

TITLE	Guidance on the placement of children to work out of their chronological year group - DRAFT
FOR CONSIDERATION BY	School Admissions Forum on 10 February 2015
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SUMMARY

Following a request from early years settings; it has been decided to provide Wokingham Borough Council guidance on this subject for admission authorities, schools, early years settings, local authority officers and parents to seek to ensure that a consistent approach is adopted and that all parties are aware of the implications of children working outside their normal age group.

This is an early draft of the document. It has not been shared with early year's setting or schools at this moment in time and therefore it is likely to undergo some changes before it is published.

RECOMMENDATIONS

That the Forum notes the draft guidance and gives their view on its contents.

SUPPORTING INFORMATION

The Department for Education has issued advice on the admission of summer born children in September 2014, amended in December 2014 and has made changes in the new School Admissions Code published in December 2014 to the area of admission of children outside their normal age group (Sections 2.17, 2.17A and 2.17B).

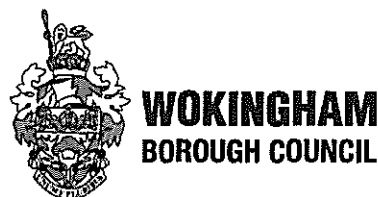
List of Background Papers

School Admissions Code and School Admissions Appeals Codes and relevant regulations

Advice on the admission of summer born children – DFE December 2014.

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GUIDANCE ON THE PLACEMENT OF CHILDREN TO WORK OUT OF THEIR CHRONOLOGICAL YEAR GROUP



INTRODUCTION

It is usual practice in England for children to be educated in school year groups determined by their dates of birth. However, there is no statutory barrier to children being admitted outside their chronological year group (either a year ahead or a year behind).

School admission authorities are responsible for making the decision on whether or not a child will be admitted outside their chronological year group based on the circumstances of the case and in the best interests of the child concerned. The only exception to this is where a child has a Statement of Educational Needs or an Education, Health and Care Plan (EHCP) where the decision is made by the local authority and confirmed in an amendment to the Statement or EHCP.

The purpose of this guidance is to provide best practice guidance for admission authorities in the Wokingham borough, early years settings, schools and parents in respect of requests for children to work outside of their normal chronological year group.

In the case of requests for summer born children applying to start school, this document should be read in conjunction with:

- The School Admissions Code 2014
- Department for Education advice on the admission of summer born children

REASONS FOR REQUESTS FOR CHILDREN TO WORK OUTSIDE THEIR CHRONOLOGICAL YEAR GROUP

There can be a number of reasons for a parent to request that their child is placed out of their chronological year group including (but not exclusively) because the child:

1. Is identified as exceptionally gifted and talented to the extent that the child may be isolated as a learner in their present year group and who may potentially present difficulty for teachers in providing the appropriate curriculum extension;
2. Has significantly delayed intellectual, personal and/or emotional development and who may have difficulty in engaging in group learning tasks, potentially presenting teachers with difficulty in curriculum differentiation;
3. May have missed a substantial part of the year through illness or other reasons
4. May be physically frail or vulnerable due to illness or disability which may appear to justify a "less robust" environment than that found in the same age group;

5. May have emotional health or well-being issues affected by tragedy or trauma;
6. Was born prematurely on or before 31 August but their expected date of delivery was after 31 August resulting in delayed child development;
7. Has recently arrived in the country and has limited English language and/or experience of the National Curriculum;
8. Whose attainment is seriously behind their new peers due to frequent moves of school as a result of high mobility;
9. Has moved to the borough but who will have limited educational success in examinations due to the timing of their move or in the matching of their subjects (normally applicable to years 6 or 11);
10. Who are due to transfer to junior or secondary school, or in-year, but have been educated out of chronological year group and where a request to stay working out of their chronological year group on transfer is required.

WHO CAN MAKE A DECISION ON WHETHER OR NOT A CHILD SHOULD BE EDUCATED OUT OF THEIR CHRONOLOGICAL YEAR GROUP

Applications for new admission to a school

In each case it is for the admission authority of the school to make the decision based on the circumstances of the case and in the best interests of the child. For aided schools or academies; the decision is taken by the governing body or Academy Trust Board and for community and voluntary controlled schools, the decision will be made by an admissions panel in Wokingham Borough Council taking into account the views of the current and preferred school in accordance with its agreed policy:

‘Requests from parents for school places outside a normal age group will be considered carefully, whether for gifted and talented pupils or for those who have experienced problems, e.g. having missed education due to ill health etc.

