

# Guidance on the education of children out of their chronological year group



## 1. Introduction

The purpose of this policy is to provide best practice guidelines for governing bodies, admission authorities, parents and Surrey County Council officers in respect of children being educated in a year group different from that of their chronological age.

These guidelines reflect 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. When is a child required to start school?

Local authorities and schools must provide for the admission of all children in the September following their fourth birthday. However a child does not reach statutory school age until the beginning of the term after they turn five years old.

In recognition that some parents will feel that their child is not ready to start school in the September after their child turns four, parents can 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, but not beyond the start of the summer term of the academic year for which a place has been offered.

In addition, parents of summer born children (those born between 1 April and 31 August) can request for their child to be admitted to reception a year later outside of their chronological year group, thereby starting school only once they reach statutory school age. This does not apply to children born in the autumn and spring as these children must legally be in school full time in the term after they turn five years old.

## 3. Who is responsible for making a decision on whether or not a child should be educated out of chronological year group?

### **Children who are applying for new admission to a school**

Whilst there is no statutory barrier to children being admitted to school outside of their chronological year group, there is no duty to agree to such a request. In each case it is for the admission authority of the school to make the decision based on the circumstances of the case and what is in the best interests of the child, after submission of a request and supporting information by the parent or following Surrey's agreement to the recommendations made in an annual review of a statement of Special Educational Need (SEN) /Education Health and Care Plan (EHCP). For out of chronological year group requests for initial entry to reception, the admission authority of the school must also consider the date of birth of the child to ensure that any requests for decelerated entry are only agreed for summer born children.

### **Children who are 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 parents/carers and relevant professionals or Surrey's agreement to the recommendations made in an annual review of a statement of SEN/EHCP.

*The view of Surrey's Children, Schools and Families Directorate is that a decision to educate a child out of their chronological year group is likely to occur in very limited circumstances.*

## **4. Reasons frequently cited for requesting that children are placed outside their chronological year group**

The rationale for requests to place children in a year group other than their chronological year group tends to be as follows:

- (i) the child has exceptional intellectual skills and is isolated as a learner in their present peer group. They may present severe difficulties for teachers in terms of providing appropriate curriculum extension;
- (ii) the child has exceptionally delayed intellectual skills and cannot productively engage in group learning tasks and presents teachers with severe difficulties in curriculum differentiation;
- (iii) often in association with (ii) the child is very delayed emotionally and cannot make adequate relationships with their peer group, is at risk of isolation and possibly bullying;
- (iv) a child may have missed a substantial part of a year through illness or other reasons;
- (v) reasons associated with a child's physical condition: physical frailty which appears to justify a "less robust" environment than that found in the same age group;
- (vi) the child was born prematurely on or before 31 August but their expected date of delivery was after 31 August;
- (vii) the child was born in the summer (1 April to 31 August) and the child will struggle if they are placed in their correct chronological year group
- (viii) to provide an additional year's experience of mainstream education prior to a special school placement; and
- (ix) the child has recently arrived in the country and has limited English language competence or could be isolated in their age appropriate group.

These reasons are frequently allied with strong parental preferences for their child to be placed in an alternative year group.

The second and third of the above reasons are particularly prevalent at a time of phase transfer (nursery to infant, infant to junior, junior to secondary) where the demands of the next phase are perceived as too much for the child to cope with.

The implications for out of year placement for the child, the school and Surrey's Directorate are discussed below with a final section that provides "best practice" guidance.

## **5. Implications for the child**

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

A child placed a year ahead of their chronological age may indeed receive in consequence a higher level of intellectual stimulation and feel less frustrated than if placed in their chronological group. However, this will apply across all subject areas and the child's intellectual strengths and achievement may not be universally ahead of age expectation. It is sometimes the case that physical, social and emotional maturity fail to match exceptional intellectual maturity; in which case a child may be presented with physical, emotional or social demands that they are unable to meet. 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 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. However 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 and as such there is no guarantee that it will continue throughout the child's education.

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. Children do not cease to be of compulsory school age until the last Friday of June in the school year they turn 16 years of age and as such 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 funding to be transferred to the college from the secondary school otherwise being attended.

