



5.10 Delayed Transfer/Repeating a Year – Guidance

Purpose of delayed transfer/repeating a year guidance

The purpose of this guidance is to provide parents, carers, schools and South Gloucestershire Council officers with information and advice in respect of requests for children to be educated in either a younger or older year group than that of their chronological age.

This guidance covers out of year group requests for children of all ages, whether they are due to start school or are already on roll at a school, and includes those with an Education, Health and Care Plan.

It includes information on:

- The reasons frequently cited for out of year group requests
- Who is responsible for making the decision
- Delayed admission for a pupil without an Education, Health and Care Plan
- Starting school in Reception and summer born children
- Factors for parents to consider when making a request
- When to make an out of year group request.
- Factors that will be taken into account when making a decision
- Important factors to consider following a decision.
- Whether a child will be expected to remain out of year group.
- Appeals and complaints.

This guidance reflects the requirement of the School Admissions Code 2021 and also the Department for Education's non-statutory advice on the admission of summer born children which was issued in September 2020.

Reasons frequently cited for requesting a child is placed out of their chronological year group

There can be any number of reasons why a parent may feel it is appropriate for their child to be educated out of their chronological year group. The following are some of the reasons most frequently cited when requests are made:

- i) the child has exceptional intellectual skills and is isolated as a learner in their present peer group. Such children may present difficulties for teachers in terms of providing appropriate curriculum extension;
- ii) the child has exceptionally delayed intellectual skills and cannot productively engage in group learning tasks, presenting teachers with difficulties in curriculum differentiation;
- iii) the child is very delayed emotionally, cannot make positive productive relationships with their peer group and is at risk of isolation and possibly bullying;
- iv) a child has missed a substantial part of a year through illness or other reasons;
- v) a child's physical or medical condition justifies a "less challenging" environment than that found in the same age group; vi) the child was born prematurely on or before 31 August and their expected date of delivery was after 31 August;
- vi) the child was born in the summer (1 April to 31 August) and the parent believes that they will struggle if placed in their correct chronological year group;
- vii) to provide an additional year's experience of mainstream education prior to a special school placement;
- viii) the child has recently arrived in the country and has limited English language competence and therefore could be isolated in their age appropriate group.

Some reasons may be particularly prevalent at a time of phase transfer (nursery to Reception, infant to junior, primary to secondary) where the demands of the next phase are perceived as too much for the child to cope with.

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It is the general view of South Gloucestershire Council that all children and young people will complete their primary and secondary education in school year groups according to their chronological age. It is also the view of the Local Authority that moving pupils into older or younger year groups is generally not in their best educational, social or emotional interests. This includes either early or late admission to primary school or early or late transfer to secondary school.

The National Curriculum sets out a clear, full and statutory entitlement to learning for all pupils. In addition, schools in South Gloucestershire deliver a local offer which supports access to high quality differentiated education. This should ensure that a pupil's curricular needs are met without either early or delayed transfer to the next phase of schooling other than in exceptional circumstances.

It is for individual admission authorities to consider requests for placement out of the chronological age group. South Gloucestershire Council is the admission authority for community and voluntary controlled schools. The governing body is the admission authority for foundation and voluntary aided schools and the academy trust is the admission authority for academies and free schools.

Delayed Admission for a Child without an Education Health and Care Plan (formerly a Statement of Special Educational Needs)

Children are able to attend school from the beginning of the school year in which they become five but they do not have to be in full time education until the term following their fifth birthday. Parents and carers wishing to defer their child's admission to a South Gloucestershire school to the term following the child's fifth birthday are required to indicate at the time they accept a school place. Offered places will not be reserved beyond the term after the child's fifth birthday nor beyond the academic year for which the original application was accepted.

