



Admission of pupils outside their normal age group

(except for delayed entry to the reception year)

Guidance and frequently asked questions for parents and carers, schools, professionals and admission authorities

September 2020



‘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...

...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.’

School Admissions Code 2014, 2.17

Introduction

It is usual practice in England for children to be educated in school year groups as determined by their date of birth, however there is no statutory barrier to children being admitted outside their normal age group. Parents¹ do not have the right to insist that their child is admitted to a particular age group but may make a request for this to happen.

Department for Education guidance 'Admissions of summer-born children in schools' states: 'The government would agree that, in general, 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.'

It should be noted, however, that the guidance goes on to say: 'Parental requests for summer born children to be admitted to reception rather than year one at the age of five are different from any other parental request for admission out of the normal age group, as it is only in these circumstances that the child is being admitted to school for the first time.'

The specific considerations relating to summer born children to be admitted to reception rather than year one at the age of five ('delayed entry') are covered in a separate Cornwall Council document: '**Starting school**' available at www.cornwall.gov.uk/admissions.

The purpose of this document is to provide information and recommendations for those assessing the appropriateness of admitting a child outside their normal age group (other than children being admitted late into the reception year).

This guidance takes into consideration the principles of and articles 2, 3, 6, 12, 17, 23 and 29 of the United Nations Convention of the Rights of the Child (UNCRC).

Basis for requests for placement outside the normal age group

There are a number of reasons why parents might request for their child to be educated outside their normal age group – either a year behind or a year ahead. This includes requests for children:

- born prematurely, who would have been admitted into the year below if delivered on their due date (related requests covered by separate guidance as detailed above);
- with a late summer birthday i.e. those born between the beginning of April and the end of August who would reach compulsory school age in the September following their fifth birthday (related requests covered by separate guidance as detailed above);

¹ Any reference to 'parents' in this document also includes carers and may also mean parent/carer in the singular. This refers to any person with Parental Responsibility.

- for whom concerns about their personal, social, and/or emotional development are expressed at the time when they are due to start in reception class (related requests covered by separate guidance as detailed above);
- whose parents choose to defer admission into school until the child is of statutory school age, meaning that first admission into school is into year one (related requests covered by separate guidance as detailed above);
- who have Special Educational Needs, including those with an Education, Health and Care Plan;
- who have high levels of absence through ill-health;
- who are new to the UK and/or have little experience of the English language and/or curriculum;
- whose attainment is seriously trailing their new peers when they move schools;
- whose emotional health and well-being has been affected by tragedy or trauma;
- who have had a high level of mobility which has affected achievement and/or personal, social, and/or emotional development;
- who are physically frail or vulnerable due to illness or disability;
- who are due to transfer to junior or secondary school but have been educated outside their normal age group in infant or primary school and need to request to stay outside their normal age group on transfer;
- who have been identified as gifted and talented and whose parents believe they should be educated a year in advance of their normal age group.

Decision-makers

School **admission authorities** are responsible for making the decision on whether or not a child will be admitted outside their normal age group. The admission authority in the case of community and voluntary-controlled schools is Cornwall Council and in the case of academies, foundation, trust, voluntary-aided and free schools, it is the academy trust or governing body of the school.

However, where a child has an **Education, Health and Care Plan** the decision rests with Cornwall Council and must be confirmed in the Plan.

Making a request

It is a requirement of the School Admissions Code 2014 that admission authorities must make clear in their admission arrangements (which must be agreed and published annually) the process for requesting admission outside the normal age group. The process for community and voluntary-controlled schools, for which Cornwall Council is the admission authority, is to contact the School Admissions Team in the first instance. The process for all other schools (academies, foundation, trust, voluntary-aided and free schools) must be set

out in their admission arrangements but would usually involve contacting the school's headteacher in the first instance.

However, where a child has an **Education, Health and Care Plan**, the Statutory SEN Service must be contacted as the decision rests with Cornwall Council and must be written in the EHC Plan.

