



## Placement of pupils out of their chronological year group

A guide for parents and carers, early years settings, schools, professionals and admission authorities 2015/16

**Target audience:** Headteachers, Chairs of Governors, ESMT, Admissions

### Admission outside the normal age group

**3.30** Although most children will be admitted to a school with their own chronological age group, from time to time parents seek places outside their normal age group for gifted and talented children, or those who have experienced problems or missed part of a year, often due to ill health. While it would not normally be appropriate for a child to be placed in a year group that is not concurrent with their chronological age, admission authorities should consider these requests carefully and make decisions on the basis of the circumstances of each case and in consultation with the parents and the school, and specifically in relation to what is most beneficial to the child. Due regard should also be given to the Educational Psychologist's report where available, and clear reasons ascertainable for such a decision to be made.

**3.31** If it is decided that there are grounds to consider an 'out of year' application, parents refused an application for a place at a school have a statutory right of appeal. However, there is no right of appeal if a place has been offered but not in the desired year group.

Statutory Code

Statutory Code document no: 005/2013

Date of issue: July 2013





## Introduction

It is usual practice in Wales 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 chronological year group. School admission authorities<sup>1</sup> are responsible for making the decision on whether or not a child will be admitted outside their chronological year group.

They are required to make a decision based on the circumstances of the case. (However, where a child has a Statement of Special Educational Needs, the decision rests with the Local Authority and must be confirmed in an amendment to the Statement.) The Local Authority (LA) recommends that the decision is made in consultation with parents<sup>2</sup>, all professionals involved with the child and the LA. Admission authorities are not able to set a blanket policy which states that no admissions will be made outside chronological year groups.

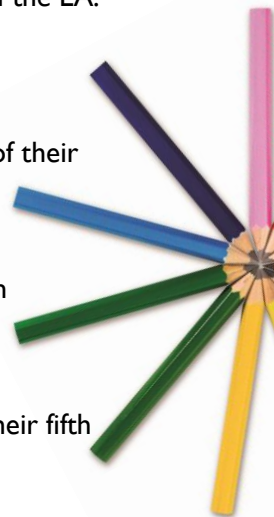
The purpose of this document is to provide useful information and recommendations for those assessing the appropriateness of admitting a child out of their chronological year group (an 'out-of-year-group placement'), based on the requirements of the School Admissions Code 2013 and the views of the LA. This document should be read in conjunction with **The School Admissions Code 2013**.

## Basis for out-of-year-group requests

There are a number of reasons why parents might request for their child to be educated out of their chronological year 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;
- 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);
- 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, including when this is due to high mobility;
- 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;
- 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 1;





- whose emotional health and well-being has been affected by tragedy or trauma;
- 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 out of their year group in infant or primary school and need to request to stay out of their chronological year group on transfer;
- who have been identified as gifted and talented and whose parents believe they should be a year in advance of their chronological year group.



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1. The admission authority in the case of community and voluntary-controlled schools is the Local Authority and in the case of voluntary-aided schools, it is the governing body of the school.
  2. Any reference to 'parent/s' in this document also includes carer/s.





## Newport Local Authority's position on out-of-year-group placements

Established good practice within the Authority and nationwide shows that, apart from in the most exceptional circumstances, schools are able to meet all pupils' personal, social and educational needs within their appropriate year group, and that this is a reasonable expectation. The balance of current research (see Appendix 1) indicates that little benefit is secured for the child by relocating them into a different school year group, and that there are risks associated with this strategy, which should always be given full consideration. The LA regards the placement of a pupil out of their chronological year group as a highly intrusive strategy. As such, there should always be demonstrable evidence that other less intrusive, more inclusive strategies have failed, or are highly unlikely to be successful in meeting the child's needs.

The LA expects admission authorities:

- to consult at an early stage with the LA Access and Infrastructure Team if considering the admission or placement of a pupil out of their chronological year group to enable the LA to discharge its statutory duties with regard to the provision and organisation of school places;
- to act in such a way as to uphold the principles of equality and to avoid making decisions with regard to placing children out of their chronological year group which will impact negatively on the availability of places for other pupils entitled by their age to be placed in that year group;
- to consider and to remain alert to regulations and local practice which may be relevant as the pupil progresses outside their chronological year group (e.g. regarding pupil funding, examinations, the school leaving age and transition - especially if transition into special education is likely to be considered at a later date).

