

Local Authorities' responses to the proposed changes to summer born admissions in the Changes to the School Admission Code consultation

Respondent	Comment
Birmingham LA	These changes are welcomed to improve clarity of particular areas of the Code.
Blackpool Council	Summer born Children There are very few parents of summer born children who request an admission directly into year 1. The impact of deferring entry is outlined for parents/carers, by both the LA and the receiving school, and decisions are made taking all relevant factors into account in discussion with the parent/carer. The incidence does not currently present a problem for this Local Authority.
Borough of Poole Council	It is helpful that the Code now clearly reflects the summer born guidance provided. However, paragraph 2.17b is very wordy and difficult to understand, especially in relation to when an application must be considered. It is suggested that an additional sentence is included stating that "a school place cannot be reserved a year in advance" as this reiterates the fact that the admission authority must process the application as part of the main admissions round.
Bournemouth Borough Council	It needs to be clear that regardless of the request for being taught outside of the chronological year group being agreed that the oversubscription criteria still applies. A sentence stating that places cannot be reserved a year in advance would be helpful as some parents who have made enquiries seem to believe this is the case and that it would be a way to get priority admission into a heavily oversubscribed school.
Bournemouth Borough Council	I think it is a good thing to clarify the summer born children provision in the Code.
Bracknell Forest Council	There are a number of issues that arise with this: Children whose parents are requesting this for starting school for the first time may not have attended any pre-school and therefore not have accessed any facilities for assessment or be known to any agencies. For parents completing an application there may be a number of different admission authorities involved and so there may be different decisions. How can the application be processed without knowing which school will be offered and whether they have agreed or not to the request.
Brent Council	The clarity in the draft Code that parents may not defer entry beyond the beginning of the Summer term of the reception year, is welcomed. It would be helpful if the Code could state: - that the expectation is that children will be educated out of cohort in exceptional

	<p>circumstances. Parents should consider the impact of their child being educated out of cohort, not only within primary school but at transition to secondary school when a fresh decision will be made about the year group to which they will be admitted. -that requests should accompany an application for a place in the normal round of the child's age, so that a place is available if the request is not agreed. If the request is agreed, the parent must reapply in the following year and will be considered equally with all other applicants. Parents have the right of appeal if place at the school cannot be offered in either age group. The consultation document states that if a child is premature, the decision will 'take account of whether they would have naturally fallen into the lower age group if born at the expected time'. However this wording does not appear in the draft Code.</p>
Buckinghamshire County Council	<p>We are content with the principle of the changes proposed but we would like the code to clearly state that the decision is made during the normal reception admissions round for their chronological age range rather than at a later point.</p>
Cheshire East Council	<p>Support the need to agree admission to reception, and not year one, of summer born children . Do not support the suggested changes as below: 1) In the case of children born prematurely, it will include taking account of whether they would naturally have fallen into the lower age group if born at the expected time. I would ask how appropriate or necessary this is - if the justification is to be social, educational emotional, is it really necessary to enquire about the original due date. Most births are not on the 'due date'. Whilst unlikely, this could give rise to requests for earlier admission to school on the basis the child was 'late'. But moreover, is this a step to far and what information would admission authorities be requesting in support of this? I would argue that the social, emotional and educational argument will cover everything, without having to look into how premature the birth was. 2) require the admission authority to take account of the views of the headteacher of the school concerned. Whilst this is something that can apply 'in year' for rising fives, ie when the parent has not approached their LA prior to the statutory closing date for normal admissions, many of these requests occur as part of the normal admissions round. Therefore, the headteacher (who will ultimately be involved in the education of the child) will not be known at that stage in the process. A headteacher may therefore have no prior knowledge of the child and the Local Authority would need to ensure all schools potentially named as preferences would be consulted prior to a decision due</p>

