



# **Guidance on the education of children outside normal age group**

**February 2018**

## The School Admissions Code (2014)

### Admission of children below compulsory school age and deferred entry to school

2.16 Admission authorities **must** provide for the admission of all children in the September following their fourth birthday. The authority **must** make it clear in their arrangements that, where they have offered a child a place at a school:

- a) that child is entitled to a full-time place in the September following their fourth birthday;
- b) the child's parents can defer the date their child is admitted to the school until later in the school year but not beyond the point at which they reach compulsory school age and not beyond the beginning of the final term of the school year for which it was made; and
- c) where the parents wish, children may attend part-time until later in the school year but not beyond the point at which they reach compulsory school age.

### Admission of children outside their normal age group

2.17 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.

2.17A 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.

2.17B 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.

## Introduction

The purpose of this document is to provide best practice guidelines for governing bodies, admission authorities, parents and Southampton City Council officers in respect of requests for children to be educated in a year group different from that of their chronological age.

This guidance reflects the requirement of the School Admissions Code 2014 and takes into account the advice on the admission of summer born children issued by the Department for Education in December 2014.

Southampton City Council recognise that there has been media coverage and debate on the admission of summer born children and the government have proposed amendments to the School Admissions Code. However, such proposals have not yet gone through consultation or parliamentary approval. As such, Southampton City Council will comply with the law as it stands today.

## Definitions

- **Parent** - Any reference to 'parent/s' in this document relates to the definition as set out in the Education Act 1996 and includes any person
  - a) who is not a parent of the child but who has parental responsibility for the child, or
  - b) who has care of the child
- **Acceleration** – being educated in an older year group.
- **Deceleration** – being educated in a younger year group.
- **Summer born children** – those born between 1 April and 31 August.
- **Defer** – to delay a child's entry for a term or two terms (i.e. until they are of compulsory school age) so that they don't start straight away in the September following their fourth birthday – e.g. they might start in the January following their fourth birthday, in the allocated reception class.
- **Phase transfer** - starting reception year, moving from infant to junior, junior to secondary, primary to secondary school.
- **In-year application\*** – an application to a school during the academic year and at a time when your child should already be attending school.
- **Main round application\*** – an application to a school during phase transfer.

\* In-year and main round applications do not apply to children with a Statement of Special Educational Needs (SEN) or an Education, Health and Care Plan. For these children, school placement will be decided in consultation with Southampton City Council's SEN Team.

## Reasons frequently cited for requesting a child is placed out of their normal age group

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

- the child has exceptional intellectual skills and is isolated as a learner in their present peer group
- the child has exceptionally delayed intellectual skills and cannot productively engage in learning tasks
- the child is very delayed emotionally, cannot make positive productive relationships with their peer group and is at risk of isolation
- a child has missed a substantial part of a year through illness or other reasons

- a child's physical or medical condition justifies a "less challenging" environment than that found in the same age group
- the child was born prematurely on or before 31 August and their expected date of delivery was after 31 August
- 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 normal year group
- to provide an additional year's experience of mainstream education prior to a special school placement
- the child has recently arrived in the country and has limited English language competence and therefore could be isolated in their age appropriate group

There is no statutory barrier to children being educated out of their normal age group, but parents do not have the right to insist that their child is admitted to a particular age group. In addition, there is no duty to agree such a request.

Flexibilities exist for those parents who do not feel that their child is ready to start school in the September following their fourth birthday. It is possible for them to:

- **Request part-time admission** to the allocated school from the September following their child's fourth birthday. This should be negotiated with the headteacher of the school.
- **Request to defer** their child's entry until later in the school year but not beyond the point at which they reach compulsory school age, and not beyond the beginning of the final term of the school year.
- **Request to defer** their child's entry until the September following their fifth birthday. Parents must make an in-year application and the pupil would start in Year One.
- **Request to educate their child out of their normal age group** thereby starting school in reception a year later. Parents must submit a request to the admission authority and make a new main round application the following year to be in with the best chance of being allocated a school of preference.

### **Implications of placement out of normal age group (accelerate or decelerate)**

It is important to realise that a decision to accelerate, or decelerate a child, has significant implications not least for the child, but the school and any subsequent schools.