In particular, consideration should be given to the fact that:

- receiving schools on transition (i.e. into junior school, secondary school, or special provision) are free to review and reconsider the placement out of year, and the continuing placement of the pupil out of year cannot be guaranteed on transition into a new school;
- pupils who have been educated a year behind their chronological year group will become eligible to leave school before completing examination courses;
- issues may emerge later, associated with the funding entitlement of the pupil being out of synch with their placement in the school/college and these may impact on provision for the pupil and/or a future school/college's willingness/ability to maintain the pupil's placement out of year.





### Newport local authority stresses that:

- 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, or a special school or special provision;
- 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 of the child must always be considered as the key criteria, rather than, for example, school organisation, curriculum and assessment considerations;
- schools and admission authorities should make early contact for advice with The Assistant Head of Education- Inclusion (see page 8 for contact details).

### Recommended/required procedures for making a decision on out-of-year-group placement

*For schools which are their own admission authority (voluntary-aided) the following procedures are recommended good practice. For community and voluntary-controlled schools (where the LA is the admission authority) the procedures are required practice.*

- To support admission authorities and the LA in fulfilling their long term responsibilities for pupils, a meeting should be convened by the school, including parents and all professionals involved with the child .The pupil may be included in all/part of the meeting, as appropriate for their age and ability to participate.
- The meeting should be arranged in good time, to allow for full consideration of the case and (if 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.
- Admission authorities should be mindful of the need to consider well ahead any proposal for accelerated or deferred transition into a new junior or secondary school. This discussion should not be delayed until just before.

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.
- A representative from the Inclusion Team should be invited to attend the meeting, in order to represent the LA.





- Full notes of the meeting should be made and agreed. These should include a clear statement as to whether any agreement by the admission authority to place a child out of their chronological year group is being made with or without the support of the LA (where it is not the admission authority), as expressed by the Inclusion Team representative at 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 Assistant Head of Education via the officer who attended the meeting.
- A letter should be sent to the parent/s 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 template in Appendix 2).

### **The process in relation to children with a Statement of Special Educational Needs (SEN) or Education, Health and Care Plan (EHCP)**

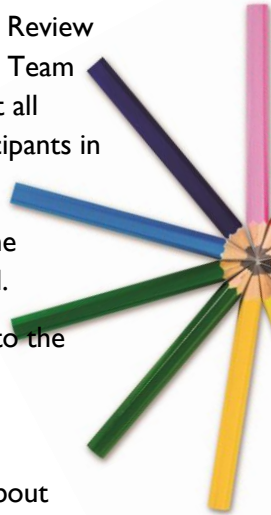
- Where a child has a Statement of SEN or Education, Health and Care Plan, the Annual Review meeting should serve as the consultation meeting and a representative of the Inclusion Team should be invited to attend. The notes of the Annual Review meeting should show that all relevant factors have been 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 SEN Assessment and Provision Team will consider the information arising from the Annual Review in the usual way and communicate the decision of the LA to the school.
- Where allocation out of chronological year group is agreed by the LA an amendment to the child's Statement will be issued.

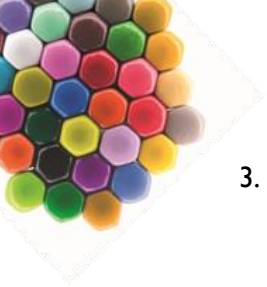
### **Recommendations for decision-makers**

Newport Local Authority makes the following recommendations for those making decisions about placement out-of-year-group:

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

1. 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;
2. 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 chronological year group to be successful;





3. 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);
4. the pupil has physical maturity sufficient to meet the curriculum and personal/social demands of a higher National Curriculum year (See sample checklist Appendix 3)

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

1. the pupil shows a significant delay, and little progress, in their personal and emotional development and social skills appropriate for a younger peer group;
2. 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 chronological year group to be successful;
3. 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). (See sample checklist Appendix 3)

**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 out of year group placement;
- there is a clear understanding about why and how the child's needs will be met more effectively out of their chronological year group, than would be possible within;
- the child's parent/s, 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);
- the LA Admissions Team has been informed;
- the negative issues associated with this strategy (see Appendix 1) have been fully discussed with parent/s;
- full consideration has been given to the likely/possible impact of relevant regulations and local practice as the pupil progresses outside their chronological year group;
- where a Statement of SEN is in place, all relevant factors have been considered, with all relevant parties consulted, at the Annual Review. (See sample checklists Appendix 3)





### Deferred entry to primary schools

The law does not require a child to start school until the start of the term following the child's fifth birthday. Where the admission authority for a primary school offers places in reception classes to parents before their children are of compulsory school age, they must allow parents the option of deferring their child's entry until later in the same school year.

