

Summer born children

Y Pwyllgor Deisebau | 25 Medi 2018
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Research Briefing:

Petition number: P-05-832

Petition title: To Amend the School Admissions Code Relating to Summer-Born Children

Text of petition: We call on the National Assembly for Wales to urge the Welsh Government to consider amending the School Admissions Code where it relates to admission outside the normal age group, in respect of summer-born children (1 April – 31 August).

Owing to the timing of school entry points, summer-born children are put at a significant disadvantage compared to their peers. They may suffer adverse emotional and educational impacts as they start their formal education at a much younger age. As such, parents may choose to defer their summer-born child's entry into school until they reach compulsory school age, as is their legal right. However, most find that their child is put straight into Year 1, missing the crucial Reception year, which research shows to be the most important year in education.

Most parents prefer their child to enter the Reception year at compulsory school age rather than Year 1. Under the School Admissions Code, this is theoretically possible. In principle, the Code gives parents the ability to request that their summer-born be educated outside their normal age group. In practice, the wording of the Code has proven to be extremely problematic: case studies have shown that the provision is inconsistently applied by Local Education Authorities and requests have rarely been granted.

The following amendments should be considered by the Welsh Government:

- (1) As the first option, requests to defer children with birthdays in summer months should be automatically approved (as is the case in Scotland);
- (2) Alternatively, the wording of the existing provision should be amended to strengthen the rights of parents to choose when their child enters Reception class, also emphasising that Local Education Authorities must fully consider requests and issuing Governmental guidance to this end;

(3) In either case, provision should be made for children educated outside their age group to remain with their adopted cohort throughout their school life.

Background

A child does not have to attend school until the beginning of the term following their fifth birthday. Under Section 8 of the [Education Act 1996](#) and the [Education \(Start of Compulsory School Age\) Order 1998](#) a child reaches compulsory school age in **the term following their fifth birthday**. The term dates are prescribed as 31 August, 31 December and 31 March.

Each local authority will have its own policy which will form part of its admissions arrangements, and in accordance with the Welsh Government's [School Admissions Code](#) (June 2013).

Welsh Government Action

Deferred entry to primary school

The Welsh Government's [School Admissions Code](#) contains practical guidance and imposes requirements, on local authorities and admission authorities, regarding the discharge of their duties in respect of admissions. The Code states that 'each of the bodies or persons covered must 'act in accordance' with the Code'. In relation to deferred entry to primary schools, the Code states:

Deferred entry to primary schools

2.61 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.

The Welsh Government School Admissions Code does provide for the admission of children outside their normal age group in certain circumstances, although this does not specifically mention the issue of summer born pupils. The Code states:

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. [my emphasis]

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.

National Assembly for Wales action

In evidence to the [Children, Young People and Education Committee on 28 June 2018](#), Kirsty Williams, Cabinet Secretary for Education said in relation to summer born children and the School Admissions Code:

My expectation, Chair, would be that local authorities should follow the guidance that already exists in the schools admissions code. So, the current status quo, the current position would be that the code is clear that admissions authorities should consider requests for admissions outside the normal age group very carefully, and make a decision on individual children's needs and what is best for those children. So, the code already allows for flexibility in this regard, and our expectation would be that local authorities would take what's written in the code seriously, and look to apply it consistently and fairly.

With regard to the evidence around changes to admissions, there's not a huge amount of evidence, I should say, that delayed admissions improve outcomes for summer-born children. I think sometimes we're conflating summer-born children with perhaps a child that has additional learning needs or other issues. So, we need to understand and unpick some of the anxieties that parents have, and clearly those are real concerns, those are real worries, and it's highly emotive, but sometimes I think we need to be clear about whether we're talking about worries about inadequate support for additional learning needs as opposed to necessarily schools admissions. **However, having said all of that, it is our intention to review the admissions code in the autumn term.**

At the same meeting, the Committee received [a paper to note on behalf of the Flexible Admissions Group, Wales](#). This sets out their views on the issues surrounding school admissions and summer born children.

Position in England

In December 2014, the Department for Education (England) revised their [School Admissions Code](#) so that all decisions must be made in the child's best interests and that, in doing so, admission authorities should take account of the parents' views and information about the child's development. The Code states:

2.17 Parents may seek a place for their child outside of their normal age group, for example, if the child is gifted and talented or has experienced problems such as ill health. In addition, the parents of a summer born child may choose not to send that child to school until the September following their fifth birthday and may request that they are admitted out of their normal age group – to reception rather than year 1. Admission authorities **must** make clear in their admission arrangements the process for requesting admission out of the normal age group.

2.17A Admission authorities **must** make decisions on the basis of the circumstances of each case and in the best interests of the child concerned. This will include taking account of the parent's views; information about the child's academic, social and emotional development; where relevant, their medical history and the views of a medical professional; whether they have previously been educated out of their normal age group; and whether they may naturally have fallen into a lower age group if it were not for being born prematurely. They **must** also take into account the views of the head teacher of the school concerned. When informing a parent of their decision on the year group the child should be admitted to, the admission authority **must** set out clearly the reasons for their decision.

The Department Education has published **non-statutory advice** on the [admission of summer born children](#) (December 2014). Its key points are:

- 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.

The Department for Education has published a research report, [Delayed school admissions for summer born pupils](#) (May 2018) which includes evidence on admissions policies gathered from local authorities in England. Amongst its findings were:

- The number of requests for delayed school entry increased significantly over the two-year period covered by the survey of local authorities (2015–2017).
- In general, it appears that fewer requests are received in local authority areas where the policy is only to grant requests that are supported by strong evidence.
- Analysis by the study of the only data available so far on these pupils (phonics data) finds an increase in phonics scores of 0.87 marks for delayed entry summer-born children between 2014/15 and 2015/16, but that is not a statistically significant improvement. This implies that there is not a significant impact of delaying admission to Reception on the performance of pupils in the Phonics Screening Check.

On 8 September 2015, Nick Gibb, Schools Minister in England, [announced](#) the UK Government's intention to give summer-born children the right to start in reception at the age of 5. He wrote [an open letter](#) to encourage schools and local authorities to take immediate action, in advance of proposed changes.

In answer to a [Written Parliamentary Question on 4 June 2018](#), Nick Gibb said:

The Department remains committed to amending the School Admissions Code to ensure summer born children can be admitted to reception at age five where this is what their parents want.

Position in Scotland

The [school system in Scotland operates with a different timeframe to that Wales](#), so the children affected are not 'summer-born'. However, similar provisions on deferring school entry are in place for the children who would be younger than their school year group peers.

The school year begins in mid-August. Any single school year group consists of children born between the beginning of March in one year and the end of February the following year. Children born between March and August start school in the August of, or following, their fifth birthday. Those born between September and February start school in the August prior to their fifth birthday. As such, children in Scotland usually start school between the ages of 4.5 and 5.5 years old.

However, parents of children born between September and December can request to defer their child's entry to the following August. These deferrals are not automatic and are subject to approval by the local education authority. Parents of children born in January and February may also choose to defer their child's entry; these requests are automatically approved. Children with birthdays in January and February and whose entry to school is deferred are eligible for a further year of funded pre-school education whereas those with September to December birthdays who are deferred are not. Children whose entry is deferred will tend to be aged between 5.5 and 6 years old at the time they start school.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.