



Department  
for Education

# **Advice on the admission of summer born children**

**For local authorities, school admission  
authorities and parents**

**December 2014**

# Contents

Summary	3
About this departmental advice	3
Expiry or review date	3
Who is this advice for?	3
Compulsory school age	3
Key points	3
Background	4
The revised School Admissions Code	5
Making a decision in the child's best interests	6
Children born prematurely	6
The submission of evidence by parents	7
A process for handling parental requests	7
Answers to some common questions	8
Free early education	8
Funding for children educated out of their normal age group	8
Moving children to their normal age group	8
Transfer to junior and secondary school	9
Tests and performance tables	9
School leaving age	9
Parental appeals and complaints	9

# Summary

## About this departmental advice

This is advice from the Department for Education. It is non-statutory, and has been produced to help local authorities, admission authorities and parents understand the framework within which admission authorities must operate when responding to parental requests for summer born children (see below) to be admitted out of their normal age group. It will help local authorities and admission authorities fulfil the duties imposed on them by the statutory School Admissions Code.

It replaces the earlier advice of the same title dated July 2013.

It should be read in conjunction with the revised School Admissions Code which came into force on 19 December 2014.

## Expiry or review date

This advice will be reviewed within 3 years from the date of publication.

## Who is this advice for?

This advice is for:

- local authorities
- school admission authorities
- parents of summer born children who are considering delaying their child's entry to primary school until they reach compulsory school age.

## Compulsory school age

Compulsory school age is set out in section 8 of the Education Act 1996 and The Education (Start of Compulsory School Age) Order 1998. 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. The term 'summer born' is used to refer to children born from 1 April to 31 August. These children are not required to start school until a full school year after the point at which they could first have been admitted.

## Key points

- School admission authorities are required to provide for the admission of all children in the September following their fourth birthday, but flexibilities exist for

children whose parents do not feel they are ready to begin school before they reach compulsory school age.

- Where a parent requests their child is admitted out of their normal age group, the school admission authority is responsible for making the decision on which year group a child should be admitted to. They are required to make a decision on the basis of the circumstances of the case and in the best interests of the child concerned.
- There is no statutory barrier to children being admitted outside their normal age group, but parents do not have the right to insist that their child is admitted to a particular age group.

## Background

Paragraph 2.16 of the School Admissions Code (the code) requires school admission authorities to provide for the admission of all children in the September following their fourth birthday, but children do not reach compulsory school age until after their fifth birthday. There is flexibility for parents who do not feel their child is ready to start school before compulsory school age. They may defer the date their child is admitted to school until later in the school year following their fourth birthday, providing they do not defer beyond the point at which they reach compulsory school age, or beyond the start of the final term of that school year. Alternatively, their child may attend school part-time until they reach compulsory school age.

Children born in the summer term, however, are not required to start school until a full year after the point at which they could first have been admitted – the point at which other children in their age range are beginning year 1. Should the parent wish their child to be admitted to reception, rather than year one, at this point, they may request that they are admitted out of their normal age group. Paragraph 2.17A of the code requires that, in any circumstance where a parent requests their child is admitted out of their normal age group, the admission authority must make a decision on the basis of the circumstances of the case and in the best interests of the child concerned.

This advice:

- highlights the relevant new provisions in the revised School Admissions Code 2014
- suggests a process that may be used at a local level for handling parental requests for summer born children to be admitted out of their normal age group
- provides answers to some common questions.

## Parental decisions to delay their summer born child's admission to school until compulsory school age

While most parents are happy for their child to start school in the September following their fourth birthday, some parents will have concerns about whether their child will be ready for school at this point, and will consider delaying their entry until compulsory school age. It is important that they know all the options available to them and are able to make an informed decision.

They should note that, whilst evidence shows that, statistically speaking, summer born children tend to perform less well in school tests, this does not mean that all children born in the summer term will struggle at school. Teachers are skilled at differentiating the curriculum to meet a diverse range of needs. Before deciding to delay their child's entry to school, we would recommend that parents visit the schools they are thinking of applying for. The teachers will be able to explain the provision on offer to children in the reception class, how it is tailored to meet the needs of the youngest pupils and how the needs of these pupils will continue to be met as they move up through the school. They may also be able to allay any concerns the parent may have about their child's readiness for school.

It is also important to note that, whether they attend a primary school or an early years setting during the academic year following their fourth birthday, children will receive the Early Years Foundation Stage curriculum which is largely based around learning through play. Further information for parents about the early years foundation stage is available on the [Foundation Years website](#).

## The revised School Admissions Code

A revised School Admissions Code came into force on 19 December 2014. The relevant paragraphs for the purpose of this advice are paragraphs 2.17, 2.17A and 2.17B. These paragraphs relate to any circumstance in which a parent requests their child is admitted out of their normal age group. This advice, however, relates specifically to parental requests for summer born children to be admitted to reception rather than year one at the age of five.

The revised code includes the following new requirements in relation to parental requests for children to be admitted out of their normal age group.

- To improve the quality of decision making in individual cases, as well as making their decision on the basis of the circumstances of the case, admission authorities must now make their decision in the child's best interests, and must take account of the views of the head teacher of the school concerned. The code now also provides further information about the matters an admission authority should take into account when considering the circumstances of the case.

- To improve clarity and transparency for parents, admission authorities are now required to make clear in their admission arrangements the process for requesting admission out of the normal year group. They must also set out clearly for the parents concerned the reasons for their decision in each case.
- To improve fairness, where a parent's request is agreed, the local authority and admission authority are now required to process the application as part of the main admissions round. They may not give the application lower priority on the basis that the child is being admitted out of their normal age group.

