



Office of
the Schools
Adjudicator

Determination

Case reference: ADA4620

Objector: A parent

Admission authority: The Balcarras Trust for Balcarras School

Date of decision: 9 June 2026

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 2027 determined by The Balcarras Trust for Balcarras School.

I have also considered the arrangements in accordance with section 88I(5) and find that arrangements regarding the admission of children with an Education, Health and Care Plan naming the School, and defining the school's admission priority area, do not comply or only partially comply with 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. In this case I determine that the admission authority must revise its admission arrangements regarding admission of children outside of their normal age group and admission of students with an Education, Health and Care Plan naming the School, within two months of this determination. Reconsideration and re-mapping of the school's priority area must be revised by the determination of admission arrangements for 2028/29.

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 about the admission arrangements (the Arrangements) for Balcarras School (the School), a non-selective secondary academy for children aged 11 to 18 years for September 2027.
2. The Local Authority (LA) for the area in which the School is located is Gloucestershire County Council (GCC). The LA is a party to this objection.

Jurisdiction

3. The terms of the academy agreement between The Balcarras Trust and the Secretary of State for Education require that the admissions policy and Arrangements for the School are in accordance with admissions law as it applies to maintained schools.
4. These Arrangements were determined under section 88C of the Act by The Balcarras Trust, which is the Admission Authority for the School.
5. The Objector submitted her objection to the determined Arrangements on 29 April 2026.
6. 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.
7. My jurisdiction is for the Arrangements determined and to decide whether they comply with all relevant legal requirements. It is not open to me to determine how the Arrangements should be. If I uphold this objection, it is for the Admission Authority to address any non-compliance issues within the required timeframe.
8. My jurisdiction in this objection is for the 2027/28 Arrangements only. I will, therefore, not be considering the matters raised by the Objector in respect of other admission years.
9. I have also used my power under section 88I of the Act to consider the Arrangements as a whole and to determine whether or not they conform with the requirements relating to admissions and, if not, in what ways they do not so conform. I will refer to these as 'other matters' and they are covered in the section of the determination under the title of that name.
10. Although the Trust is the Admission Authority, it has been the School that has responded to my requests for further information. I will, therefore, refer to the School and not the Trust in this determination when dealing with those responses.
11. The Objector has made extensive submissions both in the objection document and subsequent papers to contend that the academy has not acted properly in determining which children should be prioritised for the offer of places, because it has not followed its own stated Arrangements, or the Code. I will only be referring to them to the extent that they impact on my determination of this case.

Procedure

12. In considering this matter I have had regard to all relevant legislation and the School Admissions Code 2021 (the Code).
13. The documents I have considered in reaching my decision include:

- a. Confirmation from the School that the admissions Arrangements for 2027/28 were considered by The Balcarras Trust at a meeting on 9 September 2025 and approved in May 2026;
- b. a copy of the determined Arrangements for 2027/28;
- c. the Objector's form of objection dated 29 April 2026 along with supporting documents and other correspondence;
- d. the responses of the School to the objection and supporting documents;
- e. information on the School's and LA's websites;
- f. the Department for Education (DfE) website "Get Information About Schools" (GIAS);
- g. DfE publication - 'Guidance on handling admission requests for summer born children' for admission authorities (updated November 2024) (the DfE guidance);
- h. DfE publication - Guidance for parents 'Making a request for admission out of the normal age group' (updated April 2023);
- i. DfE publication - Free school admissions guidance: Mainstream admissions December 2014 (v3) (updated February 2023).

14. I note that the three pieces of DfE guidance are non-statutory. The DfE guidance does not impose mandatory requirements in the same way as the Code or primary or secondary legislation. The purpose of government guidance is to explain how the law should be interpreted, and admission authorities are expected to follow DfE guidance which applies to them unless they have a good reason to depart from it.

15. Although I may not directly refer to it in my determination, I have read and taken account of all the relevant information provided to me.