Each case will be considered on its own merits and circumstances and will only be agreed by a panel of officers from Children’s Services where there is consensus between the parents, schools concerned (both current and preferred) and any relevant professionals asked for their opinion by the panel, that to do so would be in the pupil’s best interests. Parents will be informed of their statutory right of appeal. This right does not apply if a place is offered in another year group at the school.’

Own admission authority schools must ensure that their admission policy includes information on how the school will consider such requests.

For parents applying for in-year admission to a school, even if it is decided that an out of age year group placement would be in the child’s best interests, admission would still be subject to a vacancy existing and that child being at the top of the waiting list.

Children already on roll at a school

Once on roll at a school, it is for the Headteacher to decide whether or not a child should be placed in a year group different from that of their chronological age. In each case, the decision should follow detailed discussions with the parent/carer and relevant professionals or SEN team's agreement to the recommendations made in an annual review of an Education, Health and Care Plan.

EXPECTATIONS WHEN CONSIDERING SUCH REQUESTS

In general, it is expected that children should be educated in their chronological year group, with the curriculum differentiated as appropriate, and that they should only be educated out of their normal age group in **very limited circumstances**. In each case, the parent must be made fully aware of potential future implications for their child, if agreed, as their child moves through the school system.

The local authority would **not** expect to see any decision to work out of normal age group to be agreed that:

- is not based on the needs of the child; this must always be considered as the key criteria, rather than school organisation, curriculum and assessment considerations or family organisation or perceptions based on the school experience of older children;
- would place the child in a year group more than one year different from their chronological peer group;
- is based on the retention of a child in a year group solely to avoid or defer other decisions; e.g. about transition to a further key stage, special school or special provision

Any decision to permit a child to work out of its chronological year group must be fully documented to enable parents (and future schools) to understand why that decision has been taken. This will enable submission of that decision notification to accompany future school applications for consideration by admissions authorities and a copy to be submitted to the school admissions team to update its electronic child record and to ensure that it can discharge its statutory duty with regard to the provision and organisation of school places.

It is expected that admission authorities would act in such a way as to uphold the principles of equality and to avoid making decisions with regard to the placement of children out of their chronological year group which will impact negatively on the availability of places for other pupils entitled, by their age, to be placed in that year group.

This is particularly significant at KS1 (Reception, Year 1 and Year 2) where the decision may impact by exceeding the teacher/pupil infant class size ratio of 1:30, as the child working outside their chronological year group would not be considered an exception to infant class

size legislation. In such circumstances, the school would be required to make special provision as required by the legislation. The list of exceptions is listed under section 2.15 of the School Admissions Code (page 24).

If the decision is taken to repeat Reception; it is likely that the allocation to this year group will have already been made through the co-ordinated admissions process and the school would be expected to make the appropriate provision to comply with infant class size legislation.

In schools where there has been a practice of moving children out of age for a year or more, staff should be alert to the fact that this may reflect issues in the school around curriculum differentiation or extension/enrichment.

RECOMMENDED PRACTICE WHEN TAKING THE DECISION ABOUT PLACING OUTSIDE CHRONOLOGICAL YEAR GROUPS

1. Ensure that sufficient evidence is considered that shows that the pupil's personal, emotional **and** social maturity is sufficient to establish positive peer relationships
2. Be able to demonstrate that the pupils needs are so exceptional or show significant delay in intellectual development or educational skills across all subject areas; that it is not reasonable to expected curriculum differentiation within their chronological year group to be successful
3. Be assured that the pupil's physical maturity does not and is unlikely (in the future) to make them developmentally different from their proposed peer group in such a way as to impact negatively on their self-esteem or self-awareness (including consideration of puberty)
4. (For consideration when working a year ahead) be aware that the pupil has the physical maturity sufficient to meet the curriculum and personal/social demands of the new year group

In all cases, schools should satisfy themselves that:

- The views of those with parental responsibility for the child are considered carefully and that they are fully aware of the implications of an out of normal year group placement;
- There is a clear understanding about why and how the child's needs will be met more effectively when working out of their chronological year group and conversely why the child's needs cannot be met within;
- That the child's parent(s), the school and relevant professionals agree that this is in the child's best interests;
- Where appropriate, according to age and capability, that the views of the child are taken into account

- Where the child is approaching transition to secondary or junior schools; that preferred schools are consulted in good time and applications made as appropriate
- That the school admissions team is informed of the decision, or in the case of a school taking the decision to agree to a child staying behind or moving ahead of their chronological age group, that the School Improvement Officer is made aware of the circumstances of the case prior to the decision being taken
- Full consideration has been given to the potential impact of relevant regulations and local practice as the pupil progresses outside the chronological year group
- Where a statement of SEN or EHCP is in place, all relevant factors have been considered, with all parties consulted, at the Annual Review.