	<p>to the uncertainty of the outcome of the applicaiton. Perhaps the Code should simply allow parents the right to request 'dealyed entry' and that, in such cases, the admission authority or local authority should simply be required to offer advice as a mandatory requirement, leaving the parent to decide on what is right for their child.</p>
City of London Corporation	<p>We do not have a have a view on this and don't agree or disagree with the proposal.</p>
City of York Council	<p>Since the issuing of guidance from the Department on summer-born children, we have received an increased number of queries from parents and schools on this issue. Feedback from schools and parents has included:</p> <ul style="list-style-type: none"> • concern that decisions made to defer may be made at a time when it is difficult to say whether a summer born child would benefit from delaying for a further year, when the child is only 3½ years old; • concern that children who will be enrolled in nursery provision for a further year with children much younger than themselves may not be in their interests, especially where schools would have managed this through a part-time offering in the first year; • concern of the implications of children being more commonly out of age-related cohort for transition to secondary school, and in selective secondary school tests; • parents may decide to change their minds after the allocation of places and have reduced choice on available school places at a later date; • that decisions made will potentially by schools that were not consulted during the initial decision – these schools may be in different LA areas or be different admission authorities. <p>The requirement to 'take account of the views of the head teacher of the school concerned' is difficult as no school will have been allocated for that child at the time immediately following the application made by 15 January that same year. It is not the intention of the LA to allocate places at a school in the original admissions year as this may not be the same school that can be offered with a fresh application one year later. To do so would only increase the expectation of the applicant for a particular school. The decision made by one admission authority or head teacher may then be effectively binding on numerous other admissions authorities; • given that the parent's wishes and relevant research must be taken into account in the decision, and not simply decisions related to the educational progress of the child, such requests will likely rarely be refused. <p>However, feedback from parents who are concerned that their child is not ready for school at only just 4 years of age has been very positive. This LA feels that greater guidance around the exact processes and timescales may benefit both</p> </p>

	<p>parents and practitioners and bring all admissions authorities in line with one another. It would be useful to make clear that there is no right of appeal against a decision as it does not constitute the refusal of a school place, only the refusal of a deferral. In York the date for submission of such a request is proposed to be by 15 January in the normal year of application, accompanied by a formal letter and any evidence to defer entry to a later year. Applicants would then receive notification of the LA/admissions authorities' decision by 28 February the same year after the LA has consulted with the head teachers of any school named as a preference in the original application. If approved the application made is withdrawn before places are allocated by 16 April. If refused, which is unlikely as above, the parent would have time to make a complaint to the LA before places are allocated.</p>
Cornwall Council	<p>Cornwall LA would welcome improved clarity in this area of the Code. The LA has already issued guidance to schools, settings and parents/carers which is in line with this and it would be good to have this underpinned by more detail in the Code. There are concerns, however, over the impact of a potential increase in out of year group placements, such as the effect on the school leaving age for pupils that are offset and issues of funding. Also the impact on transition if a secondary school, for example, does not accept a child out of year group that had been offset in primary school. It would be good for the guidance to also emphasise that schools are very aware of the needs of young children, especially those starting school very soon after their fourth birthday and are committed to ensuring that the reception class meets every child's needs. Parents may have the out of year group discussion with a school ahead of applying for a place – but this won't guarantee a place there – this needs to be made very clear and the implications of this considered. The clarity on the requirement to process an agreed out of year group application as part of the normal admissions round is welcomed – but it would be useful to clarify 'unless the parental request is made too late for this to be possible' to point out that the application still needs to be considered in the timeframes set out in the co-ordinated scheme and also in line with the admission authority's oversubscription criteria, so that it is absolutely clear to parents what the process will be. The draft Code also refers to the 'admission authority' processing the application as part of the main admissions round – but this should be the Local Authority? It might be useful to stress that discussions and decisions around out of year group placement must</p>

	be timely as the co-ordinated scheme will still apply and a late application may put the applicant at a disadvantage.
Coventry City Council	None
Croydon Council	The Council welcomes any revision that provides additional clarity.
Cumbria County Council	This is an area which needs clarification, but why is this only being applied to summer born children? If there is 'no legal barrier to children being educated outside their chronological age group' presumably there are other children to whom this could apply, and for whom alternative arrangements are made by parents on attaining compulsory school age. I am also not clear on the legal position in refusing a place to an 'out of age' pupil on the basis of an assessment which is outwith the published oversubscription criteria, or the rights of appeal following a refusal. This needs to be clarified for the sake of admission authorities and for parents.
Darlington Borough Council	If a parent makes an application on time in line with their child's chronological age and is subsequently refused a place at their stated preferences due to oversubscription, they appeal and their appeals are dismissed, as such they can, (if they have agreement from the schools they are interested in), apply again the following year. Should the Code therefore not stipulate that they must make a decision on which admission year group they are applying and thereby not allowing two opportunities to apply.
Derby City	We would raise concerns that the information in relation to summer born children provides further clarity and is easily understandable. We consider the information provided could perhaps cause further confusion possibly leading to unnecessary distress for parents and children alike. For example, the DfE advice on the admission of summer born children (July 2013) advises parents what they can do about the admission authority's decision if their request about which year group their child will be admitted in is not agreed as... '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 in line with the admission authority's complaints procedures - the revised draft does not refer to parents being able to submit a complaint. This is in direct contradiction to Paragraph f) of the revised draft which states 'Parents, and in some circumstances children, have the right to appeal against an admission authority's decision to