#### **PLEASE NOTE**

For all requests it is vital to understand that at each transition (starting reception, moving from infant to junior, primary to secondary, secondary to college) the decision whether to maintain the placement in a younger or older year group must be made by the admission authority for the school. As such, there is **no guarantee that it will continue throughout the child's education** and a new parental request **must** be made before each transition. As a general rule, requests should only be made once per phase transfer, unless there has been a significant change in circumstances.

One admission authority cannot be required to honour a decision made by another admission authority on education out of normal age group.

### **Implications of deceleration and deferment for the child**

- Children who are decelerated when they should be moving into infant, primary, junior or secondary school with their normal year group, are left behind while their peers move on. Some children may feel demeaned by this.
- Deferred entry into a Year R class that is already established can mean that children find it more difficult to develop friendships with their peers. Additionally, children miss out on one or two terms of Year R education.
- Being at school increases access to services who can offer support to children and schools, otherwise not available at preschool / home. For example, educational psychology and outreach.
- There is no guarantee that deceleration will continue throughout the child's education. One admission authority cannot be required to honour a decision made by another admission authority. This means that when a child moves schools, either at phase transfer or during the academic year, the next school may place the child in their normal 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.
- 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.

### **Implications of acceleration for the child**

- There is no guarantee that acceleration will continue throughout the child's education. One admission authority cannot be required to honour a decision made by another admission authority. This means that when a child moves schools, either at phase transfer or during the academic year, the next school may place the child in their normal 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.
- Once the age shift is made, it is difficult to reverse, necessarily involving the repeat of a National Curriculum Year.
- 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.

### **Implications for the school / admission authorities**

- For a child who is deferring entry to Year R, the school will have to “block” a place, subsequently missing out on funding on census days. This means that the school would have to hold the place open for that child until they are of compulsory school age.
- For a child who is already on roll at a school, the decision to move them out of their normal age group (in particular placement in a younger year group) can have implications for admissions when the next year is oversubscribed. This makes it extremely difficult for a school to plan pupil numbers for the following year.
- In all cases, admission out of year group is of particular significance at Key Stage 1 (Reception, Year 1 and Year 2). Other than a few permitted exceptions, no Key Stage 1 class containing 5, 6 or 7 year olds may contain more than 30 pupils with one teacher. One child over 30 in a class would necessitate the employment of an additional qualified teacher. The permitted exceptions to this are set out at paragraph 2.15 (a)-(h) of the School Admissions Code 2014.
- Children placed out of their normal age group are not regarded as exceptions to Infant Class Size legislation. Children so placed may therefore result in additional costs for the school in respect of additional teaching staff. They may also “block” places for children due to be admitted and for whom placement may be appropriate or necessary. Uncertainties may create difficulties for “receiving” schools at the end of the key stage.
- There is also a difficulty about the legal requirement of a Published Admission Number (PAN) which in law reflects the minimum number of children that should enter or transfer to a school within the relevant age range. The PAN is legally age related. If a reception class has a PAN of 30 and can only admit 29 because a child is held down a year in Year R, this in effect takes away the legal right of another child to have a place in that year group. The maximum class size of 30 for Key Stage 1 prevents a class of 31 being created in Year R.
- For parents applying for in-year admission to a school, even if it is decided that an out of year group placement would be appropriate, admission would still be subject to a vacancy existing and the child being at the top of the waiting list.
- Although a child ceases to be of compulsory school age on the last Friday in June in the school year they turn 16 years of age, if they are being educated in a younger year group then the school must make provision available to them until the date they are due to leave school, even if the child is excluded.

### **Southampton City Council expectations and recommendations for best practice**

In general, it is the view of Southampton City Council that children should be educated in their normal age group, with the curriculum differentiated as appropriate, and that they should only be educated out of their normal age group in very limited circumstances.

Established good practice within Southampton and nationwide shows that, apart from in exceptional circumstances, schools are able to meet all pupils’ personal, social, emotional and educational needs within their normal age group, and that this is a reasonable expectation.

## Procedure

In all cases, where requests for deceleration or acceleration are received, the decision will be made according to the circumstances of the individual case and in the best interest of the child. The admission authority of each school must consider the request, state who they have consulted with, evidence the reasons for their decision and ensure that the parent receives the response to their request. Any decision to move a child to a different age group should be based on sound educational reasons.