Admission authorities are not able to set a blanket policy which states that no admissions will be made outside normal age groups.

Making decisions on placement outside the normal age group

The School Admissions Code 2014 makes it clear that admission authorities must make decisions about placements outside the normal age group 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 parents' views;
- the views of the headteacher of the school/s concerned;
- 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 been previously 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.

Schools and admission authorities can seek advice from School Effectiveness Cornwall (SEC).

Important considerations

- Receiving schools on transition (i.e. into junior school, secondary school, or special provision) are free to review and reconsider the placement outside the normal age group, and the continuing placement of the pupil outside their normal age group cannot be guaranteed on transition into a new school, (although decision-makers must take into account the year group in which the pupil is currently being educated).
- One admission authority cannot be required to honour a decision made by another admission authority on admission outside the normal age group, therefore if a child changes school there is no guarantee that the receiving school will accept the placement outside the normal age group.
- Pupils who have been educated a year behind their normal age group will become eligible to leave school before completing examination courses and may choose to do so.
- The admission authority must first make a decision on the age group the child should be admitted to and then it must apply its oversubscription criteria to decide whether a place

can be offered in that age group – a decision that a child should be accepted outside their normal age group **does not guarantee a place** at the preferred school in that age group. The normal application process will still need to be carried out.

- Once a child has been admitted to a school it is for the headteacher to decide how best to educate them. In some cases it may be appropriate for a child who has been admitted out of their normal age group to be moved to their normal age group. Any decision to move a child to a different age group should be based on sound educational reasons and made by the headteacher in consultation with the parents.
- Local authorities have a statutory duty to provide free home to school transport for **eligible** children of compulsory school age. If a child has been educated out of their normal age group and they are eligible for free home to school transport, they will stop being eligible before they leave secondary school. Local authorities can continue to provide free transport at this point but they have no duty to do so.
- If a child will complete their reception year and a request is made to repeat the year, consideration should be given to the fact that the Published Admission Number (the number that the school must admit up to for the new intake) must be honoured and does not include children already on roll. Therefore any person making the decision would need to ensure that the decision to agree for a child to repeat the year did not lead to breaching infant class size legislation. However, if the child has been withdrawn from the reception year, the parent would need to reapply for a place. If the child is summer-born, the specific guidance for these children must be followed (covered in a separate Cornwall Council document: **‘Starting school’** available at www.cornwall.gov.uk/admissions). If the child is not summer-born, this out of year group guidance must be followed.

Funding and assessments

Will placement of a child outside their normal age group affect funding for them?

No. Schools are funded for the number of pupils on roll, regardless of their age.

Might there be a problem with the timing of tests and the reporting of performance tables if a child is accepted outside the normal age group?

Children are assessed when they reach the end of each key stage, not when they reach a particular age. There are no age requirements as to when children must take their GCSEs or other assessments. Reports on performance occur when pupils reach the end of a key stage, regardless of age.

Principles for decision-makers

Cornwall Council recognises that each case must be considered on an individual basis but believes in the following principles:

- Established good practice within Cornwall and nationwide shows that, apart from in the most exceptional circumstances, schools are able to meet all pupils’ personal, social and

Placement of pupils outside their normal age group

September 2020

educational needs within their appropriate age group, and that this is a reasonable expectation.

- Decision-makers should be able to demonstrate that other strategies have failed, or are highly unlikely to be successful in meeting the child's needs.
- In no case should a child be placed in a year group more than one year different from their school-age peers.
- In no case should pupils be retained in a year group solely to avoid/defer other decisions e.g. about transition to a further Key Stage.
- It should always remain clear in which National Curriculum year group pupils are registered at the school. It is good practice to record this information on annual reports to parents.
- The needs and best interests of the child must always be considered as the key criteria, rather than, for example, school organisation, curriculum and assessment considerations.

English as an additional language (EAL)

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.

All EAL pupils will need support in school to learn English but once they have gained basic English, with appropriate interventions they usually make quick progress. 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. Developing friendships relative to their maturity supports academic development and holistic wellbeing.