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

A child placed a year (or more) below that of their chronological age has a reverse set of issues to contend with. Children are seldom uniformly delayed in their intellectual development. Areas of strength 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. Similarly, physical, emotional and social expectations are likely to be inappropriate. In the case of summer born children, it is important to note that this group tend to show lower levels of achievement and maturity, something that could be addressed within their chronological year group through normal differentiation of the curriculum.

At each transition the decision whether to maintain the placement in a younger 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 and as such there is no guarantee that it will continue throughout the child's education. However, the consequences of attempting to "make up" a year are invariably very negative for the child. Furthermore they are at risk of missing a statutory right to a national curriculum year programme of work, or being denied the ability to enter public examinations.

Where a placement in a younger year group is maintained, phase transfers, SATs, GCSEs and school leaving are reached a year or more late.

### **Children recently arrived in the UK**

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, there may be exceptional circumstances, such as for late arrivals where there are issues around transition or GCSEs. Through negotiation with the parents, it may be appropriate to place these pupils in a lower year group but each case must be considered according to its circumstances and what is in the best interests of the child.

## **6. Implications for the school/directorate**

For a child who is already on roll at a school, the decision to move them out of their chronological year group (in particular placement in a younger year group) is generally not made until the final term of the academic year concerned. There can be 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 KS1 (Reception, Year 1 and Year 2). Other than a few permitted exceptions, no KS1 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 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 chronological year 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 KS1 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.

There are also implications for Surrey when a child with a statement of SEN/EHCP moves a year ahead of their chronological age (as has been the case with some 'more able' children placed in special schools for emotional and behavioural difficulties). Surrey's statutory responsibility does not end until the child is 16 years, so appropriate arrangements have to be ensured for the child in the context of a school sixth form or Further Education college.

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.

## **7. Surrey best practice expectations**

Surrey's expectations of good practice are based upon a child's entitlement to be educated alongside their age equivalent peers. The responsibility for addressing individual needs generally lies with the school through an appropriately differentiated/enriched curriculum. If this is problematic schools are expected to seek support from other agencies (Schools and Learning, School Improvement team). Advice is also based upon consistent evidence (from a number of studies where this practice has been common) that children kept down tend to experience more negative effects than positive. There are particular difficulties associated with self-esteem. There is no evidence of improved achievement compared to pupils who stay within their age group.

In the light of the above considerations Surrey's guidelines are as follows:

- a) A request for a child to be educated out of their chronological year group will only be agreed in exceptional circumstances and if it is deemed to be in the best interests of the child. This will not normally be for more than a single National Curriculum year. In the case of vertically grouped classes this will apply to the age range of the class rather than a single chronological age.
- b) For a child to move up a year, the headteacher (if the child is already on roll at the school) or the admission authority (if an application is being made for admission to the school) should also satisfy themselves that the following apply:
  - the child demonstrates exceptional intellectual skills and achievement in all subject areas;
  - there has been a full exploration of curriculum extension/enrichment possibilities;
  - the child has physical maturity sufficient to meet the curriculum and play demands of a higher National Curriculum year;
  - the child's emotional and social maturity is sufficient to establish positive peer relationships with an older age group;
  - there is parental support and agreement;
  - there is child support and agreement following extensive explanation and counselling as to the implications; and
  - plans to manage phase transfers and examinations have been anticipated or are in place.

In such cases, if a parent is applying for admission as part of the normal admissions round for a school, they should apply along with other parents applying for the same cohort and put forward their reasons for requesting an out

of year group place with their application, along with any supporting evidence that they may have.

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 chronological year group.

- c) For a child to be educated in a lower chronological year group, it would normally be expected that they would be subject to a statement of SEN/EHCP and be subject to an individual education plan and Annual Review.

In these circumstances the most recent Annual Review meeting should endorse any decision to move a child out of chronological year group. Such a decision must not be taken unless an Annual Review has been held and the recommendation upheld by Surrey. Therefore, this will require the further endorsement by a panel of professionals within the Authority.