Summer born children (children born from the beginning of April to the end of August) reach compulsory school age in the September following their fifth birthday. If a parents/carer wishes for their summer born child(ren) to start school in the reception year group in the September following their fifth birthday, the relevant admission authority will make a decision based on the circumstance of the individual case. In considering the individual case, the factors considered may include:-

- in the case of children born prematurely, the fact that they may have naturally fallen into the lower age group if they had been born on their expected date of birth;
- whether delayed social, emotional, cognitive or physical development is adversely affecting their readiness for school;
- whether they have previously been educated outside their normal age group.

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In addition, South Gloucestershire Council will consider the views of the Head Teacher of the school(s) concerned to ensure that any decision made will take account of the views of an education professional who will be involved in educating the child. South Gloucestershire Council may also take advice from any other relevant professional(s), for example, the views of staff in an early years setting.

For other applications for a delayed entry, for example a child arriving in South Gloucestershire from overseas who has not experienced formal education, a placement out of year will be considered on an individual basis together with any supporting documentation.

It is **essential** to note that, for a child without an Education Health and Care Plan (formerly a Statement of Special Educational Needs) that placement out of year will have to be considered afresh at each stage of transfer of school as the decision on the appropriateness of the transfer/placement rests with the receiving admission authority. Admission authorities will make decisions on the basis of the circumstances of each case. Parents/carers need to fully understand that this will mean that re-consideration will not only have to take place at the normal transfer time, for example transfer to secondary school, but also at any stage where a change of school is sought, for example, due to a house move.

Children placed in secondary school in a year group below their chronological age will reach statutory school leaving age before completing Key Stage 4 courses. Parents and carers would generally be expected to support their child's continuing school attendance beyond the statutory school leaving date in order to ensure completion of Key Stage 4.

Parents and carers need to fully understand that, where an individual admission authority has indicated their willingness to accept a child placed out of year group, this will not guarantee a place at the preferred school as any application will be considered against the published admission criteria.

Accelerated Admission for a Child

In exceptional circumstances, a child may be accelerated by a year if there is an expressed and identified educational need. Applications for acceleration will be considered against the following criteria:

- the parent (and child) request the change;
- the views of the Head Teacher of the school(s) concerned to ensure that any decision made will take account of an education professional who will be involved in educating the child;

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- educational reports indicate that the pupil is working at a level equal to that of the most able pupils in the year ahead, and is physically and socially mature for his/her age.

South Gloucestershire Council may also take advice from any other relevant professional(s), for example, the views of staff in an early years setting.

Placement out of year will have to be considered afresh at each stage of transfer of school. However, once accelerated by a year, it can be difficult for a child to return to their chronological age group. As a child is not legally able to leave school until sixteen years of age, it will be necessary to undertake further studies in school after completing Key Stage 4 education.

Requests to Repeat a Year of Education

Requests to repeat a year of education will be considered by the relevant admission authority for the school. South Gloucestershire Council is the admission authority for community and voluntary controlled schools. The governing body is the admission authority for foundation and voluntary aided schools and the academy trust is the admission authority for academies and free schools.

It is the general view that all children and young people should be educated with children and young people of the same chronological age.

International and UK based research in this area has shown that, although short term academic gains can be noted, in the longer term, retained children generally continue to struggle academically. Additionally, retention has shown to have a negative impact on social and emotional development due to issues associated with feelings of failure, disaffection, early school drop out, social isolation and teasing from peers. Therefore, retention is an ineffective intervention in ameliorating Special Educational Needs.

There may however, be instances where a request is made for a child to repeat a year at the same school, for example, where a child or young person has had a period of illness leading to a significant absence from school and it is felt that a repeat of the curriculum at that stage would be beneficial.

If, at a later stage, the child or young person transfers to another school, the year group in which the child or young person is to be placed will be considered afresh by the relevant admission authority.

Factors for parents/carers to consider before making an out of year group request

In all cases, parents who are considering making a request for their child to be educated out of their chronological year group should talk to the school(s) concerned

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to discuss the provision on offer, how they might be able to provide a differentiated curriculum to provide for the needs of their child and, where applicable, the child's readiness for school. If the child has an Education, Health and Care Plan, the parent should also discuss any request with the child's SEND case officer.