Schools are ready and prepared to support EAL pupils of all levels. Therefore, if either party are requesting an out of normal age group placement schools should ensure that at the meeting with parents there is an interpreter present if appropriate to ensure they fully understand the implications.

Evidence-gathering

It is reasonable for admission authorities to expect parents to provide them with information to support their request but there should be no expectation that parents will obtain professional evidence that they do not already have. Admission authorities must still consider requests that are not accompanied by professional evidence. Supporting information might simply be the parents' statement as to why they have made their request.

Cornwall Council makes the following recommendations for those making decisions about placement outside the normal age group:

For a pupil to be educated in a year group one year *above* their normal age group, decision-makers should satisfy themselves that:

- they have gathered sufficient evidence to show that the pupil's personal, emotional and social maturity is sufficient to establish positive peer relationships with an older age group;
- the pupil demonstrates exceptional intellectual interest, skills and achievement in all subject areas, to an extent that it is not reasonable to expect curriculum differentiation within their normal age group to be successful;
- 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/self-awareness (including consideration of puberty);
- the pupil has physical maturity sufficient to meet the curriculum and personal/social demands of a higher National Curriculum year.

For a pupil to be educated in a year group one year below their normal age group, decision-makers should satisfy themselves that they have gathered sufficient evidence to show that:

- the pupil's development is delayed and progress is limited in their personal and emotional development and social skills appropriate for a younger peer group;
- the pupil shows significant delay and little progress, in intellectual development/educational skills across the subject areas, to an extent that it is not reasonable to expect curriculum differentiation within their normal age group to be successful;
- 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/self-awareness (including consideration of puberty);
- there is understanding of what may be causing those delays (such as trauma, illness or disability) and that the pupil may benefit from repeating an academic year or entering a year below.

In either case, schools should satisfy themselves that:

- this is the wish of all those with Parental Responsibility for the child and that they have been adequately advised of the implications of placement outside the normal age group;
- there is a clear understanding about why and how the child's needs will be met more effectively out of their normal age group, than would be possible within;

- the child's parents, the school, and all involved professionals agree that this is the best provision for the child;
- where appropriate, according to their age and capability, this is also the wish of the child;
- where the pupil is approaching transition into Key Stage 3, likely secondary schools have been consulted (or junior schools if relevant for transition into Key Stage 2);
- any implications have been fully discussed with parents;
- full consideration has been given to the likely/possible impact of relevant regulations and local practice as the pupil progresses outside their normal age group;
- where an Education, Health and Care Plan is in place, all relevant factors have been considered, with all relevant parties consulted, at a Review. The final decision about out of age group placement for these pupils lies with Cornwall Council and will be recorded in the Education, Health and Care Plan.

Recommended/required procedures for making a decision on placement outside the normal age group in Cornwall

For schools which are their own admission authority (academies, foundation, trust, voluntary-aided and free schools) the following procedures are **recommended good practice**. For community and voluntary-controlled schools (where Cornwall Council is the admission authority) the procedures are **required practice**. However, Cornwall Council expects all admission authorities and schools to alert Cornwall Council School Admissions Team if considering the admission or placement of a pupil out of their normal age group to enable Cornwall Council to discharge its statutory duties with regard to the provision and organisation of school places.

On receipt of a request

For children **without** an Education, Health and Care Plan, when parents submit a request for a placement outside the normal age group to a school, the school should **alert the School Admissions Team** as soon as possible who will provide guidance and ask to be alerted to the final decision. When parents submit a request for placement outside the normal age group to the School Admissions Team, they will alert and forward any information to the school, along with guidance and a request to be informed about the final decision. In the case of a community or voluntary-controlled school, the School Admissions Team will also alert School Effectiveness Cornwall (SEC) as an officer **must** be involved in the decision.

Where a child has an **Education, Health and Care Plan**, the Statutory SEN Service must be contacted as the decision rests with Cornwall Council.

