

## Delayed Admission and Education Out of Year Group - Guidance

### 1. Purpose and Content.

The purpose of this guidance is to provide parents, carers, Headteachers and Trust central staff with information and advice in respect of delayed admissions to Reception and requests for children to be educated in either a younger or older year group than that of their age group.

This guidance covers out of year group requests for children of all ages, whether they are due to start school or are already on roll at a school, and includes those with an Education, Health and Care Plan.

It includes information on:

- The Bath and Wells Multi Academy Trust General Position on Education out of Year Group. (Section 2)
- Delayed admission to until a child reaches (or is closer to) compulsory school age. (Section 3)
- Request for Education Out of Year Group (Section 4)
- The reasons frequently cited for Requests (Section 4.1)
- Factors to consider before making an application (Section 4.2)
- Requests for Education of Year Group when due to transition to a new school in September (Section 4.3)
- In year Requests for Education Out of Year Group (Section 4.4)
- Who is responsible for making the decision (Section 4.5)
- Factors that will be taken into account when making a decision (Sections 4.6 and 4.7)
- Outcomes of requests (Section 4.8)
- When a decision will be made (Section 4.9)
- Important factors to consider following a decision. (Section 5)
- Review as to whether a child should continue out of year group. (Section 5)
- Challenging a decision made by the school. (Section 6)

This guidance reflects the requirement of the School Admissions Code 2014 and also the Department for Education's non-statutory advice on the admission of summer born children which was issued in December 2014.

### 2. General Position on education out of year group.

It is the general view of Bath and Wells Multi Academy Trust that all children and young people will complete their primary and secondary education in school year groups according to their birth age. It is also the view of our Local Authorities that moving pupils into older or younger year groups is generally not in their best educational, social or emotional interests. This includes either early or late admission to primary school or early or late transfer to secondary school.

The National Curriculum sets out a clear, full and statutory entitlement to learning for all pupils. In addition, schools in Bath and Wells Multi Academy Trust deliver a local offer which supports access to high quality differentiated education. This should

ensure that a pupil's curricular and social and emotional needs are met within their age group except in exceptional circumstances.

### **3. Delayed Admission to Reception (this section does not apply to Junior, Middle or Secondary Schools)**

Children are entitled to attend school from the beginning of the school year in which they will become five but they do not have to be in full time education until the term following their fifth birthday. Parents and carers wishing to delay their child's attendance at a BWMAT school until the term following the child's fifth birthday should inform us at the time they accept a school place.

The child's place in their own year group will then be reserved until the term after the child's 5<sup>th</sup> birthday, however the place reserved will be in the year group which started the previous September.

**Summer born children** (born between 1<sup>st</sup> April and 31<sup>st</sup> August) reach compulsory school age in the September following their fifth birthday, a whole academic year after they are offered a place. This means that if their parents / carers accept a place at a school in their age group but wish to delay admission until they reach compulsory school age, they will start at the beginning of Year 1. It is not possible to reserve a place in the following year's Reception Class for your Summer born child.

Therefore, if you have a Summer born child and wish to delay admission, you might consider your child starting in Reception at the start of the Spring or Summer term, rather than joining at the start of Year 1.

Delaying admission in this way is entirely up to parents and carers, so although you do not require the school's permission, we do require that you let us know, when you accept your child's Reception place, whether you intend to delay their admission.

When making this decision, however, please bear in mind that whether your child spends this year in Reception or at a Nursery or Pre-School, they will be offered Early Years Foundation Stage provision which is largely learning through play. It may be that by talking through your concerns with our Early Years staff will allay any worries you have about your child's readiness.

If parents/carers wish their child(ren) to join the Reception year group in the September *following* their fifth birthday, and they have already been offered a place for the September before, they may hold that place and submit a Request for Education Out of Year Group. If the request is not granted, however, they will either have to accept the pace in Year 1 or contact the Local Authority about finding an Out of Year Group Reception place at another school.

## **4. Requests for Education Out of year Group**

### **4.1 Reasons frequently cited for requesting that a child is placed out of their year group**

There can be any number of reasons why a parent/carer may feel it is appropriate for their child to be educated out of their chronological year group. The following are some of the reasons most frequently cited when requests are made:

- i) the child has exceptional intellectual skills and is isolated as a learner in their age group;
- ii) the child has exceptionally delayed intellectual skills and cannot productively engage in group learning tasks in their age group ;
- iii) the child is very delayed socially and emotionally, cannot make positive productive relationships with their age group and is at risk of isolation and possibly bullying;
- iv) a child has missed a substantial period of education through illness or other reasons;
- v) a child's physical or medical condition justifies a "less challenging" environment than that found in the same age group;
- vi) the child was born prematurely on or before 31 August and their expected date of delivery was after 31 August;
- vii) the child was born in the summer (1 April to 31 August) and the parent believes that they will struggle if placed in their correct chronological year group;
- viii) to provide an additional year's experience of mainstream education prior to a special school placement;
- ix) the child has recently arrived in the country and has limited English language competence and therefore could be isolated in their age-appropriate group.