However there may be other circumstances where a parent feels that it would be best for their child to be educated in a lower chronological year group, such as where a child was born prematurely on or before 31 August and their expected due date was after 31 August; where a child has missed a substantial part of a year through illness or other reasons; or where a child was born in the summer (1 April to 31 August) and the parent feels that they will struggle if they are placed in school with their correct chronological year group.

If a parent wishes to apply for admission in a lower year group as part of the normal admissions round for a school, they should initially apply for a school place at the correct time i.e. in line with the application dates appropriate for the chronological year group of their child. At the same time they should put forward their request for their child to be educated out of their chronological year group along with any supporting evidence that they may have. 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 chronological year group.

This process will ensure that an in principle decision can be made in good time and that the child does not miss out on accessing a year of education should the request to educate out of the chronological year be refused. However, any offer of a place in a child's correct chronological year group cannot be held until the following academic year. As such, if an admission authority agrees in principle that an out of year group placement would be appropriate, the parent would have to apply again in the following year in order for their child's application to be considered according to the admission criteria for that school alongside other applicants in that year. In addition, one admission authority cannot be required to honour a decision made by another admission authority. Parents should therefore consider whether to request admission out of the normal year group at all their preference schools rather than just their first preference.

Where requests are received the decision will be made according to the circumstances of the case and what is in the best interest of the child. In each case, the decision will be made by the headteacher (if the child is already on roll) or the admission authority for the school (if an application is being made for admission). For admission requests the admission authority for the school will

take account of the views of the headteacher of the school concerned before making its decision.

In making a decision it is expected that the admission authority will liaise with the school or local authority (as appropriate) and with any professionals involved with the child in order to consider whether any of the following apply:

- Whether the child shows significant delay in intellectual development/educational skills, across all subject areas, to an extent that curriculum differentiation (with appropriate SEN resources) is not reasonable;
- Whether the child's physical maturity places them in a position of being developmentally different from their peer group;
- Whether the child shows an equivalent delay in emotional development and social skills, appropriate for a younger peer group;
- Whether there is full parental support and agreement;
- Whether the child was born prematurely on or before 31 August and the expected due date was after 31 August;
- Whether there is pupil support and agreement following explanation and counselling at a level the pupil is able to make use of; and
- Whether there are clear objectives and time scales to the change with plans in place to manage a move back to the correct chronological year group, taking in to account phase transfers and examinations if appropriate.

A child may not be expected to remain out of chronological year group indefinitely. Any return to the correct chronological year group is expected to be managed within a Key Stage i.e. at the end of a Key Stage the child should be placed within his or her chronological year group. To achieve this, schools should be aware that children with a statement of SEN/EHCP who are educated in a younger year group should have transition reviews at their appropriate chronological age. For a Year 5 pupil placed in a Year 4 group this would be while in the Year 4 group and not a year later. Similarly for a Year 2 pupil placed in Year 1.

The school should consult where appropriate with involved professionals from the Area Education Office.

However there may be cases when it will be appropriate for a child to remain educated out of chronological year group. In these cases it is not possible to plan comprehensively for transition as in each case transition will be subject to:

- a child's SEN statement/EHCP; or
  - a separate out of year group decision being made by the admission authority for the new school, an application being submitted and a place being offered according to the school's admission criteria
- d) Children who are recent arrivals to the UK and who have English as an additional language should normally be placed in their chronological year 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 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. The Race Equality and

Minority Achievement Service (REMA) can assist schools in investigating the extent of a child's prior educational experience.

- 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. Any proposal to move a student out of year should be discussed with the REMA Service who will assess the pupil and provide advice based on that assessment.

## **8. 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, a parent may make a complaint about:

- a) an admission authority's decision not to admit their child outside their normal age group:
  - In the case of academies, free schools and foundation, trust and voluntary aided schools parents may make a complaint using the school's complaints procedure
  - In the case of community and voluntary controlled schools parents may make a complaint to the local authority
- b) a headteacher's decision on whether or not to place a child, who is already on roll at a school, in a year group different to that of their chronological age. In all such cases parents may make a complaint using the school's complaints procedure

If a parent is unhappy with the way a local authority or a maintained school has handled their complaint, the parent may refer their complaint to the Local Government Ombudsman.

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