Background

16. According to GIAS, Balcarras School is a secondary academy for children aged eleven to eighteen years of age with no designated religious character. It has a capacity of 1359 students, and a current number on roll of 1429. It is located in Cheltenham, in Gloucestershire. It's Published Admission Number for entry to Year 7 in 2027/28 is 194 students.

17. In summary, the Arrangements set out the following oversubscription criteria.

Children with an Education, Health and Care Plan (EHCP) that names the school must be admitted. Where there are more applications for places than the number of places available, places will be offered in the following order of priority:

- i. Looked after children and children who were previously looked after.

- ii. Children living within the priority area set out in the map who are siblings of pupils on roll at this school.
- iii. Children of members of staff
- iv. Other children living within the priority area.
- v. Children living outside the priority area, who are siblings of pupils on roll at this school.
- vi. Other children living outside the priority area.

In cases of equal merit, priority will go to children living nearest the school according to the shortest straight-line distance.

18. The Arrangements set out the procedure for dealing with children applying to enter the school outside of their normal age group as follows:

“5. Requests for admission outside the normal age group

The school's default position is that pupils are placed in their normal age group.

Parents are entitled to request a place for their child outside of their normal age group.

Decisions on requests for admission outside the normal age group will be made on the basis of the circumstances of each case and the best interests of the child concerned. In accordance with the School Admissions Code, this will include taking account of:

Parents' 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

Whether they may naturally have fallen into a lower age group if it were not for being born prematurely

The headteacher's views

In general, Balcarras aims to place all pupils in the year group that matches their chronological age. Only in exceptional circumstances will Balcarras move a pupil to another year group. Pupils coming to Balcarras from abroad or having been taught in a different year group at their previous school without a clear medical or diagnosed SEND need, would not be placed in a different year group from their chronological age.

Wherever possible, requests for admission outside a child's normal age group will be processed as part of the main admissions round. They will be considered on the basis of the admission arrangements laid out in this policy, including the oversubscription criteria listed in section 6. Applications will not be treated as a lower priority if parents have made a request for a child to be admitted outside the normal age group.

Parents will always be informed of the reasons for any decision on the year group a child should be admitted to. Parents do not have a right to appeal if they are offered a place at the school, but it is not in their preferred age group.”

Consideration of Case

19. The objection relates to arrangements for considering applications from families who wish a child to join the School outside of their normal age group. In raising her objection about the Arrangements, the Objector has explained what happened in her case as an example, stating:

“The School did not pass the application and supporting paperwork to relevant staff and it was not considered by staff detailed by School Arrangements to review it, and no reasoned decision was given. Instead, I received the following reply from a senior member of School staff:

“Unfortunately, Balcarras School is not able to accept your son into a year group outside of his chronological age.”

This was the only comment made by the school.

20. This seems to suggest that the School may be operating a blanket approach which does not conform with the requirement of the Code. In paragraphs 2.18 and 2.19, the Code makes clear that parents are entitled to request admission for children outside of their normal age group, and provides some of the scenarios which may make this advisable in both Annex B and Paragraph 2.18 of the Code the latter stating:

“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.”

There is no suggestion that making such a request would be exceptional, and further guidance on protocol to be followed is given in the DfE guidance. This states:

“Unless there are sound educational reasons to do otherwise, the assumption should be that they [the child] will remain outside of their normal year group, as to do otherwise would result in the child missing a year of school. There do not need to be exceptional circumstances, and a child does not need to have a medical need or SEND for it to be in their best interests to be admitted out of their normal age group.”

21. The Arrangements, however, convey a sense that such applications are unusual and exceptional. The Arrangements refer to admission to the correct chronological year being the School “default” position, and the need for there to be “exceptional circumstances” for that not to be done. This is at odds with the DfE guidance which states that

“Unless there are good educational reasons for a child to join their normal year group (meaning they would miss a year of school), they should remain with their adopted year group.”