Some reasons may be particularly prevalent at a time of phase transfer (nursery to Reception, infant to junior, primary to secondary) where the demands of the next phase are considered by parents or carers as too much for the child to cope with.

It is **essential** to note that, for a child without an Education Health and Care Plan, a placement out of year group does not guarantee that your child may remain in your preferred year group when they move to another school, including when they transfer to secondary.

Children placed in secondary school in a year group below their chronological age will reach statutory school leaving age before completing Key Stage 4 courses. Parents and carers would generally be expected to support their child's continuing school attendance beyond the statutory school leaving date in order to ensure completion of Key Stage 4.

#### **4.2 Factors for parents/carers to consider before making an out of year group request**

In all cases, parents who are considering making a request for their child to be educated out of their chronological year group should talk to the school(s) concerned to discuss the provision on offer, how they might be able to provide a differentiated curriculum to provide for the needs of their child and, where applicable, the child's readiness for school.

If the child has an Education, Health and Care Plan, the parent/carer should also discuss any request with the child's SEND case officer at the relevant Local Authority. This will usually take place during a review meeting about the child's EHCP.

**Parents/Carers should also consider the following:**

##### **Placement in a younger year group**

- Children are seldom uniformly delayed in their intellectual development. Areas of cognitive or physical ability are at risk of not receiving appropriate stimulation if a child is placed in a younger year group and a reduced set of general expectations applies.
- Physical, emotional and social expectations may be inappropriate where a child is taught in a younger year group.
- Some summer born children may exhibit lower levels of achievement and maturity, however schools are experienced in addressing this with children within their chronological year group through normal differentiation of the curriculum.
- Whether a summer born child attends Reception or an early years setting during the academic year following their fourth birthday, they will receive the Early Years Foundation Stage curriculum in which learning is developed largely through play.
- At each transition (from primary to secondary or infant to junior where schools are separate) a new request for out of chronological year group admission must be made, and the decision whether to maintain a child's placement in a younger year group must be made by the Headteacher and Local Governing Committee for the school, based on the circumstances of the case and what is in the best interests of the child at that time. As such there is no guarantee that a child will continue to be educated out of their chronological year group throughout their education. However, the consequences of attempting to "make up" a year are often very negative for the child. Furthermore, they are at risk of missing a statutory entitlement to a national curriculum year programme of study, or being denied the ability to enter public examinations.

If the Local Authority has made a decision for a pupil to be educated out of year group for an LA maintained school and the school then joined Bath and Wells Multi Academy Trust, the pupil would remain educated out of year group until next school admission request is submitted by the parent/carer.

### **Education of children out of their chronological year group**

- Where placement in a younger year group is maintained, phase transfers, SATs, GCSEs and school leaving are reached a year or more late. Young people cease to be classed as being 'of statutory school age' the last Friday of June in the school year in which they turn 16 years of age. Therefore, if they are being educated in a younger year group, the school must make provision for them until the date they are due to leave school, even if the young person has been excluded. Alternatively, if a young person was to require a new school place at this time, they would have to negotiate admission and there is no guarantee that a school would admit a student above statutory school age.
- Where a young person is educated in a younger year group, they may find that their post 16 entitlement is reduced from 3 years to 2 years which may impact on attainment and opportunity post 16.

### **Placement in an older year group**

- Whilst a child placed a year ahead of their chronological age may, as a consequence, receive a higher level of intellectual stimulation, this will apply across all subject areas and the child's intellectual strengths and achievement may not be universally ahead of age expectation.
- In some cases, physical, social and emotional maturity may fail to match exceptional intellectual maturity; in which case a child may present with

physical, emotional or social demands which are less effectively catered for in an older year group. The self-esteem and other negative emotional consequences of this may be considerable, particularly during adolescence.

- Assuming overall maturity is broadly in line with intellectual maturity, placement a year ahead of chronological age can lead to successful outcomes for the child. However, these outcomes could equally be addressed through an enriched and differentiated curriculum within the same chronological year group.
- Once the age shift is made, it is difficult to reverse, necessarily involving the repeat of a National Curriculum Year.
- At each transition the decision whether to maintain the placement in an older year group must be made by the admission authority for the school based on the circumstances of the case and what is in the best interests of the child. As such there is no guarantee that it will continue throughout the child's education and a new request must be made at each transition.
- Where placement in an older year group is maintained, the consequence is that the child will reach the next phase transfer, SATs or GCSEs, and school leaving point a year or more early. Young people do not cease to be of statutory school age until the last Friday of June in the school year they turn 16 years of age and as such would have to negotiate transfer early to a school sixth form or Further Education college, which would not be guaranteed.