Where the Local Authority is the admission authority, all request forms will be shared with the headteacher of the relevant school(s) who will be asked to provide their view.

- If the child is already on roll, the headteacher of that school will make the decision and inform the Local Authority.
- If an application is being made for admission to a school, the admission authority will make the decision. All requests will be discussed by a panel of educational professionals taking into account the views of the headteacher.

The table below sets out the admission authority for each type of school in Southampton.

Type of school	Admission Authority
Academies	Academy Trust
Community schools	Local Authority
Foundation schools	Governing Body
Voluntary aided schools	Governing Body
Voluntary controlled schools	Local Authority

In considering deceleration or acceleration for any child, Southampton City Council expects that the following factors are taken into account:

- What objective evidence is available to justify any decision to educate a pupil out of their normal age group?
- Does the proposed action respond to the educational needs of the pupil based on available evidence? Whilst there is no expectation for parents to obtain professional evidence that they do not already have, the evidence a parent provides must demonstrate why it would be in the child's best interests to be admitted out of their normal age group.
- Has the proposal the strong support of all parties with a legitimate interest in the pupil's education, including the pupil?
- Has it been clearly demonstrated that the educational progress which could reasonably be expected of the pupil cannot be achieved by remaining with his or her normal age group by making reasonable adjustments?
- Would the pupil's physical, emotional and social development be seriously impaired if he or she was not placed in a different year group?
- Taking into account the pupil's age and normal year group, is this proposal being put forward at the most appropriate time (e.g. is a potential school transfer involved)?

### **Summer born children**

Summer born children are defined as those born between 1 April and 31 August (inclusive) and they reach statutory school age at the beginning of the September after they turn five years old.

The School Admissions Code requires school admission authorities to provide for the admission of all children in the September following their fourth birthday. However, a child is not required to start school until they have reached compulsory school age – the first term after their fifth birthday. For summer born children this is a full school year after the point at which they could first be admitted.

While most parents are happy for their child to start school in the September following their fourth birthday, some parents will have concerns about whether their child will be ready for school at this point, and will consider delaying their entry until compulsory school age. It is important that parents know all the options available to them and are able to make an informed decision.

Whilst evidence shows that, statistically speaking, summer born children tend to perform less well in school tests, this does not mean that all children born in the summer term will struggle at school. Teachers are skilled at differentiating the curriculum to meet a diverse range of needs. Before deciding to delay their child's entry to school, the Department for Education and Southampton City Council would recommend that parents visit the schools they are thinking of applying for. The teachers will be able to explain the provision on offer to children in the reception class, how it is tailored to meet the needs of the youngest pupils, and how the needs of these pupils will continue to be met as they move up through the school. They may also be able to allay any concerns parents may have about their child's readiness for school.

It is also important to note that, whether they attend an infant school, primary school or an early years setting during the academic year following their fourth birthday, all children will receive the Early Years Foundation Stage curriculum which is largely based around learning through play.

Parents of summer born children requesting approval for deceleration to Year R should be referred to the Admissions Team at Southampton City Council. They will be advised to:

- Visit their preferred schools and talk to the staff about their starting school arrangements
- Make an application for their child's normal age group at the usual time, in the main admission round.
- **At the same time**, complete a *Request for education outside normal age group* form

Parents will be advised to consider:

- Any agreement by the admission authority to decelerate their child's admission to Year R does **not guarantee** a place at the preferred school, nor does it provide any priority for a place over other children applying for places. Requests will be considered in accordance with the school's published admission criteria.

Southampton City Council recommends that parents will be informed of the decision to their request before primary national offer day (Monday 16<sup>th</sup> April, or the first working day after that date).

**If the request is agreed**, their application for the normal age group can be withdrawn by parents before a place is offered. They must make a new application as part of the main admissions round the following year. Applications will be considered alongside all others for that year and places will be allocated according to the school's published admission criteria. As such, there is **no guarantee**

of a place being offered in your preferred school(s). It is also important to note that an agreement from one admission authority **does not** have to be honoured by another (for example, an academy school is not bound by a decision made by another admission authority, and vice versa.)

**If the request is refused**, the parent must decide whether to accept the offer of a place for the normal age group, or to refuse it and make an in-year application for admission to Year 1 for the September following the child's fifth birthday.