Arranging a meeting

A meeting should be arranged in good time, to allow for full consideration of the case and (if an out-of-year-group placement is agreed) to allow for supported admission/transition for the pupil, with adequate planning and preparation for their needs to be met in the allocated year group (see below for information on children with an Education, Health and Care Plan). Consideration must also be given to deadlines for applications, particularly if the request relates to transition where a 'normal admissions round' application would need to be submitted (see later in this document for details on applying for places). Attendees should include:

- the parents;
- the headteacher of the school/s concerned;

- all professionals involved with the child;
- a School Effectiveness Cornwall representative (C/VC schools only);
- the child (with consideration to age, capacity and wish to attend. Options to also be offered to submit their views in an alternative format such as a letter or video).

In addition, admission authorities should be mindful of the need to consider well ahead of any proposal for deferred transition into a new junior or secondary school. This discussion should not be delayed until just before transition. In these cases a **representative of the proposed receiving school** should attend.

Where attendance by invited parties is not possible, all relevant views/advice should be sought in writing for consideration at the meeting.

At the meeting

Full notes of the meeting should be made and agreed by all parties. These should include a clear statement as to whether any agreement by the admission authority to place a child out of their normal age group is being made with or without the support of Cornwall Council, as expressed by SEC representation at the meeting.

After the meeting

- Notes of the meeting, together with any written reports considered at the meeting, should be placed permanently on the pupil's file and transferred to any new school at each transition. A copy of these notes and any written reports should also be forwarded to SEC via the officer who attended the meeting.
- A letter should be sent to the parents confirming the outcome of the meeting and requesting acknowledgement of their agreement with the facts recorded and the outcome as agreed by returning a signed form (see suggested templates in Appendix 1). A copy should also be forwarded to the SEC officer if involved.
- The School Admissions Team should be notified so that Cornwall Council records can be updated and any related application handled appropriately.

The process in relation to children with an Education, Health and Care Plan (EHC Plan)

- Where a child has an EHC Plan a review meeting should serve as the consultation meeting and the Statutory SEN Service must be involved. A review meeting can be requested at any time. The notes of the meeting should show that all relevant factors have been considered and should clearly record the views of all participants in the meeting as to whether they support any request for placement out of year.

- The Statutory SEN Service will consider the information arising from the review meeting in the usual way and communicate the decision of Cornwall Council to the school, parents and others that attended the meeting.
- Where allocation outside the normal age group is agreed by Cornwall Council an amendment to the child's EHC Plan will be issued.

Admissions processes

In some cases, requests for out of age group placement will be made for pupils that are already attending a school or have been offered a place in the normal age group. If this is not the case and if a decision to accept a child outside their normal age group is made but a place has not yet been allocated, the following should be taken into account:

- Parents should be reminded that agreement to placement outside the normal age group does not guarantee a place at the school if this has not already been secured – the normal processes relating to school place applications will need to go ahead. This means that an application will need to be submitted if it has not been already and if the school is full or there are more applications than places available, the school's oversubscription criteria will be applied to see if the child can be offered a place in the agreed year group.
- Where the school place is required for a year group which would be allocated through the normal admissions round (for a place in September to start in reception, transfer to junior school or start in year 7 of a secondary school) any agreement to placement outside the normal age group means that Cornwall Council must treat the application as it would for any child, regardless of the fact that the application is not for the normal age group. This includes the process for the handling of late applications, if this is the case.
- If a child will complete their reception year and a request is made to repeat the year, consideration should be given to the fact that the Published Admission Number (the number that the school must admit up to for the new intake) must be honoured and does not include children already on roll. Therefore any person making the decision would need to ensure that the decision to agree for a child to repeat the year did not lead to breaching infant class size legislation. However, if the child has been withdrawn from the reception year, the parent would need to reapply for a place. If the child is summer-born, the specific guidance for these children must be followed (covered in a separate Cornwall Council document: '**Starting school**' available at www.cornwall.gov.uk/admissions). If the child is not summer-born, this out of year group guidance must be followed.
- Where the school place is required other than in the normal admissions round, the in-year admissions process will take place.

