



Office of
the Schools
Adjudicator

Determination

Case reference: REF4725

Referrer: Member of the public

Admission Authority: London Borough of Lambeth for its community schools

Date of advice: 10 July 2026

Determination

In respect of the matters raised by the referrer and in accordance with section 88I(5) of the School Standards and Framework Act 1998, I find that the admission arrangements determined by the London Borough of Lambeth for its community schools for 2027/28 do not conform with the requirements relating to admissions law.

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 this determination.

The referral

1. Under section 88H(2) of the School Standards and Framework Act 1998 (the Act), an objection has been referred to the adjudicator by a member of the public (the referrer), about the admission arrangements for 2027/28 for the community schools for which the London Borough of Lambeth is the admission authority (the arrangements).
2. The London Borough of Lambeth (Lambeth or the local authority) is both the local authority and the admission authority for the community schools in its area.
3. Lambeth and the referrer are the parties to this objection. The objection is to the information provided on the admission of children outside their normal age group in the arrangements.

Jurisdiction

4. Regulation 22 of the School Admissions (Admission Arrangements and Coordination of Admission Arrangements) (England) Regulations 2012 and paragraph 3.3(e) of the School Admissions Code (the Code) state that objections cannot be brought “which raise the same or substantially the same matters as the adjudicator has decided on for that school in the last 2 years”.

5. Having carefully considered the matters raised by the referrer, I have concluded that they are “the same or substantially the same” as a previous referral dealt with by myself with my determination published on 16 September 2024 (case reference REF4308). I, therefore, have considered this matter as a referral rather than an objection.

6. A previous objection to this matter was considered by another adjudicator (case reference ADA3911) which was published on 22 August 2022. I will refer to these two determinations as the previous determinations. Previous determinations do not set precedents for future determinations.

Procedure

7. In considering this matter I have had regard to all relevant legislation and the Code. The information I have considered in reaching my decision includes:

- a. the referral dated 9 May 2026;
- b. a copy of the minutes of the meeting of the local authority at which the arrangements were determined and the determined arrangements for 2027/28;
- c. responses from Lambeth to my requests for further information;
- d. the previous determinations for this matter:
 - case reference ADA3911; and
 - case reference REF4308; and
- e. the Department for Education Guidance on handling admission requests for summer-born children (Updated 28 November 2024) (the DfE guidance).

8. My role is to determine whether the admission 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. I am confined to ensuring 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 arrangements which describe a process for requesting admission out of the normal age group, which is contrary to DfE guidance, or does not reflect its expectations, may be unreasonable.

Background

9. The arrangements are 33 pages long. In the interest of dealing speedily with this and other objections, I have not considered other aspects of the arrangements. Therefore, nothing in this determination should be taken as indicating that other aspects of the arrangements do or do not conform with the requirements relating to admissions.

10. There are 28 community primary schools, two community secondary schools and one all-through school for which Lambeth is the admission authority. There are no voluntary controlled schools.

11. The arrangements set out that children with education, health and care plans (EHC plans) will be admitted first. Then, in times when oversubscribed, children will be prioritised according to the oversubscription criteria. The oversubscription criteria for primary schools can be summarised as follows:

- 1) Looked after and previously looked after children
- 2) Siblings of pupils who it is anticipated will be attending the relevant school at the time of admission
- 3) Children with exceptional medical or social needs
- 4) Children of staff at the school
- 5) Children who live closest to the school.

12. The third criterion (children with exceptional medical or social needs) says:

“Children with a professionally supported medical or social need, whose application identifies a particular school that is especially able to meet that need. This criterion will also take into account where a parent/carer has a physical, mental or social need that is significant and demonstrable for their child to attend a specific school. This does not include childcare arrangements. The decision to prioritise on these grounds will be determined via MEDSOC panel, which is comprised of the council’s senior management as well as senior school staff when necessary. Documents from an

appropriate professional (e.g. GP, consultant or social worker letter or report, not including general information from a website) must support these applications. However, any supporting evidence does not automatically mean that children will gain priority in this criterion as the decision to prioritise under this criterion will solely rest with the MEDSOC panel.”

13. Paragraphs 2.18 to 2.20 of the Code concern admission of children outside their normal age group. These paragraphs say:

“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.”

14. Footnote 57 to paragraph 2.18 of the Code explains:

“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.”

15. The information in the arrangements concerning admission outside their normal age group says:

“In line with the School Admissions Code, parents/carers may seek a place for their child outside of their normal age group.

Parents/carers may request that their child be exceptionally admitted outside of their normal age group. Such requests will only be agreed in the exceptional circumstances delayed entry is in the best interests of the child concerned. Some parents/carers of summer-born children may not want to send their 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 if they feel that it is in their child’s best interest to start school later.