	<p>refuse admission. The admission authority must set out the reasons for the decision, that there is a right of appeal and the process for hearing such appeals. The admission authority must establish an independent appeals panel to hear the appeal. The panel will decide whether to uphold or dismiss the appeal. Where a panel upholds the appeal, the school is required to admit the child. Furthermore, paragraph 2.24 of the draft code outlines appeals requirements and states that admission authorities must not limit the grounds on which appeals can be made. This appears to be in direct contradiction to the information provided in the DfE's guidance on summer born children. Considering the revised draft should be read alongside the School Admission Appeals Code and that appeal panels perform a judicial function and must be transparent, accessible, independent and impartial the School Admission Appeals Code currently includes no reference to appeals under this guidance. Separately to the issue of the right of appeals; as a default position, the vast majority of parents apply according to the birth year until an alternative is agreed – again, this is unclear and could be very confusing for parents</p>
Derbyshire County Council	<p>The non-statutory advice issued by the Department last year generated an increase in the number requests for summer born children to delay admission until the September following their fifth birthday. The Advice raised parental expectations that admission authorities would agree to requests and consequently requests have involved a significant amount of casework. Whilst further clarification on this is welcome, more detail is required, particularly in relation to the year group the right of appeal applies to when requests for admissions outside of the normal age group have been considered and refused by admission authorities e.g. if a request for a summer born child to delay admission to reception is refused one year and the parent then applies for a place the following year, is the appeal heard for a place in reception or year 1, and is it within the Panel's remit to review the original decision or not?</p>
Devon County Council	<p>It is very much to be welcomed that the unhelpful word "request" would be removed from this section. A request that an admission authority cannot refuse (deferred admission) is not a request in a parent's understanding. Making it clear that the decision rests with the parent – including re part time admission up to statutory school age – is also welcome. Similarly, it is helpful to clarify that delayed admission – deferring admission to the following academic year but entering into Reception rather than Year 1 – is for the school to determine.</p>

	<p>Parents can request and a school must consider. At 2.17B we note that LOWER priority cannot be given to a child not of the correct age That allows for HIGHER priority to be given. We feel that this sends a message to parents and Panels that these children should be admitted rather than should be ranked along with all other children seeking admission. Unless parental preference is to be the overriding, determining factor (not proposed in this draft), the decision whether to agree to delayed admission to the next September's Reception is for the admission authority to take – considering parental preference, the known circumstances of the child and the approach of the school in delivering age-relevant education. The decision whether or not to agree to a request for delayed admission should be taken closer to admission and not 12-18 months in advance. What may seem necessary or appropriate or desirable aged 2 or 3 may not be the same later. Bearing that in mind, it would be helpful to be clear that the decision is only to be made in response to a formal application. Headteachers and others in the admission authority may change and there may be a different decision between first enquiry and formal application. Parents need to be clear that decisions are by individual admission authorities, in response to a formal application and that agreement does not guarantee a place. It could be that none of the preferred schools can offer a place as requested either because they turn down the delayed admission element or the child is not prioritised sufficiently at an oversubscribed school. Parents do need to understand the potential consequences should they not secure a place in the chronological cohort. The child could be faced with no agreement to defer and no local vacancies in Year 1. Parents also need to be aware of the potential for disagreement at phase transition.</p>
Dorset County Council Children's Services	<p>Overall Dorset County Council is very concerned with these proposals. Dorset County Council is still very keen to ensure a clear message that educating a child in their chronological age group is the most appropriate way forward and is in the best interest of the child. In addition:</p> <ul style="list-style-type: none"> • Given the timescales, parents could be making a decision not to apply for a place based on a child's level of development just after their third birthday. What is the degree of confidence that given another year of a child's development, they may have caught up and in popular schools a parent could have lost the opportunity to apply for a school place in their chronological year group. • If parents apply and then decide to defer to reception class the following September, they will have to make a new application. Discussions around what point the earlier

