

Guidance on the education of children and young people with EHCPs outside of their chronological year group



This guidance reflects the requirement of the School Admissions Code 2021, the Department for Education's non-statutory advice on the admission of summer born children which was issued in December 2014 and December 2020 and guidance issued in December 2018 by the Local Government & Social Care Ombudsman (LGO) on Summer Born Admissions that embody the principle that any decision is taken 'in the best interests of the child'.



1. Introduction

In the UK, children/young people are placed in year groups according to their chronological age. Yet, in some instances, children are educated out of year group i.e. they are educated in year groups that are designed for younger children; this is sometimes called offsetting. Some children will be offset because they have repeated a school year and others because they have had a delayed start to formal schooling. There is no legal restriction to offsetting children/young people, so there is no legal 'right' to request this, and no formal process for doing so. It is unusual practice because the mainstream curriculum is designed to be flexible enough to meet the needs of pupils learning at a range of levels within the same year group and research suggests that repeating a year results in about three months' less progress over the course of a year than if the same pupil had not repeated the year, when compared with similar pupils ([Repeating a year | EEF \(educationendowmentfoundation.org.uk\)](https://www.eef.org.uk)).

Schools and Local Authorities have a duty to provide children and young people with the support they require to fully benefit from their education, so it is expected that they will get the support they need to make progress towards their outcomes through the provision outlined in their EHCP.

The Local Authority view is that children with Education, Health and Care Plans (EHCPs) should be educated in their chronological year group, unless they are summer born children who started Reception aged 5. This is supported by the research into repeating a year which in general shows a negative effect of retention in terms of both academic and emotional outcomes. However, offsetting has sometimes occurred for children with an EHCP without the knowledge or permission of the Local Authority, either by delaying entry to school or repeating a year. It is imperative where parents or schools think that offsetting is in the best interests of a child or young person with an EHCP that a request is made to the Local Authority because the Local Authority is responsible for the provision for children and young people with EHCPs and such a change will require an amendment to section F (provision) of the EHCP. Without agreement from the Local Authority pupils may not be able to access funding.

2. Purpose of this guidance

The purpose of this guidance is to set out the process that must be followed by Headteachers, SENCOs, governing bodies, admission authorities, parents and officers within the Local Authority's SEN Service for children and young people in all schools when the parent of a child or young person makes this request or when the school, after consultation with parents, believe that offsetting will benefit them. Children and young people who have been offset in a mainstream setting and later transfer to a special school will be placed back in their chronological year group as it is assumed that they will benefit from more flexible grouping according to age as well as ability in a special school.

The Process

This will vary for different groups of children (see flowchart in Appendix 1).

A. Children who start school with their chronological age group whose parents/school would then like them to repeat a year (whether or not they are summer born)

Requests for a child or young person with an EHCP to repeat a year group should be made through the Annual Review or EHC needs assessment process and sent to the SEN Service for consideration.

As part of any request for offsetting the school should provide evidence that:

- The child has made little progress with their social and emotional development and that their social skills are more in line with a younger peer group and consideration has been given to the long-term emotional and social impact of this decision.
- There is a clear understanding about why the child or young person's needs will be met more effectively out of their chronological year group than would be possible within.

- The parents/carers, the child/young person, school and all professionals involved strongly agree that offsetting is in the individual child or young person's best interests. Any evidence for this is outlined in the paperwork.
- The educational progress which could reasonably be expected of the pupil cannot be achieved by remaining with his or her normal age group by making reasonable adjustments.
- The proposal is supported by a relevant external educational professional. This could involve an Educational Psychologist, Early Years Area SENCO or specialist teacher who knows the child/young person and should be supported with a written report.
- This decision is not being made 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.
- Placing the child/young person in another year group is compatible with the efficient education of others, or the efficient use of resources.
- 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.
- 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 will provide somewhere that the child can continue to integrate as the cohort matures.

The Local Authority will consider each request for repeating a year on its own merits taking into account:

- The child or young person's individual needs and circumstances
- The views of parents
- The child or young person's view
- The opinion of those external professionals involved with the child or young person
- The opinion of school-based staff who are working closely with the child or young person

If it is agreed that a child/young person should repeat a year or part of a year and then continue out of year group, then parents will be sent a new proposed EHCP with this additional information to approve before a new EHCP is issued. In some cases, it may become appropriate for the child to revert to their "normal" year group at a future point in their education and such a move should be requested using the process outlined in this guidance.