### **4.3 Delayed or Accelerated Phase Transfer**

It may be that your child has been educated in a younger or older year group at their current school and you want to delay or accelerate their transfer to their next phase of education, i.e Junior, Middle or Secondary school.

#### **4.3.1 Accelerated transfer**

This will be a decision for the new school. If the new school is also part of the Bath and Wells MAT, the decision will be made according to this policy. If the new School is not part of the Bath and Wells MAT, you will need to apply for a place out of year group to the admissions authority for that school.

#### **4.3.2 Delayed Transfer**

If you wish your child to remain in their present school for another year (ie to remain in the younger year group), you should discuss this with the Headteacher as part of the annual review of your child's out of year group provision. If the school considers that remaining out of year group is appropriate, then they will retain their place.

However, there is no obligation on the new school to offer an out of year place, therefore in order to find a Y7 place at a secondary school the following year, you may not have as wide a choice of schools.

### **4.4 In year Requests for Education Out of Year Group**

If your child is already on roll at the school but you wish them to be education in a younger or older Year Group, you should make a request to the Headteacher.

If you are seeking a place at one of our schools and you wish your child to be educated out of their year group, you should specify this in your application. In both cases, the school will take in to consideration the specific circumstances.

You child will not be offered a place in another year group unless the school is satisfied that your child's needs cannot be met within their own year group.

The schools published admissions criteria will be applied to all admissions applications.

#### **4.5 Who is responsible for making the Decision?**

##### **4.5.1 Children with an EHCP**

If the child has an EHCP, any decision about Education out of Year Group must be made by the Local Authority who will discuss the issue with the school and parents / carers as part of the ongoing review of the child's EHCP. This might happen at any time

##### **4.5.2 Children without an EHCP**

Requests for Education Out of Year Group where the child does not have an EHCP are considered by the Local Governing Committee of our schools, taking into account the views of the Headteacher. The factors for parents and carers to consider are the same as those set out at [ ] above.

For children not already on roll, the request will be considered along with their application for admission. In the Bath and Wells Multi Academy Trust, the admissions authority is the Board of Trustees, acting through the Local Governing Committee of the school.

This means that the Local Governing Committee is responsible for making all decisions about Education out of Year Group, taking into account the views of the Headteacher.

Section 6 below sets out what parents and carers can do if they are not happy with the decision.

#### **4.6 Factors taken into account:**

Where the child does not have an EHCP, the Local Governing Committee of the school will make a decision based on the circumstances of the individual case.

In considering the individual case, the factors considered may include:-

- the parent (and/or child) request the change, and information provided to support their request;
- in the case of children born prematurely, the fact that they may have naturally fallen into the lower age group if they had been born on their expected date of birth;
- whether delayed social, emotional, cognitive or physical development is adversely affecting their readiness for or experience of school;

- whether they have previously been educated outside their normal age group;
- educational reports indicate that the pupil is working at a level equal to that of the most able pupils in the year ahead, and is physically and socially mature for his/her age.

The Local Governing Committee will consider the views of the Head Teacher of the school(s) concerned to ensure that any decision made will take account of the views of an education professional who will be involved in educating the child. The Local Governing Committee may also take advice from any other relevant professional(s), for example, the views of staff in an early years setting, of the child's previous / current school.

It is **essential** to note that, for a child without an Education Health and Care Plan, a placement out of year group does not guarantee that the child may remain in your preferred year group when they move to another school, including when they transfer to secondary.

Children placed in secondary school in a year group below their chronological age will reach statutory school leaving age before completing Key Stage 4 courses. Parents and carers would generally be expected to support their child's continuing school attendance beyond the statutory school leaving date in order to ensure completion of Key Stage 4.

#### **4.7 Other Factors for Headteachers and Local Governing Committees to consider for an Education Out of year group request**

- There can be implications for admissions if the next year is oversubscribed. This can present challenges to schools when planning numbers for the following academic year.
- In Key Stage 1, class sizes are restricted to 30 pupils with one teacher. Where, for example, a request is for a child who is already 5 to stay, or start, in Reception, and 30 places have been accepted, this number may necessitate the school taking relevant measures to comply with infant class size legislation, for example, the school may need to employ an additional teacher.
- Retained pupils, especially in KS1 may "block" the admission of a pupil due to be admitted and for whom placement may be appropriate or necessary.
- The school must admit the Published Admission Number (PAN) which in law reflects the minimum number of pupils that should enter into school or transfer to schools within the relevant age range. The PAN is cohort related. If a reception class has a PAN of 30 and can only admit 29 because a pupil is retained in Year R, this in effect reduces the number of places available for new applicants. The maximum class size of 30 for KS1 prevents a class of 31 being created (other than for permitted exceptions to infant class size regulations).
- In schools where there has been a practice of retention, staff should be alert to the fact that this may reflect issues in the school around curriculum differentiation or extension/enrichment.