## **Making a decision in the child's best interests**

We are aware that, in making their decision, many admission authorities have focussed on whether the child has any particular medical or special educational needs which mean their development is significantly below the expected levels for a child of their age.

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.

However, 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 parents of summer born children must be able to make a decision about whether their child is ready to go to school before compulsory school age confident that, if they decide not to send them to school until age five, the decision about the year group they should be admitted to at that point will be made in the child's best interests.

This will require the admission authority to take account of the child's individual needs and abilities and to consider whether these can best be met in reception or year one. It will also involve taking account of the potential impact on the child of being admitted to year one without first having completed the reception year. The views of the head teacher will be an important part of this consideration.

## **Children born prematurely**

A number of factors associated with prematurity can delay a child's development. Children born prematurely tend to develop according to their due date, rather than their actual birth date which means their social, emotional, physical and intellectual development may be behind that of their peers. Some children may also have additional health problems associated with their prematurity.

In addition, as a consequence of being born before their due date, a child may fall into a different age group than if they had been born at full term. When considering the circumstances of the case, admission authorities should take account of the age group the child would have fallen in to if born on time.

## **The submission of evidence by parents**

It is reasonable for admission authorities to expect parents to provide them with information in support of their request – since without it they are unlikely to be able to make a decision on the basis of the circumstances of the case. This should demonstrate why it would be in the child’s interests to be admitted to reception rather than year one.

In some cases parents may have professional evidence that it would be appropriate for them to submit, for example, when a child receives support from a speech and language therapist. However, 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. In such cases the supporting information might simply be the parent’s statement as to why they have made their request.

## **A process for handling parental requests**

The revised School Admissions Code requires admission authorities to make clear in their admission arrangements the process for requesting admission out of the normal year group. It does not, however, prescribe a particular process that must be used. This is for local authorities and admission authorities to determine. However, it is important to note that, where a parent wants their child to be admitted out of their normal age group, the admission authority has two separate decisions to make:

- it must first decide on the age group the child should be admitted to
- only once that decision has been made can it apply its oversubscription to decide whether a place can be offered in that age group.

We acknowledge that it will not always be easy for admission authorities to make a decision about a child more than a year before the point at which they may be admitted, particularly as it is difficult to know what progress they may make in the intervening period. However, parents should know the outcome of their request for admission out of the normal age group in time to make an informed decision about whether their child will start school before compulsory school age.

We therefore recommend that the process local authorities and admission authorities put in place:

- requires the parent to make an application for their child’s normal age group at the usual time, but enables them to submit a request for admission out of the normal age group at the same time

- ensures that the parent receives the response to their request before primary national offer day.

If their request is agreed, their application for the normal age group may be withdrawn before a place is offered. If their request is refused, the parent must decide whether to accept the offer of a place for the normal age group, or to refuse it and make an in year application for admission to year one for the September following the child's fifth birthday.

Where a parent's request is agreed, they must make a new application as part of the main admissions round the following year.

One admission authority cannot be required to honour a decision made by another admission authority on admission out of the normal age group. Parents, therefore, should consider whether to request admission out of the normal year group at all their preference schools, rather than just their first preference schools.

The revised Code came into force on 19 December 2014. At this point admission authorities will have already determined their admission arrangements for the 2015/16 school year. Some may have already begun drawing up and consulting on their admission arrangements for the 2016/17 school year. Wherever possible, admission authorities should include the process for requesting admission out of the normal age group in their admission arrangements for the 2016/17 school year. Where this is not possible, they must include it in their arrangements for the 2017/18 school year.

## **Answers to some common questions**

### **Free early education**

Where a parent chooses to defer or delay their child's entry to school, the child remains entitled to a funded early education place of 15 hours a week for 38 weeks of the year until they are admitted to school. More information about free early education is available on [GOV.UK](http://GOV.UK).

### **Funding for children educated out of their normal age group**

Primary schools are funded for the number of pupils they have on roll, regardless of their age, though local authorities may choose to weight that funding according to age. Similarly, secondary schools are funded on the basis of the number of pupils they have in years 7-11, regardless of their age, which again may be weighted according to age by local authorities.

### **Moving children to their normal age group**

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, but in others it will

not. 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.

## **Transfer to junior and secondary school**

Where a child has been educated out of their normal age group, the parent may again request admission out of the normal age group when they transfer to junior or secondary school. It will be for the admission authority of that school to decide whether to admit the child out of their normal age group. They must make a decision on the basis of the circumstances of each case and in the child's best interests, and will need to bear in mind the age group the child has been educated in up to that point.

## **Tests and performance tables**

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.

The department reports on pupils' performance when they reach the end of a key stage – regardless of age.

## **School leaving age**

A child ceases to be of compulsory school age on the last Friday of June in the school year they become 16. If a child is educated outside their normal age group (i.e. is in year 10 when this date is reached) the school will continue to receive funding for that child but the child will no longer be of compulsory school age during the school year in which most children take their GCSE examinations and cannot, therefore, be obliged to attend.

The government is changing the law so that all young people will be required to continue in education or training until the end of the academic year in which they turn 17 in 2013 and until their 18th birthday in 2015. Young people will have a choice about how they do this. It could be through full time education in school or college, an apprenticeship or full time employment combined with part time education. However, the date on which they cease to be of compulsory school age will remain unchanged.

## **Parental 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, 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. All schools have a duty to consider complaints about the school and must have a published complaints procedure in place. Local authorities will also have a complaints procedure.

In the case of foundation and voluntary aided schools, academies and free schools, parents may make a complaint using the school's complaints procedure – because the governing body or academy trust is the admission authority. In the case of community and voluntary controlled schools, they may complain to the local authority – because they are the admission authority.

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

If they are unhappy with the way an academy 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. More information is available on [www.gov.uk](http://www.gov.uk).



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