	<p>offer is withdrawn are critical. • Where parents take up a reception place in the normal chronological year group, but subsequently decide to back year to repeat reception, at what point is this a new application or is a place guaranteed for that child. • If reception is already full for the subsequent intake, how are ICS issues addressed? • There is the potential that in terms of pupil place planning, assumed reception numbers in popular schools become uncertain. • The back-yearing policy and summer born children issues could be used to defer in order to get a parents preferred school. • There is concern that decision on back-yearing will not look at all there aspects of a child's development, and ultimately decisions are made that are regretted later.</p>
<p>East Riding of Yorkshire Council</p>	<p>It is right and appropriate that suitable and effective processes are in place to ensure that vulnerable children with particular special needs are admitted to full time education in a school at the most appropriate time and in the most appropriate way for the child concerned. Children with special needs who require such special attention can be born at any time of year and are not unique to those born in the five months of the summer term. Arrangements already exist for children's admission to school to be delayed and for them to be taught in a year group other than that appropriate to the child's age. Given the overall structure and legal framework of school based education in this country which assumes children are taught in and progress with other children born in the same school year, decisions about which year group a child is taught with are very significant and must not be taken lightly. They must also be regarded as very much the exception. Such decisions need to be properly informed, made in the light of appropriate professional advice and not incorporated into a mass administrative process such as an admissions round. The issue of summer born children's progress in school cannot be adequately addressed by the proposed changes to guidance on the operation of the school admissions process or by promoting the delay of the first admission of summer born by a year. All that would achieve is the shift of relative underperformance from summer born children to those born in the spring term. It is already clear from contact with parents this year that the non-statutory guidance issued by the Department in July 2013 and amended in May 2014 has been interpreted by parents as giving them the right to insist that their child's admission to the Reception year group is delayed by a year. It is therefore important that the wording of the new Code is clear that delaying admission until a later school year can only be considered in</p>

	<p>exceptional cases. With regards to the description in the draft Code of the process for determining a request for delayed admission, there is a particular issue relating to the appropriate body to determine whether or not an application for later admission to the Reception year group can be accepted. For normal admissions, the legal duty to make arrangements for parents to apply for school places rests with the local authority. Applications are made and processed in accordance with the co-ordinated scheme for admissions which is devised and implemented by the local authority, in consultation with and with the agreement of schools. The co-ordinated scheme is used to determine which single school place a child is allocated. If an applicant is to be allowed to make an application for their child's first admission to school a year later than appropriate to the child's age, the school to which the child is to be admitted will not be known until the application is processed and the relevant admissions round is completed. As the school at which the child is to be placed cannot be determined until after the relevant admissions round is completed, it is not possible or appropriate to consult with a school's headteacher, as required by paragraph 2,17A of the new draft Code. It therefore seems inappropriate that, as described in paragraph 2.17A, a decision about whether or not a parent should be allowed to make an application for a year group other than that for the child's age group should be determined by a school's admission authority after taking into account the views of the headteacher. Such a process would give the applicant the clear impression that their child will be going to the school whose admission authority made the decision to accept the application but there would be no guarantee that the admission authority making such a decision would be the admission authority for the school to which the child is subsequently allocated a place in the admissions round. Given the above it would be more appropriate for local authorities to be advised to include in their co-ordinated scheme the arrangements for determining parents' requests for their children's admission to the normal year of entry to primary school to be delayed until the following school year.</p>
Essex County Council	<p>Some further clarity, as proposed, is helpful. However, there are some potential problems which require additional consideration for this contentious area. 1) A situation could arise whereby one admission authority agrees a request for an out of year group application through co-ordination, whereas another does not. This would place the local authority in the position of not having to only co-ordinate applications, but also requests</p>