Parents/Carers should also consider the following:

Placement in a younger year group:

- Children are seldom uniformly delayed in their intellectual development. Areas of cognitive or physical ability 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.
- Physical, emotional and social expectations may be inappropriate where a child is taught in a younger year group.
- Some summer born children may exhibit lower levels of achievement and maturity, however schools are experienced in addressing this with children within their chronological year group through normal differentiation of the curriculum.
- Whether a summer born child attends a primary school or an early years setting during the academic year following their fourth birthday, they will receive the Early Years Foundation Stage curriculum in which learning is developed largely through play.
- At each transition (ie between Key Stages or schools) a new request for out of chronological year group admission must be made, and the decision whether to maintain a child's placement in a younger year group must be made by the admission authority for the school, based on the circumstances of the case and what is in the best interests of the child at that time. As such there is no guarantee that a child will continue to be educated out of their chronological year group throughout their education. However, the consequences of attempting to "make up" a year are often very negative for the child. Furthermore they are at risk of missing a statutory entitlement to a national curriculum year programme of study, or being denied the ability to enter public examinations.

Education of children out of their chronological year group

- Where placement in a younger year group is maintained, phase transfers, SATs, GCSEs and school leaving are reached a year or more late. Young people cease to be classed as being 'of statutory school age' the last Friday of June in the school year in which they turn 16 years of age. Therefore if they are being educated in a younger year group the school must make provision for them until the date they are due to leave school, even if the young person has been excluded. Alternatively if a young

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person was to require a new school place at this time, they would have to negotiate admission and there is no guarantee that a school would admit a student above statutory school age.

- Where a young person is educated in a younger year group, they may find that their post 16 entitlement is reduced from 3 years to 2 years which may impact on attainment and opportunity post 16.

Placement in an older year group

- Whilst a child placed a year ahead of their chronological age may, as a consequence, receive a higher level of intellectual stimulation, this will apply across all subject areas and the child's intellectual strengths and achievement may not be universally ahead of age expectation.
- In some cases physical, social and emotional maturity may fail to match exceptional intellectual maturity; in which case a child may present with physical, emotional or social demands which are less effectively catered for in an older year group. The self-esteem and other negative emotional consequences of this may be considerable, particularly during adolescence.
- Assuming overall maturity is broadly in line with intellectual maturity, placement a year ahead of chronological age can lead to successful outcomes for the child. However these outcomes could equally be addressed through an enriched and differentiated curriculum within the same chronological year group.
- Once the age shift is made, it is difficult to reverse, necessarily involving the repeat of a National Curriculum Year.
- At each transition the decision whether to maintain the placement in an older year group must be made by the admission authority for the school based on the circumstances of the case and what is in the best interests of the child. As such there is no guarantee that it will continue throughout the child's education and a new request must be made at each transition.
- Where placement in an older year group is maintained, the consequence is that the child will reach the next phase transfer, SATs or GCSEs, and school leaving point a year or more early. Young people do not cease to be of statutory school age until the last Friday of June in the school year they turn 16 years of age and as such would have to negotiate transfer early to a school sixth form or Further Education college, which would not be guarantee.

Factors for schools and Local Authority to consider for an out of year group request

- There can be implications for admissions when the next year is oversubscribed. This can present challenges to schools when planning numbers for the following academic year.
- In cases when a pupil is retained in Key Stage 1, class sizes are restricted to 30 pupils with one teacher. Exceeding this number may necessitate the school taking relevant measures to comply with infant class size legislation, for example, the school may need to employ an additional teacher.
- Retained pupils, especially in KS1 may “block” the admission of a pupil due to be admitted and for whom placement may be appropriate or necessary.
- There is also a difficulty about the legal requirement of a Published Admission Number (PAN) which in law reflects the minimum number of pupils that should enter into school or transfer to schools within the relevant age range. The PAN is cohort related. If a reception class has a PAN of 30 and can only admit 29 because a pupil is retained in Year R, this in effect reduces the number of places available for new applicants. The maximum class size of 30 for KS1 prevents a class of 31 being created (other than for permitted exceptions to infant class size regulations).
- In schools where there has been a practice of retention, staff should be alert to the fact that this may reflect issues in the school around curriculum differentiation or extension/enrichment.
- In the case of pupils with Education Health and Care Plans (formerly Statements of Special Educational Needs), schools are unable to unilaterally change the provision as determined by the Local Authority. Therefore, it would be the Local Authority and not the school that takes the decision to retain a pupil.