- In the case of pupils with Education Health and Care Plans (formerly Statements of Special Educational Needs), schools are unable to unilaterally change the provision as determined by the Local Authority. Therefore, it would be the Local Authority and not the school that takes the decision to educate a pupil out of year group.

## **Children recently arrived in the United Kingdom**

It is generally recognised within the English school system that children should be placed with their chronological peers. Children with English as an additional language should not, as a rule, be treated any differently. Placing them with their peer group affords them all the same advantages and benefits it offers other children.

However, exceptions may apply if the circumstances of the case would indicate that it would be in the child's best interests to be educated out of their chronological year group, such as when:

- Prior educational experience has been limited or fragmented with the result that formal learning skills (in home language as well as in English) are significantly behind those of chronological peers.
- Public examinations are imminent and an additional year's preparation would enable the student to perform well.

Emotional distress or trauma should not, in general, be considered as a reason for placing out of year group. Doing so is unlikely to reduce significantly the overall impact of settling in the United Kingdom or overcoming the effect of past experiences.

## **4.8 The outcome of the Request**

### **4.8.1 Request agreed**

If the request was part of an admissions application, any offer already made for the chronological year group will be withdrawn (as offers cannot be carried forward from one academic year to the next) and a new offer issued.

If the request was for a child already on roll at the school, the headteacher will arrange placement in the agreed year group at the earliest opportunity, in liaison with the parents and carers.

### **4.8.2 Request declined**

If the request was part of an admissions application (which includes a child already offered a place in their chronological year group but who has yet to reach compulsory school age and has not yet started at school), then the child may still be offered a place in their chronological year group if a place is available.

Parents and Carers may accept or decline that place.

## **4.9 When will the decision be made?**



If the admissions application is for the school's first year of entry, the application should be made in the normal round of applications and offers will be issued on the usual National Offer Day. This is because a request for a child who is already 5 to start in Reception, already 8 to start Key Stage 2 or already 11 to start Key Stage 3 must be considered alongside all other applications for that year, and the Admissions Criteria applied.

### **Request where the child is already on roll at the school**

Where an out of year group request is declined for a child who is already on roll at the school, the child will remain within their correct chronological year group.

## **5 Important factors to consider following a decision**

### **5.1 Monitoring a child in Chronological Year Group and further Requests.**

Where a request has not been granted, and the child remains in their chronological year group, the school will monitor the child's educational, physical, mental and social progress but a further request will not be considered during the remainder of the Key Stage unless circumstances change significantly, raising concerns about progress which cannot be addressed within the chronological year group.

### **5.2 Review of a child's Education Out of Year group**

Educating a child out of Year Group is kept under review by the school and, where it is deemed in the best interests of a child, a school may seek to move a child back to their chronological year group.

Children with an Education, Health and Care Plan who are educated in a younger year group should have transition reviews at their appropriate chronological age eg for a Year 5 child placed in Year 4, this would be whilst the child was in Year 4 and not a year later. Where a child with an Education, Health and Care Plan transfers from mainstream to specialist provision, they will usually be expected to return to their chronological year group.

If the school (and in the case of a child with an EHCP, the Local Authority) consider it in the best interests of the child to move to their chronological age group but the parents / carers do not agree, they may seek a review of the decision using the Trust's Complaints Policy (or, in the case of a child with an EHCP, the Local Authority's review or complaints process).

If it is appropriate for a child to remain educated out of chronological year group, it is not possible to plan comprehensively for transition to a new school as in each case transition will be subject to:

- a separate out of year group decision being made by the admission authority for the new school, an application being submitted by the parent and a place being offered according to the school's admission criteria; or
- a child's Education, Health and Care Plan.

At each transition, the decision regarding entry out of chronological year group must be considered by the admission authority for the new school. However BWMAT's expectation is, where a child is currently educated out of their chronological year group within the English educational system, the child should remain out of year group unless there is any significant evidence or information to the contrary.

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At each transition, the decision regarding entry out of chronological year group must be considered by the admission authority for the new school. However, BWMAT's expectation is, where a child is currently educated out of their chronological year group within the English educational system, the child should remain out of year group unless there is any significant evidence or information to the contrary.

## **6 Challenging Decisions**

Parents/carers who are refused an *in year* group place at a school for which they have applied have the right of appeal to an independent admission appeal panel and should write to the Local Governing Committee.

Parents do not have a statutory right of appeal, however, if they have been offered a place and it is not in the year group they would like.

Therefore, parents or carers wish to challenge a decision made by a school about an education out of year group decision, they should follow the Trust complaints policy and procedure.

If the child has an EHCP, parent and carers must use the Local Authority process to challenge any decision made.