	<p>for such applications across perhaps 3 or four individual schools. It could also place schools at odds with each other where they take different decisions 2) One issue which is often overlooked in this area is that of parents, potentially, presenting a 'deferred entry' case to secure another attempt at gaining a school of preference because their initial application in the 'normal age appropriate cohort' application process was unsuccessful. It is suggested that thought needs to be given as to some safeguard against this being able to happen, perhaps by a clause which states that where a parent has exhausted the process through co-ordination in one normal admission round, it shall not be permitted that they, effectively, have a second right of application through co-ordination by reference to a deferred entry case for the same school(s) in the normal admission round that follows.</p>
Hackney Learning Trust	<p>We welcome the clarity that parents may not defer entry beyond the beginning of the summer term. The Code should state that the expectation is that pupils will be educated out of cohort in very exceptional circumstances and that before parents make a request they should consider the wider impact of their decision for their child's future education such as the possibility that a decision could be made that their child is admitted to year 8 at secondary transfer. In our experience these parents normally express preferences for schools which are oversubscribed. The code should, therefore, also state that if the request is agreed there is no guarantee that a place will be offered at their preference schools.</p>
Hampshire County Council	<p>In its proposed state, it is difficult: • for parents to understand the threshold to being given approval to apply for decelerated admission of their summer born child. • for headteachers to provide an informed view about a child they do not know, eighteen months in advance of the child being due to start school; • for admission authorities to defend refusing their decision. If it is intended that admission to Year R is to be so flexible, then the Code should state that Admission authorities should simply go with the parental preference. This would provide a consistent process for parents of summer born children. It would also save LA/GB and headteacher time spent on of considering requests for which there is no clear guidance. It seems that many authorities view these requests from parents as attempts to navigate the system or have a 'second bit of the cherry' if they did not secure a school place in the previous main round.</p>
Herefordshire Council	<p>To be decided by when? Following receipt of parental request for admittance outside their child's normal age</p>

	group – national offer date for the child's cohort?
Hertfordshire County Council	<p>The requirement for the Head teacher's view point to be taken into account in the decision making process does not take into account either the coordination process or the equal preference system. For example a parent applying for a Reception place in Hertfordshire can rank 4 schools; therefore the views of four Head teachers and potentially four different admission authorities would need to be taken into account. The Head teacher of a primary school may have no direct experience of the child involved and their view could only be formed from any relevant documentation. It is possible that one school would agree to admit the child a year late, but others would not. As there is no guarantee that a place would be offered at that school the following year the application would have to be taken forward for the chronological year group as well. The current Code simply states that "parents of gifted or talented pupils or those who experienced problems or missed part of a year, for example due to ill health can seek places outside their normal year group" and that the decision is one for the school's admission authority based upon the circumstances of each case. Hertfordshire has a robust decision making process in place, using a panel of experienced officers, to decide these cases (and applications for summer born children to start Reception a year late) in a consistent manner whilst ensuring individual circumstances are taken into account.</p> <p>Unfortunately rapid introduction of non-statutory guidance in July 2013 and the current proposal to ensure "headteachers views are taken into account" appear to be driven by a desire to provide parents with more information/ammunition rather than clarifying the decision making process or an understanding the complexity of the allocation process in an equal preference system. If the government wishes to allow, as the norm, all summer born children to apply for a Reception place a year late, the legislation should be amended accordingly. It is not appropriate for the DfE to exert pressure on LAs on their decision making in individual cases. The current and proposed Codes are clear that these decisions remain in the hands of the relevant admission authority and it would be helpful if DfE officers reiterated this fact to parents when investigating individual complaints.</p>
Islington Local Authority	<p>We welcome the clarification regarding the process for considering the admission of summer born children outside their normal age group. We are pleased to note that based on evidence to date, the Department considers the number of requests for summer born</p>