B. Non-summer born children whose parents/school would like a gradual or delayed start to Reception

Children must be receiving full-time education by the start of the term following their fifth birthday. In Enfield, children can start school in the September following their fourth birthday. Parents of all (those with and without EHCPs) non-compulsory school age children (four year olds) can ask for part-time attendance or delay if that best meets the needs of their child.

In such cases parents will be offered the opportunity for their child to start Reception in September on a full-time basis from their first day of attendance or on a part-time basis up to the point of reaching compulsory school age. Alternatively parents can choose to delay the date their child is admitted to the school until later in the school year but not beyond the point at which they reach compulsory school age and not beyond the beginning of the summer term of the school year for which the offer of the school place was made.

C. Summer born children whose parents would like them to start Reception aged 5

For summer born children (those born between 1 April and 31 August) only, parents can choose to defer their child's entry to school by a whole year until they reach compulsory school age and be admitted to Reception rather than Year 1. This means that a summer-born child would not start school at all during the academic year after their fourth birthday. These children can continue to access funding and provision for 3- and 4- year olds during this academic year. This process takes place through completion of the relevant documentation that is submitted to the Local Authority Admissions Team. Full information can be found on the Summer Born Guidance document that can be found on: <https://www.enfield.gov.uk/services/children-and-education/school-admissions-and-applications/admission-to-primary-school-in-september-2023>

Where a primary school application for delayed admission is approved, and the child has been educated outside their "normal" age group, the parent must request a further offset when the child transfers to junior (if applicable) or secondary school. It will be for the admission authority of that school to decide whether to admit the child outside their "normal" age group. They must make a decision on the basis of the circumstances of each case and in the child's best interests, and will need to consider the age group the child has been educated in up to that point. There is no guarantee that they will support the offset and may request that the child goes into their "normal" year group. The Department for Education (2020) states that 'unless there are sound educational reasons to do otherwise, the assumption should be that the child remains outside of their normal year group.' For further information, refer to <https://www.gov.uk/government/publications/summer-born-children-school-admission>.

3. Reviewing the Decision

When a child who is not summer born is educated out of year group, the appropriateness of arrangements must be considered at each Annual Review. In exceptional circumstances, should a collaborative decision be made to return a child or young person to their chronological age group, the school/setting should provide the evidence outlined above in its request for the change to section F in the EHCP.