Children recently arrived in the United Kingdom

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.

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However, exceptions may apply if the circumstances of the case would indicate that it would be in the child's best interests to be educated out of their chronological year group, such as when:

- Prior educational experience has been limited or fragmented with the result that formal learning skills (in home language as well as in English) are significantly behind those of chronological peers. The Ethnic Minority and Traveller Achievement Service (EMTAS) can assist schools in investigating the extent of a child's prior educational experience. This is a traded service and schools can contact Integra EMTAS service if they would like to access this support.
- GCSE examinations are imminent and an additional year's preparation would enable the student to perform well. Children who are emotionally distressed or traumatised should not, in general, be considered as suitable for placing out of age. This is unlikely to reduce significantly the overall impact of settling in the United Kingdom or overcoming the effect of past experiences. Any proposal to move a student out of year can be discussed with the EMTAS Service who will assess the student and provide advice based on that assessment. This is a traded service and therefore would be a part of the EMTAS subscription.
- Schools can contact EMTAS via email: emtassouthglos.gov.uk Tel: 01454 862630

The outcome of the request

- Where an out of year group request is received for one of South Gloucestershire's community or voluntary controlled schools, the decision will be made by South Gloucestershire's Admissions team, in liaison with the headteacher of the school. South Gloucestershire's Admissions team will respond to the parent regarding the outcome of the request.
- Where an out of year group request is received by South Gloucestershire's Admissions team in relation to an own admission authority school, they will forward the request to the appropriate school(s). Own admission authority schools will respond to the parent regarding the outcome of the request and at the same time will also let South Gloucestershire's Admissions team know the outcome.
- Some own admission authority schools may receive out of year group requests directly from parents. In such cases the school will respond to the parent regarding the outcome of the request but will also notify South Gloucestershire's Admissions team of the request and the outcome.
- Where an out of year group request is made for a child who is already on roll at the school, the headteacher will make the decision and will inform the parent of the outcome.

a) Request agreed

Request for a younger year group as part of a normal admissions round

For normal round admissions, where a request is agreed for entry to a younger year group, any preferences named for the child's correct chronological year group will be withdrawn. The parent will be required to apply for admission at the appropriate time for the requested year group in order for the child's application to be considered according to the admission criteria for the school, alongside other applicants in that year.

If an offer has already been made for the chronological year group then this will be withdrawn as offers cannot be carried forward from one academic year to the next. Parents should ensure they are aware of the application deadlines for the year group in which they will be seeking admission as missing the relevant deadline could result in the child missing out on an offer of a place.

Request for an older year group as part of a normal admissions round

For normal round admissions, where a request is agreed for entry to an older year group, any preference will continue to be processed for entry to the school. The application will be considered alongside all applicants seeking entry as part of the same admissions round. The parent will be notified of the outcome of their application once it has been processed, usually on the national offer day if the application was made on time.

Request for in year admission

For in year admissions, where an out of year group request is agreed, the admission authority will consider whether or not a place is available in the selected year group. If a place is available it will be offered. If a place is not available the parent will have the opportunity to be placed on the waiting list for the school.

