



Confusion and Complaints will Continue - as new 2014 Code maintains Postcode Lottery for Summer Born Admissions

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On the day the government publishes its updated School Admissions Code, the *Summer Born Campaign* group insists, ***“It promised greater clarity but has delivered even greater inconsistency than before.”*** Critically, say *Pauline Hull* and *Michelle Melson*, the new Code abdicates all decision making and responsibility regarding Reception class entry for compulsory school age (CSAge) summer born children in the name of ‘localism’, but the end result is a process that varies widely across England. Authorities are at liberty to reach different decisions regarding Reception versus Year 1 entry, even for the *SAME* child, and against parents’ wishes.

Unnecessary Individual Focus and Fighting

The Code now dictates that the *“circumstances of the case”* must be considered in all CSAge *“requests”* from parents, when essentially, at their core, **all the cases are the same**: these are parents who wish their summer born child to start school in Reception class at CSAge (the term following their 5th birthday, and no earlier), with access to the same amount of education afforded all other children (i.e. 7 years of primary school and 5 years of secondary school).

But whereas some councils[1-4] view these requests as a very straightforward legislative process of agreeing to *“parents’ wishes”* and ensuring the child’s *“best interests”* are unequivocally met, other schools and councils are forcing parents to submit ‘evidence’ in support of their request, and making them submit an application for the year they *don’t* want (i.e. age 4 entry) while a decision is made, with some even telling parents that an educational psychologist’s formal assessment of their 3 year-old or GP’s letter is needed, or holding decision-making ‘panels’ which parents can be told they must attend and present their ‘case’ or conversely, they are not to attend at all. These parents then have to endure an entirely different application and admission process to that of parents of children born at any other time of the year – with **no right of appeal** if a Year 1 place only is offered. Most don’t dare gamble losing a school place altogether (if Year 1 is full) and succumb to an age 4 entry.

No other child is assessed prior to being ‘allowed’ entry to Reception (whether a child turning 5 on September 1st or a child still only 3 years old when starting school with a late August autumn term start). Only parents of summer born children must ‘demonstrate why’ their child needs a full 12 years of compulsory education...

No Protection Against Losing A Year of Education:

Furthermore, even when a parent’s request *is* granted, there are no procedural guarantees in place in the Code to ensure that a child won’t be forced by a head teacher or an admissions authority to skip an entire year of their education later on. So we ask, *“Why, after two years of evidence and complaints from parents, did the Department for Education decide to appease admissions authorities and condone the continuation of an inconsistent, unclear and inequitable postcode lottery for summer born children?”*

This is the very opposite of what the Code should be.

Non-Statutory Advice Still Required for ‘Clarity’:

Finally, if the Code has been amended to provide ‘greater clarity’, why has the DfE said it’s going to publish new ‘non-statutory advice’ on summer born admissions, to be read alongside the Code? Aside from the fact that ‘advice’ can be wholly ignored by admissions authorities (and many have already stated they will only refer to the *statutory* Code), the DfE already issued summer born advice in July 2013 and updated it again in May 2014, but confusion nevertheless remained rife.

Key Point

This whole issue hinges on compulsory school age. It's not a debate about flexibility or 'delaying' school entry. It's about what should happen to a child **when** they start school **at** CSAge, and why summer born children are being denied the same number of years' education as any other child entering school.

But even *the Department for Education twice defined 'compulsory school age' incorrectly* in its recent *Evidence Check memorandum* for the Education Committee, and we know that many council and school staff still do not have a fundamental understanding of its legal meaning, so this only adds to summer born entry confusion, and increases the sometimes unlawful pressure for an age 4 start.