The decision to allow or refuse a child working out of their chronological year group must be set out and clearly communicated in writing to the parent. Where it is agreed; this communication should be included with any future applications for the child in order that the admission authority for future preferred schools is fully aware of the reasons why that child is working out of normal age group in order that decisions can be taken on whether to accept the child to continue to work out of their normal age group, together with, if necessary, supporting evidence in order that a decision can be made based on all salient factors.

FUTURE IMPLICATIONS FOR A CHILD WORKING OUTSIDE THEIR CHRONOLOGICAL AGE GROUP

Placement in an older year group

A child placed a year ahead of their chronological age may receive a higher level of intellectual stimulation and feel less frustrated than when placed with its peers. However, this would be applicable across all subject areas and the child's intellectual strengths may not be universally ahead of age expectation. It is possible also that the physical, social and emotional maturity fails to match exceptional intellectual maturity; in which case the child may be presented with physical, social or emotional demands which the child is unable to meet. The impact of self-esteem and other negative consequences of this action may be considerable, particularly during adolescence. Assuming overall maturity is broadly in line with intellectual maturity; placement a year ahead of chronological age may lead to successful outcomes for the child, but professionals should explore whether this can be addressed through an enriched curriculum within their age appropriate year group.

It is important to note that once the year group change has been made that it is difficult to reverse as to repeat a National Curriculum year may not be in the child's educational best interests. However at each transition, the decision to maintain the placement in an older year group will be taken by the admission authority for the school and as such there is no guarantee that it will continue throughout the child's education.

It is also to take into account that if the parent was to consider applying for selective schools particularly at secondary transfer that some grammar schools have policies to admit to those children working in their chronological year only.

Where a placement in an older year group is maintained, the consequence is that the child reaches the next phase transfer, SATs or GCSEs and school leaving, a year or more ahead of chronological age. However, children do not cease to be of compulsory school age until the last Friday of June of the school year in which they become 16 and therefore would have to transfer early to a school sixth form or further education college. In such circumstances, the college will not receive funding for the underage student and a specific arrangement is required for the funding to be transferred to the college from the secondary school otherwise being attended.

Placement in a younger year group

A reverse set of issues applies to a child placed in a younger year group. Children may not have a uniform delay to their intellectual development. Areas of strength may be at risk of not receiving appropriate stimulation and a reduced set of general expectations applies. Similarly physical, emotional or social expectations are likely to be inappropriate and more so as the child develops during adolescence. In the case of summer born children, it is important to note that these children tend to show lower levels of achievement and maturity which could be addressed within their age appropriate year group through normal differentiation of the curriculum.

At each transition, the decision to maintain the placement in a younger year group will be taken by the admission authority for the school and as such there is no guarantee that it will continue throughout the child's education. If the decision is taken to offer a place in the age appropriate year group; there may be negative consequences for the child having to "make up" a year. Furthermore, the child is at risk of missing a statutory right to a national curriculum year programme of work or potentially denied the ability to enter public examinations.

When the placement in a younger year group is maintained; phase transfers, SATs or GCSEs and school leaving age is reached a year or more late and the child could decide to leave on 30 June of the year in which the child is 16 without having taken public examinations.

Maintained sixth forms and colleges are funded by the Education Funding Agency and current rules stipulate that where a student continues their course of study for a third year from autumn 2015 and is aged 18+ when starting their course, there will be a cap on the number of hours funded for their study programme regardless of whether they are studying a programme which would normally be regarded as full time. The impact of this reduction not only affects those who need extra time to complete their studies, but also those who start in a sixth form a year behind their chronological age. However it should be noted that the funding reduction is something for schools and colleges to manage within their budget.

Children recently arrived in the UK

As it is generally recognised within the English school system that children should be placed in their chronological year group, children with English as an additional language should not, as a rule, be treated any differently. Placing them with their peer group gives these children the same advantages and benefits it offers other children and children have a propensity to learn English through their interaction with their peers.