22. The DfE guidance states that it should be exceptional for a child to progress to secondary school with a year other than that which they have been educated within primary

school, yet that is the position the School's arrangements seem to take. The DfE guidance states:

"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. " and later "It is rarely in the best interests of a child to miss a year of school. " and later "An authority should take into account if a child has already been educated out of their normal age group and is transferring to a new school."

23. The School has stated that it has tried to determine Arrangements to be completely in compliance with the Code. The School has offered to admit the child at my direction which is welcome, but this is not a direction I am entitled to make.

24. My function under the Act is to determine the objection before me, determining whether the Arrangements comply with the Code. I have no role in the enforcement of whether the procedures followed by admission authorities are compliant with the DfE guidance. Having said that, there is a general requirement that admission arrangements must be reasonable and, in my view, arrangements which describe a process for requesting admission outside of the normal age group, which is contrary to DfE guidance, or not reflect its expectations, may be unreasonable.

25. I, therefore, uphold the objection regarding the failure of the School Arrangements to comply with the Code for consideration of children applying to join the school outside of their normal age group. The School's Arrangements should be revised to make clear that parents have a right to request admission outside of the normal age group and how such a request will be dealt with, in line with the Code and DfE guidance.

Other Matters

26. Having considered the Arrangements as a whole it appeared to me that there are other matters which do not conform with requirements of the Code and so I brought them to the attention of the Admission Authority. These matters are the School's stated Arrangements for the admission of children with an Education, Health and Care Plan (EHCP) naming the School, and the details identifying the School's area of priority for admission.

27. In its Arrangements for students with an EHCP, the School states:

"All children whose education, health and care (EHC) plans name the school will be admitted before any other places are allocated. A place will be offered unless:

it would be unsuitable for the age, ability, aptitude or SEN of the child or young person, or the attendance of the child or young person would be incompatible with the efficient education of others, or the efficient use of resources.

At all times the school will adhere to the SEND Code of Practice."

28. This is unclear. It suggests to me that while a child with an EHCP naming the School will be given priority, the School will also assess whether that child is suitable to be admitted. This is not accurate as an EHCP naming the School will have already encompassed this. The School has indicated that they accept my finding that the Arrangements regarding students with an EHCP naming the School may be unclear. They stated:

“The school would always accept a pupil with an EHC Plan when directed to do so.”

29. The LA has assured me that “The wording highlights that Balcarras offer priority of entry to EHCP pupils”, and that

"At all times the school will adhere to the SEND Code of Practice".

30. I find that the Arrangements for the admission of children with an EHCP naming the School are unclear and not compliant with the requirements of the Code. They must be amended to show that a child holding an EHCP naming the school will be admitted on that basis.

31. Regarding the priority area for admission to the School, the School has stated that the priority area is a negotiated space determined in consultation with other schools and the LA. It is a long-standing arrangement and to a degree has become outdated due to recent housing developments. The Code states that “Catchment Areas [or in this case a priority area] must be designed so that they are reasonable and clearly defined”. One way of doing this is by mapping. The mapping which appears as an Appendix to the Arrangements does not, in every case, clearly indicate to which priority area a house belongs.

32. Paragraph 25.4 of the ‘Free school admissions guidance: Mainstream admissions December 2014 (v3)’ states:

“Any catchment map must be clear (we advise it should show streets clearly) and should be published as part of the admission Arrangements. The policy should be clear whether those living on the boundary line are in the catchment area or outside of it.”

33. On the South and Western boundaries of the priority area, the boundary line in some cases goes through the middle of properties, and it does not follow any clear demarcation either physical or man-made. This is unclear and contrary to the Code, even if the Gloucester County Council mapping tool can provide an answer to applicants on the priority area a property lies in. The School accepts the need for such revision.

34. The School should consult with other stakeholders to produce a revised map clearly showing the relationship of each property on the boundary to the dividing line. If recent housing development has taken place, discussion may be needed as to whether the priority area boundary still meets the other requirements of any priority area included in the Arrangements.

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 2027 determined by The Balcarras Trust for Balcarras School.

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Dated: 9 June 2026

Signed:

Schools Adjudicator: Patrick Storrie