Before deciding to request to delay a child’s admission, parent/carers should first contact the school(s) they are interested in applying for. They will be able to explain the provision on offer to children in Reception class, how it is tailored to meet the needs of all children including those born during the summer months, and how those needs will continue to be met as children move up through the school. They may also be able to reassure parent/carers about any concerns that they may have about their child’s readiness for school. All schools will have differentiated lessons to meet the needs of a wide range of children’s abilities.

Parent/carers will also have to be mindful that if the request is granted, their child’s application for secondary school may not be considered in the same light and the child may have to change cohorts.

Lambeth LA will manage request[s] for a child to be taught out of cohort at one or more of its community schools via the following process:

- Parents/carers applying for an out-of-year group place in a Lambeth community primary school can submit supporting documentation (as per criterion 3 – Children with Exceptional Medical or Social Needs) with their application. The MEDSOC Panel will then decide (along with the relevant headteacher for the school concerned) whether such an out-of-year group place will be offered at the named school. This will

allow this LA to comply with section 2.19 of the Code, where it states that “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.

- This application should be received in the correct year in the relevant admissions round, i.e. the chronological year group the child is due to start.
- If the request has been agreed/accepted, the application will be withdrawn and places will be offered to another child/children as places cannot be held open. The parent/carer must then submit an application for the admissions round that has been agreed (i.e. 2028/29), which must be received before the deadline of 15 January to be processed as an on time application.
- The child’s application will then be processed with all other children in the agreed round in accordance with the schools admissions criteria. There is no guarantee that an offer can be made at a school listed as a preference on the new application (this is the same for any application whether an out of cohort request has been granted or not).
- If the request is not granted, and no offer is made for the child to attend the school in any other year group, then the family will be given the right of appeal. However, if another year group has been offered in the school then the right of appeal will not be offered.
- If delayed entry is not granted parent/carers must make an application for their child for their chronological year group the following year.”

16. There is very similar wording, with adjustments made, for “Advanced entry”, which is concerned with the admission of children in advance of their normal age group.

17. Paragraph 14 of the Code is relevant and says:

“In drawing up their admission arrangements, admission authorities **must** ensure that the practices and the criteria used to decide the allocation of school places are fair, clear, and objective. Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated.”

Consideration of Case

18. The referrer, who is the same referrer as for the two previous determinations described above, said in her referral:

“The arrangements continue to contain unlawful and misleading provisions relating to admission outside the normal age group, including delayed admission for summer-born children.

In particular, the arrangements:

1. Continue to require or strongly imply that parents must provide professional supporting evidence via the “Exceptional Medical or Social Needs” (MEDSOC) process;
2. Continue improperly to conflate out-of-year admission requests with the oversubscription criterion for exceptional medical or social need;
3. Continue to require applications to be made in the “chronological year group” admissions round using wording materially similar to wording already found non-compliant in REF4308;
4. Fail to provide a standalone, fair, clear and objective process for requests outside the normal age group as required by paragraphs 2.18–2.20 of the Code.”

19. I will consider these matters in the order set out above. The first aspect of the objection is that “the arrangements: Continue to require or strongly imply that parents must provide professional supporting evidence via the “Exceptional Medical or Social Needs” (MEDSOC) process”. The relevant wording in the arrangements, repeated here for ease of access, is:

“Parents/carers applying for an out-of-year group place in a Lambeth community primary school can submit supporting documentation (as per criterion 3 – Children with Exceptional Medical or Social Needs) with their application. The MEDSOC Panel will then decide (along with the relevant headteacher for the school concerned) whether such an out-of-year group place will be offered at the named school...”

and from criterion 3 (exceptional medical or social needs):

“The decision to prioritise on these grounds will be determined via MEDSOC panel, which is comprised of the council’s senior management as well as senior school staff when necessary. Documents from an appropriate professional (e.g. GP, consultant or

social worker letter or report, not including general information from a website) must support these applications.”

20. The local authority said in response to the matters raised in the referral:

“The arrangements do not require parents to provide professional evidence in support of requests for admission outside the normal age group.

- The wording used is permissive (“can submit”), not mandatory.
- This reflects the authority’s intention to ensure compliance with paragraph 2.19 of the School Admissions Code, which requires that evidence is considered where relevant, but not required in all cases.

Parents are therefore able to:

- submit supporting evidence where they have it; or
- present their circumstances without supporting documentation where such evidence is not available.”

21. Some information is required when a decision has to be made regarding a request for a child to start school in reception when the child reaches compulsory school age rather than the normal age group. Paragraph 2.19, as provided above, gives information on the type of things that should be taken into account. The information list in the arrangements does not include all the matters provided in the Code, instead it says that parents: “can submit supporting documentation (as per criterion 3 – Children with Exceptional Medical or Social Needs) with their application.”