	<p>children to be admitted out of normal age group is likely to remain small, as we are concerned at the prospect of large numbers of children being taught out of chronological year group and would urge the Department to keep numbers under close review. Following the release of the Department's non-statutory advice in July, we have implemented a process that aligns largely to what is proposed in the consultation. Since introducing this process, a number of issues have arisen that it would be helpful for the Department to clarify in the revised School Admissions Code:</p> <ul style="list-style-type: none"> • That the admission of summer born children outside their normal age group should be considered as an exception and not the norm; • For a deadline to be set for parental requests to the local authority for a summer born child to be admitted outside their normal age group (e.g. by the application deadline or prior to Offer Day at the very latest). This will ensure decisions are based on the individual merits of the case in question and not the chances of the child being offered a place at the preferred school, thereby avoiding wrangles about deferring (in effect, reserving) a place at the preferred/offered school until the following year. This would also enable local authorities to offer the place to another pupil prior to Offer Day and avoid any confusion about the agreed year of entry for the summer-born child in question; • An explicit reference explaining that where a request is agreed, applicants will be required to resubmit an application the following year, which will be considered alongside other applications in that cohort in the usual way; • The bearing of one admission authority's decision on another admission authority. For example, if the parent's request is agreed by the maintaining authority for a Reception place at a community school, is the decision also binding for any own admission authority preferences expressed by the parent at the point of application? • To highlight the potential risks to a child's educational journey/social development if taught outside their normal year group (e.g. Secondary Transfer - own admission authority schools or those maintained by another local authority may not agree for the child to be admitted outside their normal age group); • If relevant, clarifying the potential impact on the child's current Early Years' provider. Will the provider be expected to keep the child for a further year, even if they are already full? • Clarifying the position regarding parental requests for admission to a year group younger than their normal age group. We have recently received a request for a child to be admitted to Reception class a year earlier than required.
Kent County	Kent would hold the view that where a child is capable of

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being taught and supported in their correct chronological age group they should be. Where there are exceptional circumstances which have led to delayed development or genuine concern that they would be unable to cope in that setting due to a premature birth for example, then it would be entirely appropriate for them to be taught out of year group. The significant challenge here is that there is a distinction to be made between children ready for school able to be taught alongside their peers and parents who are not yet ready for their child to start school because of their anxieties, and children for whom it would genuinely not be in their best interest to be in school. Where the former is the case, parents invariably will not be best placed to take that decision objectively. People outside of the admissions administrative process will not regard it an issue as to which yeargroup they are taught in but giving parents of summer born children this choice provides them with an unfair advantage over other children and indeed can result in some children who would have had a place in their correct chronological age groups denied admission causing disadvantage to that child. The code has attempted to address the issue of the disadvantage caused to the pupil out of year group by simply stating that they must be treated the same as children of the correct age range, this doesn't change that situation but may mean that appeals will be less likely to be successful. There will always be a youngest child in a year group and wherever that cut is made there will be a group of parents who consider the youngest in the year groups are disadvantaged. It is essential that measures being considered to ensure summer born children are not disadvantaged are not disproportionately creating an advantageous situation to the detriment of the majority of children who fall outside of the summer born category.

There is a danger that the proposed changes adopted to create a flexibility for the parents of summer born children will be abused by some parents of summer born children to apply twice for a preferred school, and if they do not secure a place the first time, this code will enable them to simply apply again outside of their correct age range. This gives these children two opportunities to secure a place in their preferred school where other children would only get one. As a minimum, if the code is to progress this approach, parents should be denied the opportunity to apply to the same school through the coordinated process twice. We believe that the guidance and flexibility creates an unnecessarily bureaucratic and complicated process which could be entirely avoided by introducing some practical changes to admissions

	<p>procedures. KCC's preferred solution which would provide far greater clarity to process would be for children (without a statement or EHCP) to be required to apply at the correct time associated with their chronological age group regardless of their individual needs. Once offered a place in the correct admissions round the code should require schools to allow parents to defer entry to later in the year or to seek agreement to deferred entry to start in the following year's reception. In most cases there will a reasonable evidenced justification for a child needing to be taught out of year group and in these circumstances admissions authorities can agree to enable this to happen in good time to ensure that where this is to be facilitated the PAN for the following reception round is reduced by the numbers of children for whom this is agreed in the same was as for statemented children now. The timing of this would mean that where there is a dispute between a school and parent/guardian there would be sufficient time for this to be resolved and it determined whether the child has deferred entry or entry to the following years reception. Such an approach would provide clarity for all concerned it would take away the uncertainty for parents of summer born children well in advance of them starting and require them to explore with a school how a child might cope in their correct age range year group before taking such a decision without the child being exposed to such an experience. This approach would require the introduction of guidance for schools and parents about the sorts of factors which might merit a child being taught out of yeargroup and this could be developed relatively easily in the same was as the TAMBA guidance on twins has been. Having a structured approach to enable schools and parents to look objectively at the child stage of development and readiness for school would mean all involved can follow an open and transparent process with a clear tool for decision making. There will remain added complications for authorities still administering 11+ Testing as is the case in Kent, because test material is produced and age weighted for those in the correct chronological age range, and the proposals do not go far enough to clarify how these issues will be overcome. As now this will be a matter for schools and we see no reason why practical local solutions cannot continue to be found by negotiation with secondary schools when children taught out of yeargroup are due to transfer to secondary education.</p>
Kirklees Council	<p>There is support for bringing clarity for families, admissions authorities and schools around the guidance relating to Summer Born Children that was issued in</p>