4. Factors to consider for offsetting

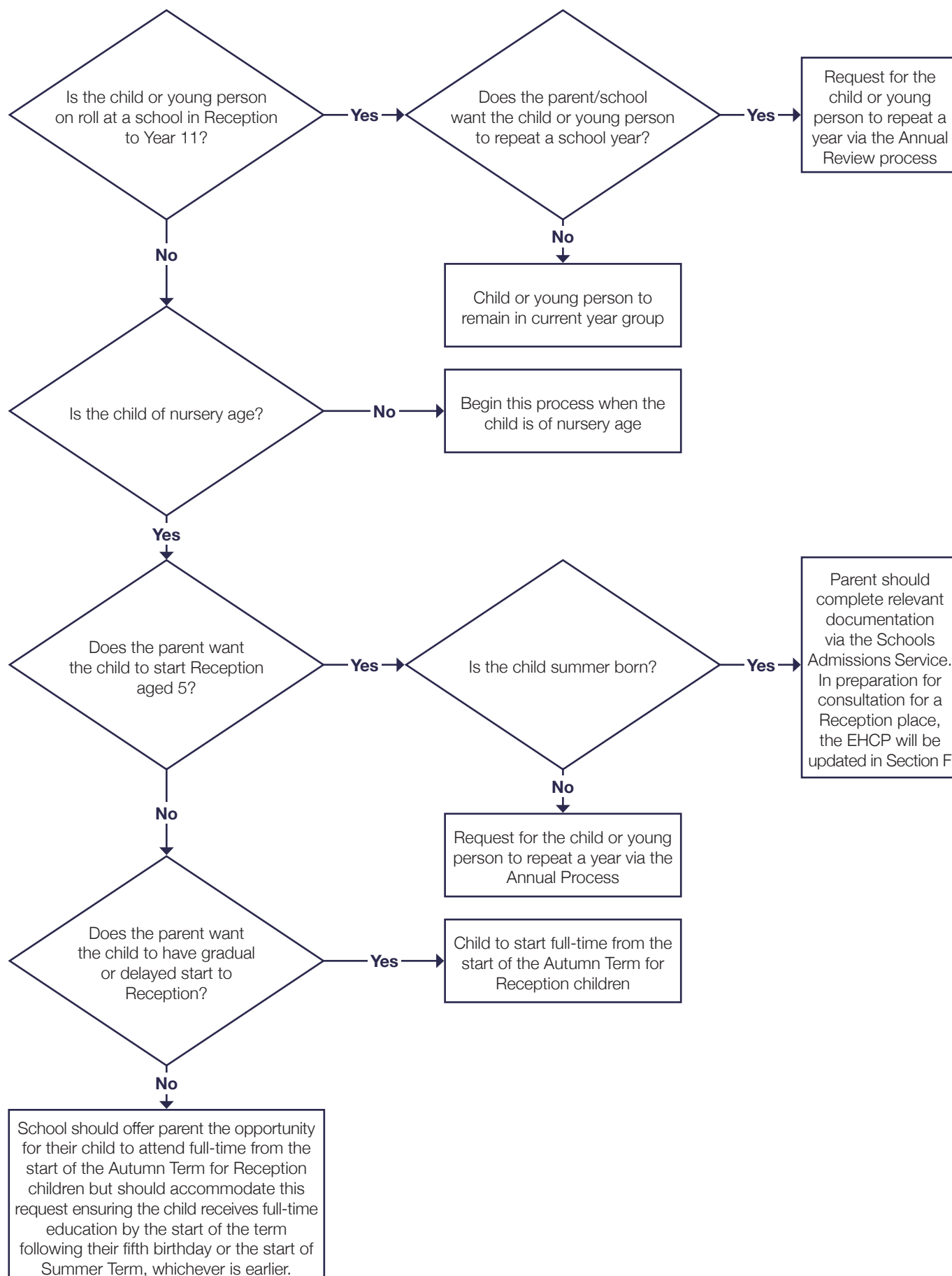
These factors should be considered as part of the decision-making process:

- The expected benefits from repeating a year that would not be possible if they progressed to the next year group with their peers e.g. ability to access the curriculum with peers in the younger year group.
- The expected impact on the child or young person's social and emotional wellbeing e.g. feelings of loss due to deterioration of friendships and feelings when previous classmates move on to other settings at transition points.
- The child's physical size in comparison to their proposed peer group as this can impact negatively on their self-esteem and/or the way they are viewed by their prospective peer group.
- For children starting school for the first time, the expected impact of an additional year of development in a play-based early years setting.
- The legal school-leaving age is not affected by education out of year group. For children and young people who are educated out of year group, they will no longer be of compulsory school age (the last Friday of June in the school year they reach 16 years of age) during Year 11 of secondary school and will therefore be able to leave school before completing examinations.
- When the child enters further education, it is possible that tuition funding could cease partway through a course when the young person transitions into adulthood half way through a course due to being placed out of year when they were younger.

See also the SEN Service Decision Making Support Checklist in Appendix 2.

Appendix 1

Out of year group guidance flowchart



Appendix 2

SEN Service Decision Making Support Checklist

The Local Authority will use the following checklist to support decision making; ticking every box does not in itself indicate that out of year placement is in the best interests of the child. School, parents, child and involved professionals all consider that this placement would substantially increase the probability of the child's successful inclusion in mainstream school. Any evidence for this is outlined in the paperwork.

It would be suitable for the age, ability, aptitude or SEN of the child or young person.

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.

Placing the child/young person in another year group is compatible with the efficient education of others, or the efficient use of resources.

Consideration has been given to the long-term emotional and social impact of this decision.

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.

Parents and the school are aware of the research evidence as outlined in this document. There has been a discussion with parents about potential future issues, e.g. leaving school without completing Key Stage 4.

All parties agree 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 will provide somewhere that the child can continue to integrate as the cohort matures.

The plan for the child includes interventions to address their individual needs, in addition to placement with a different year group.

The request is supported by evidence from an Educational Psychologist.

