



Office of
the Schools
Adjudicator

Determination

Case reference:	ADA4615
Objector:	A parent
Admission Authority:	Aylesbury Vale Academy Trust for The Aylesbury Vale Academy
Local Authority:	Buckinghamshire Council
Date of advice:	15 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 determined by Aylesbury Vale Academy Trust for The Aylesbury Vale Academy, for 2027/28.

I have also considered the arrangements under section 88I(5) and find that they do not 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. 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 parent (the Objector), about the admission arrangements (the Arrangements) for September 2027 for The Aylesbury Vale Academy (the School). The School is a non-selective, all-through academy for children aged 3 to 19. It is located in Aylesbury, Buckinghamshire.

2. The Local Authority (LA) for the area in which the School is located is Buckinghamshire Council.

3. The LA is a party to this objection. The other parties to the objection are:

- the School;
- Aylesbury Vale Academy Trust (the Trust);
- the Diocese of Oxford (the Diocese); and
- the Objector.

4. The objection is that the Arrangements do not meet the requirements set out in the School Admissions Code 2021 (the Code) in relation to the admission of children outside their normal age group.

5. As well as objecting to the Arrangements of the School, the Objector has objected to the arrangements of three other Buckinghamshire schools. As each of the schools involved has a different admission authority, I am considering each case independently and on its own merits. Each objection is, therefore, being determined separately.

6. I would like to take the opportunity to thank the School and the LA for their timely responses to my requests for further information. The Diocese did not respond to my requests for further information.

Jurisdiction

7. The School is a single-academy trust. The terms of the academy agreement between the 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.

8. These arrangements were determined under section 88C of the Act by the Trust, which is the Admission Authority for the School. The Arrangements were determined on 28 January 2026.

9. The Objector submitted their objection to the determined arrangements on 13 April 2026. The Objector 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.

10. 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.

11. 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.

12. 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.

Procedure

13. In considering this matter I have had regard to all relevant legislation and the Code.

14. The information I have considered in reaching my decision includes:

- the objection dated 13 April 2026;
- a copy of the minutes of the Quality of Education Committee of Aylesbury Vale Academy at which the arrangements were determined;
- the determined Arrangements for 2027/28;
- responses from the LA and the School to the objection and to my requests for further information;
- the LA’s online school admissions pages;
- ‘Guidance on handling admission requests for summer-born children¹ (November 2024) - Department for Education (DfE) non-statutory guidance to help local authorities and other school admission authorities respond to parents’ requests for summer-born children to be admitted out of their normal age group (the DfE Guidance)’;
- ‘Summer-born children starting school: advice for parents’ and ‘Making a request for admission out of the normal age group’ (April 2023) – DfE advice for parents of summer-born children (the DfE Advice for Parents)
- maps showing the location of the School; and
- information available on the websites of gov.uk (including the ‘Get Information

¹ 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).

About Schools' (GIAS) and Ofsted websites) and the websites of the LA and the School.

15. I have been provided with a substantial amount of information. I have referred only to that which has a bearing on my determination.

Background

16. According to GIAS, the school is a co-educational, sponsor-led academy with a Church of England religious character.

17. The School was last inspected by Ofsted in May 2024. Ofsted judged that the School continues to be a good school.

18. The Arrangements state that the published admission number (PAN) of the School for entry to Year 7 in 2027/28 is 240². The Arrangements provide the following additional information:

“There are 240 places available in Year 7, inclusive of the pupils already on roll in Year 6 at the Academy, who have the automatic right to transfer into Year 7 should they choose to. Parents/Carers of pupils enrolled in Year 6 at the Academy are not required to complete and submit the Common Application Form to Buckinghamshire Council if they would like their child to remain at the Academy for Year 7.

Parents/Carers of children at schools other than Aylesbury Vale Academy wishing to apply for a Year 7 place in September 2027 must complete the Common Application Form provided by Buckinghamshire Council (or home Local Authority if living outside of Buckinghamshire) ...”

I note here that while the explanation of the number of places available is accurate, the description of the PAN is not. I will address this point further under ‘other matters’.

19. The Arrangements set out that children with Education, Health and Care Plans that name the School will be admitted first. Then, in times when oversubscribed, children will be prioritised according to the oversubscription criteria. These can be summarised as follows:

- a. Looked after and previously looked after children.
- b. Children of staff where the member of staff has been employed at the school for two or more years and/or the member of staff is recruited to fill a vacant post for which there is a demonstrable skill shortage;

² For information, the PAN for entry to Reception Year in 2027/28 is 60.