For deadlines and guidance related to normal admissions round and in-year applications, see www.cornwall.gov.uk/admissions or contact the School Admissions Team.

Appeals/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. However, they 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 complaint about an admission authority's decision not to admit their child outside their normal age group. They may also make such a complaint if they have not made, or do not yet know the outcome of, their formal application for a school place.

For **foundation, trust, voluntary-aided, academy and free schools**, parents must follow the school's published complaints procedure, because the governing body or academy trust is the admission authority.

In the case of **community and voluntary-controlled schools**, parents must follow Cornwall Council's complaints procedure, because Cornwall Council is the admission authority. Parents should set out their complaint in writing to the Service Director, Education, including all paperwork relating to the decision and the nature of the complaint.

Where the decision of Cornwall Council, in the case of a child with an **EHC Plan**, is not to uphold the request for placement out of chronological year group then providing this request was made as part of a review, parents will have a right of appeal to the SEND Tribunal. Details of 'How to Appeal' are set out in correspondence sent to parents by the Statutory SEN Service.

If parents are not happy with how their complaint has been handled

There are further routes of redress if parents are unhappy with the way their complaint has been handled – the Local Government and Social Care Ombudsman in the case of complaints to Cornwall Council and the Education and Skills Funding Agency in the case of complaints to schools.

Contacts

School Admissions Team

Telephone: 0300 1234 101

Email: schooladmissions@cornwall.gov.uk

Website: www.cornwall.gov.uk/admissions

School Effectiveness Cornwall (SEC)

Telephone: 0300 1234 100

Email: schooleffectiveness@cornwall.gov.uk

Statutory SEN Service

Tel: 01872 324242

Email: statutorySEN@cornwall.gov.uk

Appendix 1: Letter templates

Template letters to parents following meeting to discuss placement outside the normal age group (to be completed by person representing the relevant admission authority).

Agreement to placement a year behind

Dear [REDACTED]

Request for [REDACTED], D.O.B [REDACTED] to be placed outside his/her normal age group from [REDACTED].

Thank you very much for meeting with us on [REDACTED]. It was very helpful to meet with you and also with [REDACTED] and [REDACTED] who were representing [REDACTED]. I really appreciate all of the information that you gave to us and I understand that you have a very strong view that [REDACTED] should **stay on in/enter year [REDACTED]**, outside **his/her** normal age group. Essentially this is because you feel that [REDACTED].

You clearly stated that it was your wish that [REDACTED] should **stay on in/enter year [REDACTED]**. [REDACTED] confirmed that, based on their professional opinion, they also fully supported this arrangement.

It was stated that Cornwall Council's view is that schools should be able to ensure that provision meets the needs of all children and that where a school wishes to take a child outside their normal age group this would be due to evidence that:

- *the pupil's development is delayed and progress is limited in their personal and emotional development and social skills appropriate for a younger peer group;*
- *the pupil shows significant delay and little progress, in intellectual development/educational skills across the subject areas, to an extent that it is not reasonable to expect curriculum differentiation within their normal age group to be successful;*
- *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/self-awareness (including consideration of puberty);*
- *there is understanding of what may be causing those delays (such as trauma, illness or disability) and that the pupil may benefit from repeating an academic year or entering a year below.*

(See page [REDACTED] of 'Placement of pupils outside their normal age group' enclosed.)