The effect is that the place is held for that child and is not available to be offered to another child. The parent would not however be able to defer entry beyond the beginning of the term after the child's fifth birthday, nor beyond the school year for which the original application was accepted. This must be made clear in the admission arrangements for the school.

Where there are separate but 'paired' infant and junior schools, published arrangements must make it clear that parents of children at the infant school will need to apply for places at the junior school and that attendance at the infant school does not guarantee a place at the junior school.

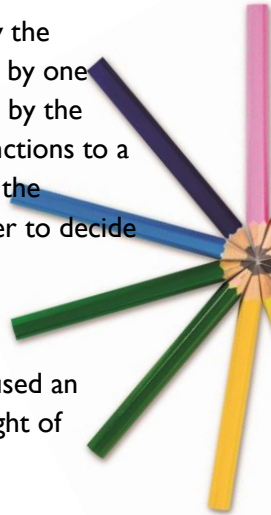
Where the school is its own admission authority, the admissions committee established by the governing body, **must** make such decisions<sup>3</sup>. Decisions on admissions **must not** be made by one individual in a school. Where the LA is the admission authority the decision must be taken by the Assistant Head of Education (Inclusion) Whilst LAs may delegate all of their admissions functions to a governing body of a community or voluntary controlled school, they must not delegate to the governing body (or Head) part of the functions of an admission authority such as the power to decide admission applications.

### Parents' right to appeal/make a complaint

If it is decided that there are grounds to consider an "out of year" application, parents refused an application for a place at a school have a statutory right of appeal. However, there is no right of appeal if a place has been offered but not in the desired year group.

They may, however, make a complaint, following the school's published complaints procedure (or the Local Authority's complaints procedure in the case of community and voluntary-controlled schools).

Where the decision of the LA, in the case of a child with a Statement of SEN is not to uphold the request for placement out of chronological year group then providing this request was made as part of the issuing or Annual Review of the Statement then parents will have a right of appeal to the SEN Tribunal. Details of 'How to Appeal' are set out in correspondence sent to parents by the Inclusion Team.







### Further information

- Statutory Code Statutory Code document no: 005/2013. Date of issue: July 2013
- Newport Schools Admission Policy [www.newport.gov.uk/schooladmissions](http://www.newport.gov.uk/schooladmissions)

### Contacts

Newport Inclusion Team

Telephone: 01633 656656

Email: [inclusion.enquiries@newport.gov.uk](mailto:inclusion.enquiries@newport.gov.uk)

Website: [www.newport.gov.uk](http://www.newport.gov.uk)

School Admissions Team

Telephone: 01633 656656

Email: [school.admissions@newport.gov.uk](mailto:school.admissions@newport.gov.uk)



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3. Regulations made under Sections 21 and 138 of the 1998 Act; and Sections 19-21, 23-25, 34-36, 210 and 214 of the Education Act 2002.





## Appendix I - evidence base (with thanks to Blackburn LA)

The current research base comes largely from the USA and Canada, where “grade retention” has been used widely as a matter of course. This was reviewed by Blackburn LA in 2006 and that review is summarised here.

No published papers were found by Blackburn LA which showed positive outcomes following a repeated year at school, or which evaluated the effects of placing a child with an older year group.

### Relevant conclusions from the research about children placed in a younger year group indicate that:

- Children held back a year continue to struggle academically.
- Children in schools with a policy of moving them up with their peers learned more in terms of reading and mathematics than those who were in schools where some children repeated a year.
- Looking at developmentally delayed children, those who moved up with their peers did about the same as those who repeated a year, in terms of achievement and teacher ratings.
- Children who started school a year late tended to show the same problems as they had in the first place.
- Children who have been held back a year often feel anxious about their status with their peers. They tend to see it as a negative and confusing experience.
- As they move up through school, children who continue to work in a younger class show poorer emotional health and many report being bullied because they are not with their age-matched peers.
- Problems with attention were not improved by having the child repeat a year.
- Even with “catch-up teaching”, no difference in self-concept or classroom behaviour was seen between students who repeated a year and those who moved up.
- Employment chances are negatively affected by repeating a year at school, especially for people from ethnic minorities.