22. Criterion 3 says, “Documents from an appropriate professional (e.g. GP, consultant or social worker letter or report, not including general information from a website) must support these applications.” There is, therefore, ambiguity. The arrangements are “permissive” in the wording used in the section on admission to outside their normal age group but the referral to criterion 3 which says that certain information must be provided, implies that the information in criterion 3 must be provided. The arrangements are, therefore, unclear in this regard.

23. The arrangements do include paragraph 2.19 and the type of information that an admission authority should take into account to make sure that it makes decisions on the basis of the best interests of the children concerned, but only to say that providing the documentation required for criterion 3 will allow it to comply with the Code. The information required for criterion 3 and the information referred to in paragraph 2.19 are not the same. This is because different purposes are being served. However, the reference to the

information required for criterion 3, and, therefore, the implication that criterion 3 is relevant, does make the arrangements unclear in this regard. I uphold this aspect of the objection.

24. The second part of the referral is that the arrangements: “Continue improperly to conflate out-of-year admission requests with the oversubscription criterion for exceptional medical or social need”.

25. The local authority responded:

The objection incorrectly asserts that the arrangements conflate out-of-cohort requests with Criterion 3 (exceptional medical or social need). This is not the case.

- Criterion 3 relates to oversubscription priority for a particular school, where a child’s needs are best met by that school.
- Out-of-cohort decisions relate to the appropriate year group for a child, and are determined in accordance with the child’s best interests.

The two processes serve fundamentally different purposes and are applied separately.

References to Criterion 3 within the out-of-cohort section are cross-referential only.

They are included to:

- indicate the type and quality of evidence that may be submitted where relevant; and
- ensure consistency across the document in describing professional evidence.

These references do not:

- import the oversubscription criterion into the out-of-cohort decision-making process; or
- create any requirement for professional evidence.”

The MEDSOC panel is a decision-making body, not a criterion.

- It is appropriate and efficient for the same panel to consider different types of cases where relevant expertise is required.
- The panel applies the correct legal test for each type of application.

For out-of-cohort requests, this is the best interests test set out in paragraph 2.19 of the Code, taking into account all relevant information, including parental views.”

26. I am sure that the intention of the local authority is to apply two different processes which are applied separately, but the arrangements do not make this clear, as I have

discussed above. It is not what the local authority actually does, it is how it provides the information on what it plans to do which is not clear. I uphold this aspect of the objection.

27. The third aspect of the referral is that the arrangements: “Continue to require applications to be made in the “chronological year group” admissions round using wording materially similar to wording already found non-compliant in REF4308”. The arrangements say:

“This application should be received in the correct year in the relevant admissions round, i.e. the chronological year group the child is due to start.”

28. The difference between this statement and the version which was found to be non-compliant in REF4308 is, in effect, the use of the word ‘should’ rather than ‘must’. In legal terms, such as in the Code, the word ‘must’ is something that is compulsory. The word ‘should’ is a strong recommendation, a recommendation which it is possible not to follow if there are good reasons not to do so. The local authority did not comment on this particular aspect except to say that the arrangements are clear and comply with the Code.

29. The DfE guidance says:

“For primary school admissions, we recommend that the process:

- expects parents to make an application for a school place in their child’s normal age group at the usual time
- enables parents to submit a request for admission outside the normal age group at the same time
- ensures parents receive the response to their request before primary national offer day”.

30. The use of the word, “expects” in the DfE guidance justifies the use of the word, “should” in the arrangements. Therefore, it is my view that the arrangements are in line with the DfE guidance in this matter. However, the DfE guidance also says: “Admission authorities must still consider requests that are made outside the timescales set out in the process.” The opportunity to do this is not clear in the arrangements. The arrangements say, at another point:

“If delayed entry is not granted parent/carers must make an application for their child for their chronological year group the following year.”

31. As I said in the previous determination, REF4308: “a parent may make their decision that their child will start school when the child reaches compulsory school age without waiting on the admission authority’s decision; they have every right to do so. The choice as to when their child starts school in these circumstances is that of the parent”. The local authority’s use of the word ‘must’ in this context appears to deny that right and there is no legal

requirement for a parent to apply as stated in the arrangements. I, therefore, partly uphold this aspect of the referral.

32. The fourth aspect of the referral says the arrangements, “Fail to provide a standalone, fair, clear and objective process for requests outside the normal age group as required by paragraphs 2.18–2.20 of the Code”. The local authority said:

“The arrangements are structured so that:

- oversubscription criteria are set out clearly in earlier sections; and
- later sections reference these provisions where necessary to avoid unnecessary duplication.

When read as a whole, the arrangements clearly communicate that:

- professional evidence is optional and considered where relevant;
- out-of-cohort decisions are distinct from oversubscription criteria; and
- decisions are made on the basis of the individual child’s best interests.”