Request where the child is already on roll at the school Where an out of year group request is agreed for a child who is already on roll at the school, the headteacher will arrange placement in the agreed year group at the earliest opportunity, in liaison with the parent.

b) Request declined

Request for a younger year group as part of a normal admissions round

For normal round admissions, where a request is declined for entry to a younger year group, any preferences named for the child's correct chronological year group will continue to be processed until such time as a place is offered or the parent indicates they wish the preference to be withdrawn.

If a place is offered, the parent will be notified of this, usually on the national offer day if the application was made on time. The parent can then choose whether to

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accept or decline the offer, although parents are advised to only decline a place once alternative suitable education provision has been organised.

Request for an older year group as part of a normal admissions round

For normal round admissions, where a request is declined for entry to an older year group, the preference will be withdrawn. The parent can then reapply for a place the following year for the correct chronological year group.

Request for in year admission

For in year admissions, where an out of year group request is declined the admission authority will consider whether or not they can offer a place in the child's correct chronological year group. In some cases the child may not be of an age eligible for entry to the school, such as where a child's chronological year group is Year 7 and the parent is seeking entry to a primary school in Year 6. In such cases the school would be unable to consider the child's admission in the correct year group and the school has no further duty to process an application for the school.

Request where the child is already on roll at the school Where an out of year group request is declined for a child who is already on roll at the school, the child will remain within their correct chronological year group.

Important factors to consider following a decision

- Agreement to consider a child for admission out of their chronological year group does not guarantee an offer of a place at a particular school as an offer will be dependent on whether a vacancy exists and whether or not other children have a higher priority for a place when ranked against a school's oversubscription criteria.
- Decisions are made individually for each school. There is no guarantee that different admission authorities will come to the same decision regarding a request and one admission authority cannot be required to honour a decision made by another.
- Where admission to a younger year group is sought, parents should consider carefully the likelihood of gaining a place at their preferred school should a request be agreed and their application for admission at the correct time is withdrawn. If a child is not able to secure a place at their preferred school in the following year, there is no guarantee that other schools will accept an out of year group application at that time.
- Where it is agreed to place a child out of their chronological year group, this will not normally be for more than a single National Curriculum year. In the case of vertically grouped classes this will apply to the age range of the class rather than a single chronological age.

Will a child be expected to remain out of their chronological year group?

Where it is deemed in the best interests of a child, a school may seek to move a child back to their chronological year group. In a few cases it may be deemed appropriate to further decelerate/accelerate a child's year group.

Where it is planned for a child to return to their correct chronological year group, this should be managed within a Key Stage i.e. at the end of a Key Stage the child should be placed within his or her chronological year group. Children with an Education, Health and Care Plan who are educated in a younger year group should have transition reviews at their appropriate chronological age eg for a Year 5 child placed in Year 4, this would be whilst the child was in Year 4 and not a year later. Where a child with an Education, Health and Care Plan transfers from mainstream to specialist provision, they will usually be expected to return to their chronological year group.

However, in many cases it will be appropriate for a child to remain educated out of chronological year group. In these cases it is not possible to plan comprehensively for transition as in each case transition will be subject to:

- a separate out of year group decision being made by the admission authority for the new school, an application being submitted by the parent and a place being offered according to the school's admission criteria; or
- a child's Education, Health and Care Plan.

At each transition, the decision regarding entry out of chronological year group must be considered by the admission authority for the new school. However South Gloucestershire's expectation is, where a child is currently educated out of their chronological year group within the English educational system, the child should remain out of year group unless there is any significant evidence or information to the contrary.

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, a parent may make a complaint about:

- an admission authority's decision not to admit their child out of their chronological year group:

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- in the case of academies, free schools and foundation, trust and voluntary aided schools parents may make a complaint using the school's complaints procedure. in the case of community and voluntary controlled schools parents may make a complaint to the local authority.

b) a headteacher's decision on whether or not to place a child, who is already on roll at a school, in a year group different to that of their chronological age. In all such cases parents may make a complaint using the school's complaints procedure.

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

If a parent is unhappy with the way an academy or free school has handled their complaint they may complain to the Education Funding Agency.