### Comments from the literature include:

- “Grade retention was ineffective for improving achievement and ability.”
- “It is rare in educational research to find so many studies with a similar conclusion: retention is not a successful intervention to assist students either academically or personally.”





- “While delayed entry and readiness classes may not hurt children in the short run, there is no evidence of a positive effect on either long-term school achievement or adjustment. Furthermore, by adolescence, these early retention practices are predictive of numerous health and emotional risk factors, and associated deleterious outcomes.”





## Appendix 2 - Template letter to parents following meeting to discuss out of year placement

Dear

Request for [REDACTED] D.O.B to be placed out of his/her chronological year group from September.

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 **repeat/delay his/her reception** year at the school. Essentially this is because **you/we** feel that due [REDACTED] to it can be evidenced that [REDACTED] would not be able to cope with **year 1** and being in a class with **his/her** chronological year group.

You clearly stated that it was your wish that [REDACTED] **repeats/delays his/her reception class** year. [REDACTED] **confirmed/were unable to confirm** that based on their professional opinions they also fully supported this arrangement.

It was stated that the LA 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 out of their chronological year group this would be due to evidence provided to support the consideration checklist.

As the **Headteacher** of [REDACTED] /**an officer representing the Local Authority** I was able to talk to you about the implications of your child being educated out of their chronological year 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. See page [REDACTED] of 'Placement of pupils out of their chronological year group'.

In this case **I/we** have considered all of the evidence provided and have decided that your **son/daughter should/should not** be placed outside of the chronological year group. All parties agree that progress should be carefully monitored by the school so that if, in future, there is a significant change, this arrangement may be reconsidered.

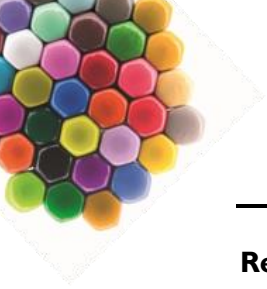
Full details about pupils being educated out of their year group are contained in the enclosed guidance document 'Placement of pupils out of their chronological year group'.

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 do wish [REDACTED] the best of luck for next year.

Yours sincerely,





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### 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/should** not be educated out of their chronological year group for the time being and that this will be subject to review.

Signed: \_\_\_\_\_

Name: \_\_\_\_\_

Date: \_\_\_\_\_





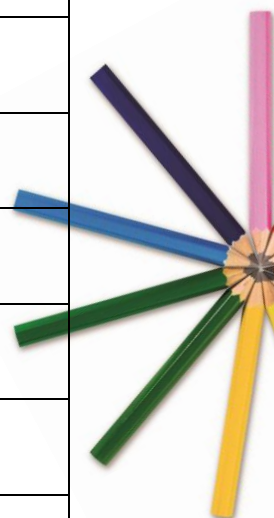
### Appendix 3 - Ashton Checklist

All these criteria should be satisfied before placing a child outside their chronological year group:

Child/ YP \_\_\_\_\_ Today's date \_\_\_\_\_

Checklist filled in by \_\_\_\_\_

School, parents, child and involved professionals all feel that this placement would substantially increase the probability of the child's successful inclusion in mainstream school.	
This decision is not being made in order to delay other interventions, such as placement into a different school.	
This decision is not being made due to difficulties in making appropriately differentiated provision in the class to which the child should normally transfer.	
The placement would not breach infant class size regulations.	
Consideration has been given to the rights of other children who might otherwise take that place.	
Consideration has been given to the long-term emotional and social impact of this placement.	
Consideration has been given to the likely future placements for the child, e.g. returning to their own year group or remaining with the new year group.	
There has been a discussion with parents about likely future issues, e.g. leaving school without completing Key Stage 4.	
All involved feel that the child will be able to learn more from the children in the proposed year group than by being around children of their own age group.	
The child will have a peer group in their new class, which is likely to continue to be somewhere that the child can 'fit in' as the cohort matures.	
The plan for the child includes interventions to address their particular needs, in addition to placement with a different year group.	



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#### About this checklist

Rebecca Ashton and colleagues in Blackburn evolved this checklist. It is being increasingly used by other local authorities who report that it is extremely useful. **It comes with a warning.** Ticking all the boxes is **NOT** an indication that a child should be placed out of year. It is merely an indication that such a course should be considered. **Placement outside the child's chronological year group should be highly exceptional.**