As the **headteacher of [REDACTED]/representative of the admission authority of [REDACTED] school/an officer representing Cornwall Council** I was able to talk to you about the implications of your child being educated outside their normal age group. This was essential so that you understood that there may be issues that arise at a later date related to the provision of education for your child. This included the following information:

- *Receiving schools on transition (i.e. into junior school, secondary school, or special provision) are free to review and reconsider the placement outside the normal age group, and the continuing placement of the pupil outside their normal age group cannot be guaranteed on transition into a new school, (although decision-makers must take the previous placement outside the normal age group into account).*
- *Pupils who have been educated a year behind their normal age group will become eligible to leave school before completing examination courses.*
- *The admission authority must first make a decision on the age group the child should be admitted to and then it must apply its oversubscription criteria to decide whether a place can be offered in that age group – a decision that a child should be accepted outside their normal age group **does not guarantee a place** in that age group. The normal application process will still need to be carried out. [remove this section if child is already at the school]*
- *One admission authority cannot be required to honour a decision made by another admission authority on admission outside the normal age group.*
- *[Other information as relevant]*

In the case of [REDACTED] it was agreed that there is a need for **him/her** to be educated outside **his/her** normal age group **at this time/in September** for the following reasons:

-
-
-

Therefore **I/we am/are** happy to support that decision. All parties agreed that [REDACTED] progress would however be very carefully monitored so that if, in future, there was a significant change this arrangement may be reconsidered.

Full details about pupils being educated out of their year group are contained in the enclosed guidance document 'Placement of pupils outside their normal age group'.

I would be grateful if you could complete and return the attached form to indicate that you agree with and understand the content of this letter.

I wish [REDACTED] the best as **she/he** continues **her/his** education.

Yours sincerely

[REDACTED]

Placement of pupils outside their normal age group
September 2020

Reply form

I agree with and understand the content of the letter from [REDACTED] dated [REDACTED] describing the outcomes of our meeting on [REDACTED]. I am happy with the decision that was reached by all parties that my **son/daughter** [REDACTED] should be educated out of **his/her** normal age group for the time being and understand that this will be subject to review.

Signed: [REDACTED]

Name: [REDACTED]

Date: [REDACTED]

Refusal of a placement a year behind

Dear [REDACTED]

Request for [REDACTED], D.O.B [REDACTED] to be placed outside his/her normal age group from [REDACTED].

Thank you very much for meeting with us on [REDACTED]. It was very helpful to meet with you and also with [REDACTED] and [REDACTED] who were representing [REDACTED]. I really appreciate all of the information that you gave to us and I understand that you have a very strong view that [REDACTED] should **stay on in/enter year [REDACTED]**, outside **his/her** normal age group. Essentially this is because you feel that [REDACTED].

It was stated that Cornwall Council's view is that schools should be able to ensure that provision meets the needs of all children and that where a school wishes to take a child outside their normal age group this would be due to evidence that:

- *the pupil's development is delayed and progress is limited in their personal and emotional development and social skills appropriate for a younger peer group;*
- *the pupil shows significant delay and little progress, in intellectual development/educational skills across the subject areas, to an extent that it is not reasonable to expect curriculum differentiation within their normal age group to be successful;*
- *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/self-awareness (including consideration of puberty);*
- *there is understanding of what may be causing those delays (such as trauma, illness or disability) and that the pupil may benefit from repeating an academic year or entering a year below.*

(See page [REDACTED] of 'Placement of pupils outside their normal age group' enclosed.)

As the **headteacher of [REDACTED]/representative of the admission authority of [REDACTED] school/an officer representing Cornwall Council** I was able to talk to you about the implications of your child being educated outside their normal age group.

In the case of [REDACTED] it was agreed that there is not enough evidence to support the need for **him/her** to be educated outside **his/her** normal age group **at this time/in September** for the following reasons:

-
-

Full details about pupils being educated out of their year group are contained in the enclosed guidance document 'Placement of pupils outside their normal age group'.

Placement of pupils outside their normal age group
September 2020

I wish [REDACTED] the best as **she/he** continues **her/his** education.

Yours sincerely

Prepared by:

Pupil Placement Manager

Together for Families

September 2020

Placement of pupils outside their normal age group
September 2020

If you would like this information
in another format please contact:

**Cornwall Council, County Hall
Treyew Road, Truro TR1 3AY**

Email: equality@cornwall.gov.uk

Telephone: **0300 1234 100**

www.cornwall.gov.uk