BACKGROUND INFORMATION

- Being forced to miss a whole year of school is a real risk for summer born children:
<http://summerbornchildren.org/2014/11/23/illegal-policy-no-warnings-fines-or-imprisonment-for-us-our-summer-born-children-must-miss-a-year-of-education/>
- How moving house could cost summer born children a whole year of education, regardless of initial admissions authority response to their request for a Reception class start:
<http://summerbornchildren.org/2014/05/31/moving-house-could-cost-summer-born-children-a-whole-year-of-education/>
- Why the new 2014 School Admissions Code will exacerbate the gap between rich and poor:
<http://summerbornchildren.org/2014/11/19/dfes-new-code-will-exacerbate-gap-between-rich-and-poor/>
- How mental health and the most vulnerable children are often forgotten, plus the link between improving mental health, delaying school start of youngest children and reducing NHS costs:
<http://summerbornchildren.org/2014/11/20/vital-link-between-improving-mental-health-delaying-school-start-of-youngest-children-and-reducing-nhs-costs/>
- Evidence that admissions authorities do not agree how the 2014 Code should be interpreted, but worse, neither do the official bodies to whom parents must turn when they face problems:
 - a) Freedom of Information request reveals local authority disagreement and lottery
<http://summerbornchildren.org/2014/11/28/foi-by-summer-born-campaign-group-reveals-local-authority-disagreement-confusion-postcode-lottery/>
 - b) 'Final Decision' by Local Government Ombudsman condones discriminatory admissions practices
<https://summerbornchildren.files.wordpress.com/2014/06/14-june-15-sbc-press-release-lgo-final-decision1.pdf>
 - c) OSA comments on the 2014 draft Code confirm confusion and chaos ahead
<http://summerbornchildren.org/2014/12/02/unclear-code/>
 - Inconsistency of the Department for Education's position:
<http://summerbornchildren.org/2014/05/03/inconsistency-of-the-dfes-position-continues/>

- Evidence of admissions authorities not knowing what compulsory school age is:
<http://summerbornchildren.org/2014/06/09/norfolk-staff-newsletter-says-csa-is-4-unless-the-law-changes/>
 [and]
<http://summerbornchildren.org/2014/06/14/norfolk-gets-the-law-wrong-again/>
- Why summer born admissions chaos will escalate as more schools become academies:
<http://summerbornchildren.org/2014/05/31/summer-born-admissions-chaos-escalates-as-more-schools-become-academies/>

REFERENCES

[1] Cheshire East Council: ***“Support the need to agree admission to reception, and not year one, of summer born children... Perhaps the Code should simply allow parents the right to request ‘delayed entry’ and that, in such cases, the admission authority or local authority should simply be required to offer advice as a mandatory requirement, leaving the parent to decide on what is right for their child.”***

[2] Hampshire County Council: ***“In its proposed state, it is **difficult**: for parents to understand the threshold to being given approval to apply for decelerated admission of their summer born child; for head teachers to provide an informed view about a child they do not know, eighteen months in advance of the child being due to start school; for admission authorities to defend refusing their decision. If it is intended that admission to Year R is to be so flexible, then the Code should state that Admission authorities should simply go with the parental preference. This would provide a consistent process for parents of summer born children. It would also save LA/GB and headteacher time spent on of considering requests for which there is no clear guidance.”***

[3] Sheffield City Council: ***“The Guidance is clear that **the assumption is to approve a parental request unless there is reason not to. This principle is fully supported as it is recognised that the wishes of parents should be given priority.**”***

[4] Hertfordshire County Council: ***“Unfortunately rapid introduction of non-statutory guidance in July 2013 and the current proposal to ensure “headteachers views are taken into account” appear to be driven by a desire to provide parents with more information/ammunition rather than clarifying the decision making process or an understanding the complexity of the allocation process in an equal preference system. **If the government wishes to allow, as the norm, all summer born children to apply for a Reception place a year late, the legislation should be amended accordingly.** It is not appropriate for the DfE to exert pressure on LAs on their decision making in individual cases. The current and proposed Codes are clear that these decisions remain in the hands of the relevant admission authority and it would be helpful if DfE officers reiterated this fact to parents when investigating individual complaints.”***

(Quotes above from: <http://summerbornchildren.org/2014/11/28/foi-by-summer-born-campaign-group-reveals-local-authority-disagreement-confusion-postcode-lottery/>)

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