33. The DfE guidance says: “It is for local authorities and admission authorities to decide what their process should be.” In addition, the Code does not require a “standalone” process. There is no reason, in principle, why the MEDSOC should not consider, with the relevant headteachers, requests for admission to outside the normal age group as long as the requirements of the Code and what is considered are met.

34. The DfE guidance says:

“Some admission authorities have found it useful to convene panels to make decisions, but they are not mandatory.

- A mix of professionals may help in reaching a balanced decision. Panel members may include:
 - the school’s headteacher
 - an early years professional (where the child is starting primary school)
 - a health care professional
 - an educational psychologist
 - an admissions officer
 - Authorities may wish to invite parents to attend panel meetings.”

35. Paragraph 14 of the Code does require that the arrangements are fair, clear and objective. The arrangements in this case may have been written with the intentions described by the local authority and they can be read that way, but there is ambiguity caused by the reference to criterion 3 (repeated here for ease of reference):

“Parents/carers applying for an out-of-year group place in a Lambeth community primary school can submit supporting documentation (as per criterion 3 – Children with Exceptional Medical or Social Needs) with their application. The MEDSOC Panel will then decide (along with the relevant headteacher for the school concerned) whether such an out-of-year group place will be offered at the named school.”

36. It is not clear that the MEDSOC panel will, in order to make its decision in the best interests of the child, consider:

“the parent’s views; information about the child’s academic, social, and emotional development;... and whether they may naturally have fallen into a lower age group if it were not for being born prematurely.”

37. The arrangements do not suggest that the parent provides this information, only: “supporting documentation (as per criterion 3 – Children with Exceptional Medical or Social Needs)”. I, therefore, uphold this aspect of the referral as the arrangements are not clear in this regard.

38. An adjudicator cannot advise on arrangements and it is clear that the local authority has made efforts to meet the requirements of previous determinations. However, this is the third time that an adjudicator has considered these arrangements and the matters relating to the admission of a child outside of their normal age group. It, therefore, seems fitting to comment further.

39. Firstly, however, I will note that the arrangements refer to children being “exceptionally admitted” and that requests will only be agreed in “exceptional circumstances”. The DfE guidance says:

“[The] DfE supports the right of parents to decide their child will not start school until compulsory school age, but does not believe it should become the norm for summer born children to begin reception at age 5.”

40. Perhaps this belief that delayed entry until the child reaches compulsory school age should not become normal practice, is what is meant by the repeated reference to “exceptional” by the local authority in the arrangements. The words chosen by the local authority do set a particular tone that implies that it is unlikely that such requests will be agreed. It is possible this is on purpose to deter parents from trying. I also note that the DfE guidance says:

“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.”

41. There are references in the arrangements to compulsory school age and summer born but no explanation of what is meant. There is the recommendation that applications be made in the year that the child is due to start school but no explanation of the reasons for this. The reasons given in the DfE guidance is, “Admission authorities should ensure parents:... know the outcome of their request in time to make an informed decision about whether their child will start school before compulsory school age”.

42. The arrangements say, “If delayed entry is not granted parent/carers must make an application for their child for their chronological year group the following year.” However, the DfE guidance says: “Admission authorities **must** still consider requests that are made outside the timescales set out in the process.” This is not clear in the arrangements and the wording in the arrangements says quite the opposite. A parent can decide to wait until their child will reach compulsory school age before applying for a place. Clearly there are risks attached to doing that but a parent does not have to apply as recommended by the DfE or as stated as compulsory in the arrangements.

43. The arrangements do explain that a parent has the right of appeal if refused admission to a school, but no right of appeal if offered a place not in the preferred year group. Or, as paragraph 2.18 of the Code says, “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.”

44. The arrangements do not explain, as provided in the DfE guidance, that:

“Parents who wish to challenge a decision to refuse their request for admission out of the normal age group may submit a complaint using the schools complaints procedure or the local authority’s complaints procedure in the case of community and voluntary controlled schools.”

45. I sympathise with the local authority’s wish to reduce repetition as the arrangements are already long and repetitive as there are similar oversubscription criteria for different schools. However, the short cut taken in this matter by reference to a criterion that serves a different purpose creates a lack of certainty and so, in other words, a lack of clarity. It would be helpful if the arrangements took into account that parents reading them, can be reading such things for the first time and need help in understanding their rights and the processes.

Determination

46. In respect of the matters raised by the referrer and in accordance with section 88I(5) of the School Standards and Framework Act 1998, I find that the admission arrangements determined by the London Borough of Lambeth for its community schools for 2027/28 do not conform with the requirements relating to admissions law.

47. 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 this determination.

Dated: 10 July 2026

Signed:

Schools Adjudicator: Deborah Pritchard