#### **Pupils with an Education Health and Care Plan or Statement of Special Educational Needs**

In these circumstances the most recent Annual Review meeting should endorse any decision to move a child out of normal age group. Such a decision must not be taken unless an Annual Review has been held and the recommendation upheld by Southampton City Council's SEN Team. Therefore, this will require the further endorsement by a panel of professionals within the Council.

Any proposal to move a pupil out of their normal age group should be discussed with the SEN Team at Southampton City Council who will provide advice and make a decision.

#### **Children Looked After (CLA)**

A child in the care of the Local Authority cannot be accelerated or decelerated without the permission of the corporate parent.

#### **Medical Needs**

During medical absence from school, children may have accessed differing amounts of education and as a result may be less prepared to re-engage with full time education. All requests will be considered on a case by case basis, taking into account all available evidence and the views of the headteacher. Typically, these children would have an Individual Health Care Plan.

#### **Children of asylum seekers and/or children with English as an additional language (EAL)**

Children who are recent arrivals to the UK and who have English as an additional language should normally be placed in their normal age group. 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 normal age 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.
- GCSE examinations are imminent and an additional year's preparation would enable the student to perform well. Children who are emotionally distressed or traumatised should not, in general, be considered as suitable for placing out of age. This is unlikely to reduce significantly the overall impact of settling in the UK or overcoming the effect of past experiences.

### **Appeals and complaints**

Parents who are refused a place at a school for which they have applied have the right of appeal to an independent admission appeal panel. As the purpose of the appeals process is to consider whether a child should be admitted to a particular school, parents do not have a right of appeal if they have been offered a place and it is not in the year group they would like. However, they may make a timely complaint about an admission authority's decision not to admit their child outside their normal age group.

In the case of foundation and voluntary aided schools, academies and free schools, parents may make a complaint using the school's complaints procedure – because the governing body or academy trust is the admission authority.

In the case of community and voluntary controlled schools, they may complain to the Local Authority by using Southampton City Council's corporate complaints procedure (more information on this is available on our website).

**To make a request for education outside normal age group, please fill in the request form which can be found on our website. [www.southampton.gov.uk](http://www.southampton.gov.uk)**

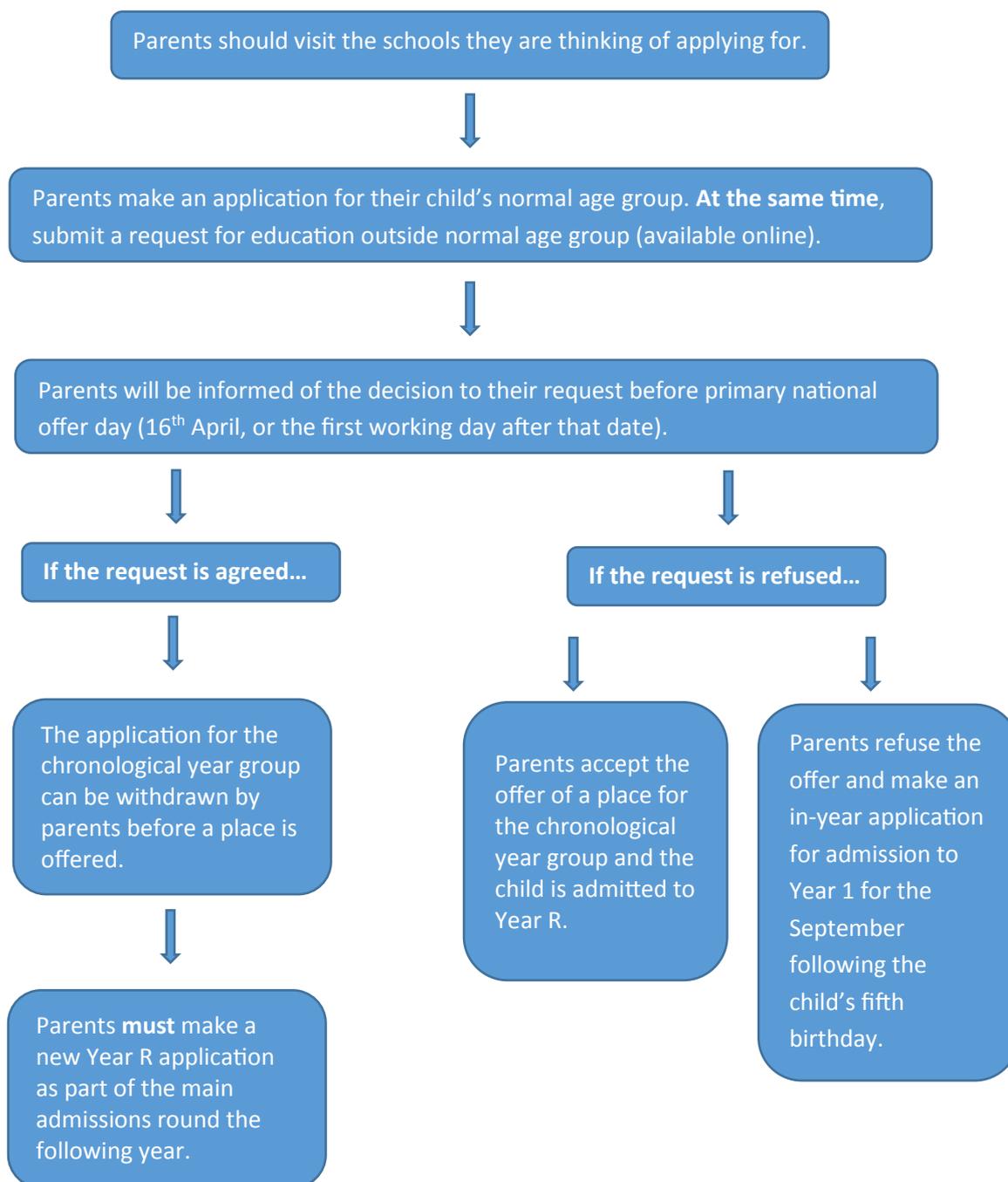
Please email the request form with any available supporting evidence to [school.admissions@southampton.gov.uk](mailto:school.admissions@southampton.gov.uk)