	<p>2013, and, that it is incorporated into the Code. Key considerations include;</p> <ul style="list-style-type: none"> • Clear criteria would be needed to consider such applications, as well as what happens throughout the child's academic career eg. if the child starts in Year Reception is it anticipated that the child transfers to secondary school at age 12etc. • The requirement for any decision that is made about such a request to be transparent is welcomed and this should be based on the child's educational needs with a strong evidence base.
Lancashire County Council	<p>Summer Born Children Lancashire is pleased to note that the DFE has acknowledged that whilst there are not a lot of cases for full year deferral and a reception start, those that do arise are often highly problematic (5.3). The final four paragraphs of 5.4 are accepted and welcomed as clarity about the process for parents is necessary. There will need to be clarity for parents about who will make decisions and what their appeal rights are (for example):-</p> <ul style="list-style-type: none"> • Admission authority makes the decision about out of year placements (Local Authority also must consult head teachers for community and voluntary aided schools) • Can they appeal for a child to be placed out of year even though a school could still refuse to do so if the appeal was successful? • Parents must state the intention to require a full year deferral by the statutory primary closing date and not in response to subsequent unwanted place offers or appeal outcomes. • Please avoid any suggestion of the use of Local Authority or school / academy complaints processes. Admission resolution has always been via the appeals process and not complaints procedures. The need for a local protocol is accepted and it is recommended that this is provided, or at least summarised, in each Local Authority's admission information for parents (web site and paper). Lancashire has already revised the wording in its publicity and drafted a flow chart and standard letters (to be introduced when the revised Code is finalised).
Leeds City Council	<p>Proposed changes in para 5.4 regarding summer born children provide some welcome clarity, and are in line with an approach already proposed in this local authority. We do however object to the compulsion to include 'the' head teacher in any decisions as described in 2.17A of the draft code. In many cases applications for deferral will be made prior to the allocation of places. To provide clarity for families and schools it is helpful if the local authority is able to make those decisions prior to offer day. This also means that in a time of rising birth rates and demographic pressure school places are not unnecessarily blocked by children with no intention of taking up that place. Including 'the' head teacher in any</p>

	<p>decision is impossible until the allocation is known. We have no concern about continuing to ask parents to apply and state in their application that they wish to defer, as this ensures any declined requests are not disadvantaged by being late. However the proposed system in Leeds had been to invite all heads at preferred schools to comment on the application, and remove any compulsion so that heads can exercise their discretion about the likelihood of any impact on their school based on local demography and knowledge of the child. The panel which Leeds proposes to use would also include Educational Psychologists, SEN and Early Years specialists who could provide an educational perspective, and Learning Improvement representatives who could consider what might constitute reasonable adjustments for a school to make. Parents are also part of the panel in Leeds. (Requests for deferral made after offer day could only involve the allocated school's head teacher). It is therefore focussed on the specific needs of the individual child and on educational welfare and outcomes for that child. In addition the compulsion to include 'the' head could cause confusion and conflict when a deferred child comes to make a fresh application the following year. As described in para 2.17B of the code the deferred application must be considered afresh, but if a particular head teacher has already agreed to a deferral the previous year a parent may, not unreasonably but incorrectly, imply that the same school would be allocated the following year which may not be the case. It could also lead to conflicting opinion between heads, with the school who are allocated the child when the deferred application is considered being unhappy and wishing to educate the child back in their chronological year group.</p>
Leicestershire County Council	<p>It is agreed that most parents of summer born children would want their child to commence school in the following September after their fourth birthday, or as soon as practicable after this. However, the proposals for change raise a number of concerns particularly in relation to appeals, including; If the parental request is not agreed, is there a right of appeal? How would appeals be regulated? The School Admissions Appeals Code includes no reference to this type of appeal. To which year group would any appeal relate - the chronological age group or the requested year group? From a local authority perspective, the draft does not make clear to which year group the place should be allocated. As a default position, parents often apply according to the birth year until an alternative is agreed – this can be confusing.</p>

