

Requests for Deferred Entry or Admission Out of Cohort of Summer Born Children

1. Introduction

1.1 *This paper is a response to the DfE document 'Advice on the admission of summer born children' (July 2013), and to highlight the subsequent concerns of LA Admission Officers expressed through LIAAG.*

1.2 *It is the view of the majority of LAs that the DfE advice, although non-statutory, goes beyond the School Admissions Code (the Code) and is written from a perspective that parental requests for deferred entry or out of cohort admission will usually be agreed.* 

1.3 *This paper confirms the statutory position and suggests a process by which Admission Authorities should consider such requests based on an individual child's exceptional circumstances. It is written from the perspective that the general admissions framework will meet the needs of the majority of summer born children, but that there is an equitable mechanism in place to consider requests for individual needs to be met exceptionally outside the general framework.* 

1.4 *ALDCS are asked to consider the paper and to decide if ADCS should be requested to consider it, with a view to making wider representations to the DfE.*

2. Statutory requirements of Deferred Entry to school (Code 2.16)

2.1 The Code (2.16) requires admission authorities to provide for the admission of all children in the September following their fourth birthday. 

2.2 A child is not required by law to start school until they have reached compulsory school age. 

2.3 The Code (2.16) requires admission authorities to publish that parents may request that their child attends part-time until they reach compulsory school age or that their date of admission is deferred until later in the same academic year or until the term in which the child reaches compulsory school age.

2.4 A child reaches compulsory school age on the prescribed day following his fifth birthday (or on his fifth birthday if it falls on a prescribed day). The prescribed days are 31 December, 31 March and 31 August. This means that a child born between 1 April and 31 August will reach compulsory school age on 31 August, that is during the summer term of the admission year (reception). 

3. Consideration by an Admission Authority in determining a parental request for deferred entry of a summer born child

General points

3.1 The provisions of the Code (2.16) do not specifically refer to summer born children. Although parents are not required to secure education below compulsory school age, the requirement on Admission Authorities to admit in September following the fourth birthday, carries an expectation that the state system will educate children in one cohort irrespective of individual ages. This requirement was introduced following 'The Primary Curriculum

Review' in April 2009 which found that summer born children are slightly better off in terms of cognitive outcomes at Key Stages 1-3 if they start school in the September following their fourth birthday. 

3.2 The Early Years curriculum is designed to meet the needs of all children across the age cohort, and schools are expected to do so.

3.3 Schools are funded according to the number of children on roll in early October, although an adjustment can be made for under 5's admitted before mid January. A child admitted after this will not be funded until the following year. 

3.4 Holding an unoccupied place beyond the normal date of admission when a school is oversubscribed might be viewed as unreasonable by unsuccessful applicants, particularly where there is unmet demand for places in the area served by the school and children are having to travel to schools further away from home. 

Specific Grounds

3.5 Grounds for deferred entry to reception should be based on the needs of the individual child, rather than grounds that might equally apply to many children (i.e. there should be exceptional circumstances which do not open up a floodgates argument for deferral). 

3.6 Professionally supported evidence of the grounds and their impact on the date of admission to school should accompany the request.  

3.7 An assessment should be made by the Admission Authority as to whether the grounds for deferral are outweighed by the potential social drawbacks of the child entering the school later than their peers and the potential educational drawbacks of missing part of the reception year curriculum. 

3.8 Although the decision rests with the Admission Authority on a case by case basis, own Admission Authority schools are advised to consult their LA in order to promote equitable treatment of similar requests across schools in the area. 

4. Making clear the impact of the decision to parents

4.1 Where deferred entry is agreed, the Admission Authority should make clear that the child will move up to Year 1 in the following September, rather than repeating all or part of the reception year. 

4.2 Where a request for deferred entry is denied and parents decide to reapply in the following year (out of cohort), the Admission Authority should make clear that the application will be considered, but that there is no guarantee that admission out of cohort will be agreed. If it is not agreed, the parent will be advised to apply for Year 1, but again there is no guarantee of a place being available at a particular school. (See 6.2 below). 