In exceptional circumstances, taking into account the particular circumstances of each case, it may be in the child's best interests to be placed in a lower year group for late arrivals where there are issues around transitions and GCSEs. In such instances, these decisions will be made at time of application or when a child is placed in the school.

Summer born children to start school into F2 Reception

A child must statutorily start school the term after their fifth birthday and local authorities and schools must provide for the admission of all children in the September following their fourth birthday. The process for this is detailed in the Wokingham Borough Council's co-ordinated admissions scheme published in the Parent's Guide to Primary School admissions at www.wokingham.gov.uk/admissions.

Before a parent decides to delay their child's entry to school; it is recommended that visits are made to their preferred schools to find out how teachers will be able to meet their child's needs; how the school tailors its support to meet the needs of all pupils including the youngest in the year and how their needs will be met as they move through the school. Parents should discuss any concerns they may have regarding their child's readiness to start school with both the school concerned and their child's early years setting.

In recognition that a parent may feel that their child is not ready to start school in the September after their child turns four, the parent may request that their child attends part-time until they reach statutory school age or that the date their child is admitted to school is deferred until later in the same academic year and this information is collected from the acceptance form and shared with the allocated school after offer day. Where a parent decides to make their request at a later stage or change their mind from that declared on their acceptance form, prior to their child starting school; the parent is requested to discuss this with the Headteacher to agree a mutually convenient start date. Schools will also advise on what basis a part-time place may be offered.

Where a parent requests to defer their summer born child to start school in year one in September following their child's fifth birthday; the school place offer will be withdrawn and the parent will be required to submit an in-year application after the May half-term prior to the September start. As school places for this year group have previously been allocated, it is highly likely that there may no longer be places at their preferred schools.

Where a parent considers that their summer born child would benefit from working out of their chronological age group, the parent would be requested to make an application for their child's normal age group at the usual time together with the request for their child to work out of their normal age group.

Where such a request is made, it is for each admissions authority to consider:

- the age group the child should be admitted to; and
- once that decision has been made, it can apply its oversubscription to decide whether a place can be offered in that age group.

As previously detailed, such requests will be considered in line with the out of normal age group policy for each of their preferred schools. The parent should supply evidence from relevant professionals supporting their request and detail why, in their opinion, the parent considers it is in their child's best interest to do so. Where possible, the parent will receive a response to their request prior to primary national offer day and where agreed, their application for the normal age group will be withdrawn before a place is offered. The parent will be expected to apply as part of the main admissions round the following year.

Depending on parental preference; a number of school admission authorities may be expected to decide on whether to agree, or not, to requests to work out of normal age group and the parent will be expected to provide any additional information required in order for the decision to be made by each admission authority. If the request is refused or if there is no agreement by all preferred schools to the request; the application will be considered and an offer made for the child to work in their chronological age group. A parent may decide whether to defer or make a year 1 application as above.

PARENTAL APPEALS AND COMPLAINTS

A right of appeal to an independent admission appeals panel applies where an application for a place at a school is refused. However there is no right of appeal if the child has been offered a place and it is not in the year group the parent requested.

Complaints may be made about an admission authority's decision not to admit a child outside their normal age group direct to the school involved (or the local authority's complaints procedure in the case of community and voluntary controlled schools for admission decisions applicable to school applications include requests made to work out of normal age group for summer born children) or direct to the school if the decision was taken by the school.

If a parent is unhappy with the way a local authority or maintained school (community, voluntary controlled or voluntary aided) has handled their complaint, the parent may then refer their complaint to the Local Government Ombudsman.

If a parent is unhappy with the way an academy has handled their complaint, the parent may refer their complaint to the Education Funding Agency who will consider the complaint on behalf of the Secretary of State for Education.

Where the decision of the local authority, in the case of a child with a Statement of Special Educational Needs or EHCP, is not to uphold the request for placement out of chronological year group, then providing this request was made as part of the issuing or Annual Review, then a parent will have a right of appeal to the SEN Tribunal.

Details on how to take the next step in making a complaint will be advised on the response by the school or local authority.

FURTHER HELP AND ADVICE

Wokingham Borough Council's School Admissions Team

Telephone: 0118 974 6225 or 0118 974 6245 (primary) or 0118 974 6143 (secondary)

Email: schooladmissions@wokingham.gov.uk

Website: www.wokingham.gov.uk/admissions

Or contact your child's school or early years setting