Alternatively, you can post requests to School Admissions, Southampton City Council, North Block, Civic Centre, Southampton, SO14 7LY.

## For Parents

### General overview of process

#### Decelerated admission of Summer Born Children to Year R



#### IMPORTANT

An agreement from one admission authority **does not** have to be honoured by another, for example, an academy school is not bound by a decision made by another admission authority, and vice versa.

## For Parents

### General overview of process

#### A previously decelerated child is moving from Infant to Junior School

Parents should visit the schools they are thinking of applying for.

Parents make an application for their child's normal age group – i.e. when they are in Year 1 they should make an application for Year 3. **At the same time**, submit a request for admission outside normal age group (available online).

Parents will be informed of the decision to their request before Primary National Offer Day (16<sup>th</sup> April, or the first working day after that date).

**If the request is agreed...**

The application for the chronological year group can be withdrawn by parents before a place is offered.

Parents **must** make a new application for Junior School (Year 3) as part of the main admissions round the following year.

**If the request is refused...**

Parents accept the offer of a place for the chronological year group and the child is admitted to Year 3 with their chronological peers.

#### IMPORTANT

An agreement from one admission authority **does not** have to be honoured by another, for example, an academy school is not bound by a decision made by another admission authority, and vice versa.

## For Parents

### General overview of process

#### A previously decelerated child is moving from Primary to Secondary School

Parents should visit the schools they are thinking of applying for.

Parents make an application for their child's normal age group – i.e. when they are in Year 5 they should make an application for Year 7. **At the same time**, submit a request for admission outside normal age group (available online).

Parents will be informed of the decision to their request before Secondary National Offer Day (1<sup>st</sup> March, or the first working day after that date).

**If the request is agreed...**

The application for the chronological year group can be withdrawn by parents before a place is offered.

Parents **must** make a new application for Secondary School (Year 7) as part of the main admissions round the following year.

**If the request is refused...**

Parents accept the offer of a place for the chronological year group and the child is admitted to Year 7 with their chronological peers.

#### IMPORTANT

An agreement from one admission authority **does not** have to be honoured by another, for example, an academy school is not bound by a decision made by another admission authority, and vice versa.

## For Admission Authorities

### General process on consideration of education outside normal age group

