normal age group, and the additional information published after the arrangements were determined requested, in question 5, that parents provide information which is not listed in the Code as information which can be taken into account in making a decision about whether it is in the child’s best interests to be admitted outside of the normal year group. The arrangements were also unfair because they asked questions contrary to the spirit of the DfE Guidance.

34. **As the arrangements published on the School’s website did not conform with the Code at the time of the referral, I uphold the referral.** However, the Trust does not need to take further remedial action except to ensure its re-determined arrangements for 2026/2027 reflect the requirements of the Code as set out in this determination, and to reflect the findings under the heading below, “Section 88I consideration”.

35. In addition to the points raised and responded to by the Trust, the Trust Governance Lead has confirmed that the admission authority has considered the DfE Guidance relating to summer born children. I have also been informed that the Trust board have been reminded of their obligation to have regard to the DfE guidance.

36. Further, I am told by the Trust that: “section 15 of [the Trust’s] 2027-28 draft policy, lists guidance on children being able to start school later in the school year dependent on when they were born. In addition, section 14 has made clearer the paragraph around admission of children outside of chronological age group. Decisions on which are made in discussion between the parents, School (and Local Authority where required). [The Trust] have reviewed the Bohunt Horsham request for deferral form that they had on their website which is not suitable and have highlighted to the school and admission authority (trust board) that this is not a suitable form for parents to complete and not compliant with the admissions code. [The Trust] have been working with the school to support them with how to support parents that request a deferral. The form has been removed from the Bohunt Horsham School website upon [the Trust’s] request and parents will be advised to seek guidance from the LA and school if they wish to discuss a deferral.”

### **Section 88I consideration**

37. I have also used my section 88I jurisdiction to consider other provisions in the arrangements as a whole. These are in addition to the matters raised in the referral. I would

like to thank the Trust for considering these issues so carefully and for their collaborative and helpful responses for which I am grateful. These responses are reflected below.

**38. Published Admissions Number (PAN):**

- The arrangements include a PAN for year 7 of 240 students: given Bohunt Horsham is an all through 4 to 16 school, it is not clear whether the Year 7 PAN encompasses internal/ existing pupils and external/ prospective new pupils. The PAN must be clear for parents applying for admission at the Year 7 entry point to ensure parents applying for a place for their child are aware how many places are available for new pupils to Bohunt Horsham.

- The admission arrangements state that “there are no places available in Years 3-6 during the academic year 2026/27.” It is not clear what this means or the intention of it. The PAN only applies to a “relevant age group”, which in this case is Reception and Year 7. Admission to other year groups of Bohunt Horsham outside of the normal admissions round are governed by the legal requirements on in-year admissions. Section 86 of the 1998 Act provides that admission authorities must have arrangements enabling parents—living both in and outside the admission authorities’ area—to express a preference for their child’s school, which has the effect that admission authorities are required to admit children in year groups other than the normal year of entry unless prejudice can be shown. See also paragraph 2.23 of the Code which stipulates that “a parent can apply for a place for their child at any school, at any time.” Paragraph 2.28 of the Code states that: “ With the exception of designated grammar schools, all maintained schools, and academies, including schools designated with a religious character, that have places available must offer a place to every child who has applied for one, without condition or the use of any oversubscription criteria, unless admitting the child would prejudice the efficient provision of education or use of resources.” Further, paragraph 2.15 of the Code requires an admission authority to “maintain a clear, fair, and objective waiting list until at least 31 December of each school year of admission....”. The statement that there are no places available in Years 3 to 6 strongly suggests that the admission authority is operating a blanket policy which does not comply with section 86 and the Code. Each in-year application made to the School must be considered based upon the circumstances which exist at the time of the application.

39. A note has been added to the proposed 2027/2028 admission arrangements to clarify the above points. Similarly, the 2026/2027 arrangements should be revised to clarify these issues.

40. **Section 8.2 of the arrangements: Second priority: Exceptional medical or social needs:** the arrangements state that “your application cannot be considered if you do not declare that you are applying under this criterion and you do not provide written independent professional evidence. All supporting documentation must be received by 31 October 2025 for secondary or 15 January 2026 for primary for consideration prior to the main allocation of places.”. It must be made clear that an application will not be considered

under this particular criterion, rather than the application will not be considered at all which the arrangements suggest. There is a requirement to consider all applications.

41. The Trust has confirmed the intention was simply that the application will not be considered under that particular priority, not that it would not be considered at all. The Trust has added an extra part to the relevant sentence in the proposed 2027/ 2028 arrangements to clarify the meaning of this statement, added words highlighted in bold: “Your application cannot be considered **under this priority** if you do not declare that you are applying under this criterion and you do not provide written independent professional evidence at the time of application. Any evidence received after the application deadline will not be taken into account.” Similar clarificatory wording must be added to the 2026/2027 arrangements.

### **Bohunt Horsham’s proposed arrangements for 2027/2028**

42. I am grateful to the Trust for also taking action to rectify the issues raised in the objection and the matters raised by me under section 88I in relation to the School’s proposed arrangements for 2027/2028, which arrangements are still to be determined.

43. The Trust, when determining the arrangements for Bohunt Horsham for 2027/2028, should also take account of the section in this determination: “Summary of the requirements of the Code.”

### **Determination**

44. I have considered the admission arrangements for September 2026 for Bohunt Horsham School, part of Bohunt Education Trust, in accordance with section 88I(5) of the School Standards and Framework Act 1998 and find that in relation to the delayed admission to Reception of summer born children, the arrangements do not conform with the requirements. I have also found that there are other matters which do not conform with the relevant legal requirements for school admissions.

45. 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 an event by 28 February 2026 which is before the date by which all admission authorities must determine their admission arrangements for 2027/2028 admissions. The admission authority has indicated its readiness to do so.

Dated: 6 February 2026

Signed:

Schools Adjudicator: Emma Harrison