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Dear Ms Madeley,

1. I note from the Children, Young People and Education Committee's agenda that the Cabinet Secretary for Education is due to be scrutinised tomorrow morning, one item being the school admissions policy pertaining to flexible school admissions for summer-born children. I would like to take the opportunity to support the letter submitted by the Flexible Admissions Group, Wales, and would like this letter to be distributed to the members of the Committee and the Cabinet Secretary.

2. Children do not have to start school until compulsory school age (CSA) at which point they enter Year 1 in the term following their fifth birthday. However, most children undertake a Reception year first, which research has consistently shown is the most important and impactful year in primary education.¹ Children generally start Reception in the Autumn term following their fourth birthday.

3. Nevertheless, owing to the timing of the entry points, summer-born children (1 April – 31 August) are put at a significant disadvantage compared to their peers. They may suffer adverse educational and emotional impacts as they start their formal education at a much younger age than their peers.

4. For this reason, parents may choose to defer their summer-born child's entry into school until CSA, as is their legal right. However, they may find that their child is put straight into Year 1, missing the crucial Reception year.

5. On this matter, the current School Admissions Code (2013) states that,

‘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, admissions 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.’

In principle, this should give some flexibility for parents to request that their summer-born child be educated outside their normal age group and permitted to enter Reception year at CSA. However, in practice, the wording of the Code has proven to be extremely rigid and problematic and has made it very difficult for parents in Wales to exercise this choice. LEAs have implemented a blanket policy refusing virtually any such requests. The letter from the Flexible Admissions Group outlines some very useful case studies illustrating the problems with the application of this provision.

The Foundation Phase in Wales will not meet the needs of *every* child in Wales; it cannot. This must not be given as a reason for refusing such requests. A more flexible admissions policy is needed to take children's individual needs and their best interests into consideration. The UN Convention on the Rights of the Child (UNCRC) emphasises that the education of *the child* shall be directed to the development of *the child's* personality, talents and mental and physical abilities to their fullest potential (Article 29(1)(a),

¹ See, for example, Teaching Schools Council, 'Effective Primary Teaching Practice Report' (2016).

emphasis mine).² By putting summer-born children at a disadvantage, this School Admissions Code does not achieve that.

6. A recent research study conducted by the Department for Education aimed to show that delaying entry to primary school has little impact on attainment. This study should be consulted by the Welsh Government with caution. This study was very limited, measuring only academic attainment and excluding all children with special or additional educational needs.

Academic attainment is very unlikely to be the main reason that parents choose to decelerate their child's entry into primary education. School readiness is not about a child's academic ability, but about emotional and social maturity. It is these skills that will help a child to cope with school life, to make friends, to deal with their emotions, to follow instructions and concentrate, and to foster good mental health. The attainment of these skills cannot be measured with a phonics test.

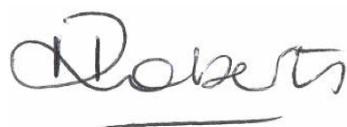
7. Other devolved countries within the UK are already ahead of Wales in this respect. Nick Gibb, Minister of State for School Standards, has made a commitment to amend the School Admissions Code for England to reflect this parental choice. In Scotland, children of equivalent age are automatically granted a deferral if their parents request it, and they will not miss any school years in doing so.

8. There is no statutory or otherwise legal barrier to children being educated outside their normal age group. It is a policy issue. I would urge the Cabinet Secretary to amend the School Admissions Code without delay, clarifying that schools can admit summer-born children to reception class at the age of 5, if that is their parents' choice, and ensuring that children can stay in this year group as they progress through school.

9. This would ensure that the School Admissions Code is more child-focussed, takes account of children's rights, and ensures consistency for LEAs across Wales.

10. As a legal academic with interest in this particular area, please let me know if I can be of further assistance to the Committee.

Yours faithfully,

A handwritten signature in black ink that reads "Dr. Roberts". The signature is written in a cursive style and is underlined with a single horizontal line.

Dr. Hayley Roberts
Lecturer in Public International Law
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² The Rights of Children and Young Persons (Wales) Measure 2011 places a duty on Welsh Ministers to have due regard to the UNCRC when exercising any of their functions.