- c. Children living within the catchment area of the school and who have a sibling on the school roll;
- d. Children living within the catchment area of the school;
- e. Families who have exceptional medical or social needs;
- f. Children living outside the catchment area of the school and who have a sibling on the school roll; and
- g. Other children.

Consideration of Case

20. I will now set out my consideration of the matters raised by the Objector. I will conclude each section with a statement as to whether or not I uphold that particular aspect of the objection, preceded by my reasons for that conclusion. Where I state that I uphold an aspect of the objection, that does not necessarily imply that I fully endorse the reasoning expressed by the Objector, nor that the Objector has necessarily correctly interpreted which Code provision applies. Rather, it means that I have found that the particular aspect of the Arrangements drawn to my attention by the Objector does not conform with a requirement of the Code identified by me and is in breach of the Code for the reasons I have given.

21. The Objector expressed concerns about the section in the Arrangements relating to the admission of children outside their normal age group. The Objector wrote:

"Paragraph 2.18 of the Code states that admission authorities "must make clear in their admission arrangements the process for requesting admission out of the normal age group." This policy merely redirects parents to DfE Guidance. This is a procedural failure; the school has not defined its own specific timeline, contact point, or requirements, rendering the arrangements "unclear."

Aylesbury Vale Academy is an all-through school. However, Section 9 refers specifically to "Primary Headteacher" and "Reception Year." It is entirely silent on the process for students applying for Year 7 who are already being educated out of their normal age group. This lack of clarity prevents parents of secondary-age children from understanding how their request will be handled.

The policy does not state that the authority will consider the child's prior educational history. For a child who has been taught out of year group for their entire primary career, the failure to prioritize "continuity of education" as a primary factor in the child's "best interests" is a failure to follow non-statutory guidance and potentially leads to an "unfair" outcome."

22. I have determined that the following paragraphs of the Code are relevant to this objection:

14. 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.

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.

23. The Arrangements make the following references to the admission of children outside their normal age group:

“[Section 6] For children whose fifth birthday falls between 1 April and 31 August (summer born children), parents/carers who do not wish them to start school in September 2027 but to be admitted to the Reception Year in September 2028 should refer to the DfE Advice for Parents [[hyperlink provided](#)].

[Section 9] Requests from parents for places outside a normal age group will be considered carefully e.g. for those previously educated abroad or those who have missed education due to ill health. A parent of a summer born child who wishes their child to start in the autumn term following their 5th birthday (i.e. in the Reception Year rather than Year 1) should refer to the DfE Advice for Parents [[hyperlink provided](#)].

Each case will be considered on its own merits and circumstances and a decision made based on what is in the pupil’s best interests. It is recommended that parents discuss their wishes with the Primary Headteacher at the earliest opportunity. The governing board may ask relevant professionals for their opinion.

If a place in the requested age group is refused, but one in the normal age group is offered, then there is no right of appeal.”

24. While the Arrangements do contain information about the admission of children outside their normal age group, it is apparent to me that the information has regard only to those children starting their primary education. The Arrangements do not set out the process for requesting the admission of children outside their normal age group who are seeking a place in Year 7 or indeed in any other year except Reception Year or Year 1.

25. Paragraph 2.18 of the Code says, “Parents may seek a place for their child outside of their normal age group, for example, if the child is gifted and talented or has experienced problems such as ill health.” In other words, this is not only a matter where a child is summer born and their parents wish to delay their education until the child reaches compulsory school age. Parents can apply at any age both to delay or accelerate admission and the arrangements must make the process to apply clear in order to meet the requirements of the Code. The Arrangements are, therefore, in breach of paragraph 2.18 of the Code.

26. With regard to applications to admit a child outside their normal age group, the Arrangements state that “each case will be considered on its own merits and circumstances and a decision made based on what is in the pupil’s best interests.” However, the Arrangements do not set out the variety of factors that the Admission Authority will consider when deciding on the year group a child should be admitted to, as set out in paragraph 2.19 of the Code. Furthermore, there is no information about how an application for a school place will be processed should the Admission Authority agree to a parent’s request for their child to be admitted out of their normal age group. This is likely to be different for pupils already on

roll at the Academy compared to those who are being educated elsewhere at the time an application is made.