5. Statutory requirements of admission to school out of cohort (Code 2.17)

5.1 The Code (2.17) states that 'parents of gifted and talented children, or those who have experienced problems or missed part of a year, for example due to ill health, can seek places outside their normal age group.' 

5.2 Admission Authorities are required to make decisions on the basis of the circumstances of each case, informing parents of their statutory right to appeal. This right does not apply if they are offered a place in another year group at the school.

5.3 The Code (2.17) does not specifically refer to summer born children. The requirement to consider individual circumstances implies that it should be an exceptional provision based on the needs of an individual child, rather than circumstances which would open the floodgates to a wider group of children (e.g. on grounds of age). 

5.4 Although the law does not prescribe the year group to which a child must be admitted, within the state school system there is an expectation that children will be educated with those in their chronological age group. Within such a system there must be a cut off dates to determine the age cohort. In general, the needs of children born close to either side of the cut off dates, irrespective of whether or not born prematurely, are met by schools within the cohort. This should not be a sufficient reason in itself for a child to be educated outside the age cohort. The individual needs of the child should therefore be considered. 

5.5 It is uncommon for children to be educated outside their cohort. Those that are, will most frequently have a statement of SEN which determines this to be necessary to meet their special educational needs. 

6. Consideration of applications for admission to Reception (out of cohort) of a summer born child

6.1 Where a parent of a Year 1 aged child makes application for reception (irrespective of whether an application was made in the previous year), they will need to apply in the normal round on a paper form. 

6.2 The Home LA should advise the parent of the implications of applying out of cohort:

- That the Admission Authority for each preference will consider the grounds for admission out of cohort and make a decision. 
- Where the decision is to agree the request, the preference will be considered with all other reception applications under the oversubscription criteria. If a place is refused they have right of appeal.
- Where the decision is to refuse the request, the Admission Authority will advise that they should apply for Year 1 if they wish to have their preference considered for that school. 
- In both cases, there is no guarantee of a place at the school of preference. 
- If a place is not available at any preferred school, the LA will identify a place in the chronological age group at an alternative school. 

6.3 Where a Home LA receives an application for admission out of cohort which includes a preference for a school in another LA, the home LA should alert the maintaining LA before passing the preference through the PLR, making clear that it has advised the parent that by passing on the preference, it is not necessarily supporting a request for out of cohort admission and that the decision rests with the Admission Authority. 

7. Consideration by an Admission Authority in determining a request for admission to Reception of a Year 1 age child

General Points

7.1 The Admission Authority should decide whether agreeing to the request will enable the school to better meet the individual child's educational needs, and should also take into account the impact of the decision on the needs of other children in the school. 

7.2 The grounds should be exceptional and based on the educational needs of the individual child. They should differentiate from those applying in general to children of a similar age so as not to open up a floodgates argument. 

7.3 The grounds should be professionally supported by the Head of an Early Years setting, and/or an Educational Psychologist, and/or a consultant paediatrician, and/or a senior care professional. 

7.4 If the child has special educational needs (but not a statement) the advice of the Home LA's special educational needs team should be sought. 

7.5 The Admission Authority should balance the potential advantage for the child against any potential disadvantage for the school, bearing in mind the following where appropriate: 

- the impact on the class and teacher of accommodating the needs of a child who is older than others in the class. 

- the impact of admitting a child out of cohort on unsuccessful applicants of the correct age, particularly in the context of high local demand for places. 

- The implications for the child admitted out of cohort on transition from Key Stage 1 to Key Stage 2 within the school and on transition to secondary school at Key Stage 3 when secondary schools may be resistant to admitting a child to Year 7 below the chronological age group and insist that the child is educated with their peers in Year 8. 

- the feasibility and potential willingness of parents to integrate the child into their correct age group before Year 6 in order to avoid potential difficulties at KS3 transfer. 

7.6 Although the decision rests with the Admission Authority on a case by case basis, own Admission Authority schools are advised to consult their LA in order to promote equitable treatment of similar requests by schools in the area. 

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