



Department
for Education

Advice on the admission of summer born children

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

July 2013

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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, and to dispel some of the myths that appear to have arisen around the admission of summer born children.

It should be read in conjunction with the 'School Admissions Code 2012'.

Expiry or review date

This advice will next be reviewed within a year from date of publication.

Who is this advice for?

This advice is for:

- Local authorities
- School admission authorities
- Parents of summer born children

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 at this point.
- School admission authorities are responsible for making the decision on which year group a child should be admitted to, but are required to make a decision based on the circumstances of the case.
- There is no statutory barrier to children being admitted outside their normal year group.

Questions and answers

In recent months, an increasing number of cases have come to the attention of the department and ministers in which parents, local authorities and admission authorities have struggled to agree on the year group in which it is most appropriate for a summer born child to start school.

The questions and answers below are intended to help parents and admission authorities to understand the framework within which admission authorities must operate, and to dispel some of the myths that appear to have arisen. They should be read in conjunction with the 'School Admissions Code 2012'.

Q1. When is a child required to start school?

A1. The School Admissions Code requires school admission authorities to provide for the admission of all children in the September following their fourth birthday. However, a child is not required to start school until they have reached compulsory school age following their fifth birthday¹. For summer born children² this is almost a full school year after the point at which they could first be admitted.

Q2. What flexibility is there for parents who don't feel their child is ready to start school in the September following their fourth birthday?

A2. In recognition of the fact that some parents will feel their child is simply not ready to start school in the September following their fourth birthday, there is flexibility in the admissions code. Parents can request that their child attends part-time until they reach compulsory school age, or that the date their child is admitted to school is deferred until later in the same academic year. In addition, paragraph 2.17 of the admissions code enables a parent to request that their child is admitted outside of their normal age group.

Q3. Where a parent wants to send their summer born child to school in the September after their fifth birthday, and requests that they enter the reception class, who is responsible for making this decision?

A3. Paragraph 2.17 of the admissions code requires the admission authority of the school to make the decision, and is clear that admission authorities must make decisions on the basis of the circumstances of each case. It would be unlawful for an admission

¹ 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.

² All children born from the beginning of April to the end of August reach compulsory school age in the September following their fifth birthday. It is likely that most requests for children to be admitted out of their normal year group will come from parents of children born in the later summer months or those born prematurely.

authority to have a blanket policy which says that summer born children who start school in the September after their fifth birthday will be admitted to year 1.

The local authority 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.

If a summer born child begins school in the September after their fifth birthday, this is the point at which other children in their age group are moving from the reception class to year 1. A reception class is defined by section 142 of the School Standards and Framework Act 1998 as a class in which education is provided which is suitable for children aged five and any children under or over five whom it is expedient to educate with pupils of that age. In addition, the glossary to the admissions code refers to a reception class as 'an entry class to primary schools'. There are no statutory barriers to admitting a child of 5 years to a reception class.

Q4. What factors might an admission authority take into account when considering a parental request for a summer born child to be admitted to a reception class in the September following their fifth birthday?

A4. Some of the factors to consider include:

- the needs of the child and the possible impact on them of entering year 1 without having first attended the reception class;
- 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 or physical development is adversely affecting their readiness for school;
- relevant research into the outcomes of summer born and premature children – some links are provided at the end of this document.

Q5. I have been told that it is not lawful for a child to be admitted outside of their normal year group. Is this correct?

A5. No. The law does not prescribe the year group a child should be admitted to. There is no statutory barrier to children being educated outside their normal year group.

Q6. I was told that, where a summer born child starts school in the September following their fifth birthday, they can only be admitted to reception rather than year 1 if they have special educational needs. Is this correct?

A6. No. The law does not prescribe the year group a child should be admitted to. Special educational needs is just one of a number of reasons why a child may be educated outside their normal year group.

Q7. If a parent wants their summer born child to be admitted to the reception class in the September following their fifth birthday, how should they go about arranging this?

A7. Parents should discuss this as soon as possible with the schools they are interested in applying for and the local authority. Parents should make it clear that they wish to apply for a reception place a year later than the year into which the child could have been admitted.

Q8. What should a parent do if they are unhappy with an admission authority's decision about which year group their child will be admitted to?

A8. 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. They 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. 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 should make a complaint under 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 should complain to the local authority – because they are the admission authority.

There are further routes of redress available to parents who are not happy with the way their complaint to the school or local authority has been handled. Please see the additional information provided at the end of this document.

Q9. If a child is educated outside of their normal age group whilst in primary school, what happens when they move to secondary school?

A9. It will be for the admission authority of the secondary school to decide whether to admit the child out of their normal age group. Admission authorities must make decisions on the basis of the circumstances of each case, and will need to bear in mind the year group the child has been educated with up to that point.

Q10. If a child is educated out of their normal age group, when would they take their national curriculum tests (SATs)?

A10. Children are assessed when they reach the end of each key stage, not when they reach a particular age.

Q11. If a child is educated out of their normal age group, will their primary school lose funding once they reach age 11?

A11. 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.

Q12. If a child is educated out of their normal age group, when will they finish school?

A12. 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 of 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.

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. The school leaving age will remain unchanged.

Further sources of information

Associated resources

- The [School admissions code](#).
- The department has published a [topic note](#) which draws together the available statistical and research evidence on the month of birth effect in education.
- The Institute of Fiscal Studies has published [research on the impact of month of birth on children's outcomes](#).
- Warwick University has published [research on academic attainment and special educational needs in extremely premature children](#).
- Children in all early years settings and in school reception classes receive the early years foundation stage curriculum which has a strong focus on meeting the individual needs of all children, whatever their stage of development. Further information for parents about the early years foundation stage is available on the [Foundation Years website](#).
- Where a parent chooses to defer 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 at another provider until they are admitted to school. More information about free early education is available on [GOV.UK](#).

Additional information about complaints

- If a parent is unhappy with the way a local authority has handled their complaint, the parent may then refer their complaint to the [Local Government Ombudsman](#).
- If they are unhappy with the way a school has handled their complaint they may complain to the Secretary of State for Education. More information is available on the [Department's website](#).



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