27. The Arrangements refer applicants to the DfE Advice for Parents. While these documents do provide some additional information and explanation for the admissions process, they do not form part of the Arrangements.

28. In its response to me, the School stated its willingness to provide greater clarity and more detailed information within the Arrangements to ensure expectations and processes are clear. I acknowledge and thank the School for this positive response.

29. Additionally, the School stated;

“The expectation is that children educated outside their chronological year group will continue with their adopted cohort when transferring to secondary school. This applies both to pupils moving up from our primary school and to those joining from other settings.

The Local Authority processes all applications together as part of the main admissions round, and children educated outside their chronological year group are not identified separately. Therefore, neither we nor the Local Authority expect parents to submit an additional request for their child to be admitted to Year 7 with their adopted cohort.

... the expectation is for a child to continue with their adopted cohort, therefore, their prior educational history is already being considered.”

30. The LA echoed this stance in its response to me when it stated:

“... we are of the belief that once a child is offset³ then they should be allowed to remain offset as they move through their education.”

31. While I welcome this approach to ensuring continuity of education for children being educated outside their normal age group, I have been unable to find anything in the School's Arrangements, or on the LA's website, to indicate that parents applying for a Y7 place at the School do not need to submit a specific request for their child to be admitted to Year 7 outside of their normal year group. Indeed, information on the LA's website (contained within a document titled 'Beyond the Reception Year') may contradict this standpoint as it states:

“When your child transfers to junior or secondary school, the admission authority for that school will make the decision on whether or not to allow them to continue out of their chronological year group...”

³ This is the term used by the LA to refer to the admission of children outside their normal age group.

32. While information not provided in the Arrangements is not in my jurisdiction, this lack of clarity may be confusing parents.

33. In conclusion, the Admission Authority has not ensured that parents can look at the Arrangements and understand easily how places for the School will be allocated. As a result, the Arrangements are not clear and are in breach of paragraph 14 of the Code.

34. I, therefore, uphold the objection that the Arrangements do not meet the requirements set out in the Code in relation to the admission of children outside their normal age group.

Other matters

35. 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 (paragraphs of the Code are indicated where relevant):

36. The Arrangements do not clearly set out the processes or the timelines that the School will follow if a parent wishes their summer born child to be admitted to the Reception Year in September 2028 rather than September 2027. The arrangements do not, therefore, meet the requirements set out in paragraphs 2.18-2.20 of the Code.

37. The Arrangements state that “until the child reaches compulsory school age, parents may also request that s/he attends part-time” (my emphasis). This suggests that parents have to ask for permission for their child to start school on a part-time basis and for this to be granted or refused by the Admission Authority. This is in breach of paragraph 2.17 c) of the Code which states that an admission authority must make it clear in their arrangements that where they have offered a child a place at a school, children may attend part-time until later in the school year but not beyond the point at which they reach compulsory school age, if their parents so wish.

38. As set out earlier, the Arrangements state that the PAN for entry to Year 7 is 240 as there are 240 Year 7 places available. However, a PAN is properly defined as the number of children that can be admitted to a school at the relevant age group, in this case Year 7. It does not include those who are already on a school’s roll and are transferring, in this case from Year 6. As up to 60 Year 6 children are already on the School’s roll and do not need to reapply, as rightly stated in the Arrangements (see paragraph 18 above), these children are not being admitted to the School. Therefore, the PAN for entry to Year 7 is actually 180.

39. The Admission Authority has told me that it will address these matters, which is welcomed. As the Admission Authority has accepted that changes are required, I will not discuss them further other than to make clear that the Code requires that the Arrangements

be amended to address the points set out here. Such amendments are permitted in line with paragraph 3.6 of the Code which states, in part:

“Once admission arrangements have been determined for a particular school year, they cannot be revised by the admission authority unless such revision is necessary to give effect to a mandatory requirement of this Code, admissions law, a determination of the Schools Adjudicator or any misprint in the admission arrangements.”

Determination

40. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements determined by Aylesbury Vale Academy Trust for The Aylesbury Vale Academy, for 2027/28.

41. I have also considered the arrangements under section 88I(5) and find that they do not comply with requirements relating to admission arrangements in the ways set out in this determination.

42. 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: 15 June 2026

Signed:

Schools Adjudicator: Catherine Crooks