Lincolnshire County Council	<ul style="list-style-type: none"> • The proposal fails to eliminate the possibility that a secondary school Admission Authority might refuse to honour the decision of a primary school Admission Authority, leading to severe difficulties for the child at transfer to secondary education. This difficulty could also apply to a child moving area in-year. • If the parental request is not agreed, is there a right of appeal? o The School Admissions Appeals Code currently includes no reference to this type of appeal, this is unsatisfactory as it leaves all involved in the appeals system without reliable guidance. o It is not clear to which year group an appeal would relate - the chronological age group or the requested year group? DfE should provide detailed guidance on these issues so that parents can have confidence of receiving a fair hearing. • From a local authority perspective, the draft does not make clear to which year group the place should be allocated. • As a default position, parents often apply according to the birth year until an alternative is agreed – this can be confusing for LA practitioners, parents and schools and risks parents feeling frustrated and disempowered. • These parents may in effect have two opportunities to apply. o This appears unfair, contrary to section 14 of the current code. • The code should clarify the timetable for application including spelling out the implications of late applications • In the case of children born prematurely, it will include taking account of whether they would naturally have fallen into the lower age group if born at the expected time without stating how admission authorities could verify this. o The amended code should cover this in more detail. • Although the proposal will require the admission authority to deal with the application as part of the normal admissions round, in the experience of admissions practitioners parents generally don't have the evidence prepared before they make the request and the time frame is quite tight. o The amended Code should cover the situation where parents leave making the request until a few weeks before the child is due to start Reception, stating when it is too late to do work on this and how these requests can be dealt with when the schools are closed over the summer holiday period.
London Borough of Barking & Dagenham	<p>We understand the rationale behind the proposal however, this may impact the child when transferring from Primary to Secondary school as the child will not be transferring with their peers of the same age. Only on exceptional circumstances the LA should agree this request with documented supporting evidence.</p>
London Borough of Hammersmith	<p>Following the issue of the Summer Born Guidance issued in 2013, this proposal provides much needed</p>

and Fulham	clarity for Parents, schools and LAs.
London Borough of Hounslow	<p>The clarity in the draft Code that parents may not defer entry beyond the beginning of the Summer term of the reception year, is welcomed. It would be helpful if the Code could state: - that the expectation is that children will be educated out of cohort in exceptional circumstances. Parents should consider the impact of their child being educated out of cohort, not only within primary school but at transition to secondary school when a fresh decision will be made about the year group to which they will be admitted. -that requests should accompany an application for a place in the normal round of the child's age, so that a place is available if the request is not agreed. If the request is agreed, the parent must reapply in the following year and will be considered equally with all other applicants. Parents have the right of appeal if place at the school cannot be offered in either age group. The consultation document states that if a child is premature, the decision will 'take account of whether they would have naturally fallen into the lower age group if born at the expected time'. However this wording does not appear in the draft Code.</p>
London Borough of Lewisham	<p>The clarity in the draft Code that parents may not defer entry beyond the beginning of the Summer term of the reception year, is welcomed. Lewisham would like greater clarity in the Code in relation to: 1. that children should only be educated out of cohort in exceptional circumstances and there should be independent evidence to support this request. The Code should advise parents to consider the impact of their child being educated out of cohort, not only within primary school but at transition to secondary school when a fresh decision will be made about the year group to which they will be admitted. 2. there should be greater clarification that the parent may make a request but it is for the headteacher of the school to determine whether there is sufficient evidence for the child to be educated out of cohort. 3. the application process in that the parent's request should be made during the 'normal round' that the child would be admitted. This is so that if the request is not agreed the child is considered in the correct round. If the request is agreed, the application for the normal round is withdrawn and the parent must reapply the following year and will be considered equally with all other applicants. Parents have the right of appeal if place at the school cannot be offered in either age group. The consultation document states that if a child is premature, the decision will 'take account of whether they would have naturally fallen into the lower age group if born at the expected time'. However this wording does not appear in the draft Code.</p>

	<p>It should be noted that the home local authority is responsible for the coordination of an application and cannot determine the outcome of such a request particularly if the applications are for admission authority schools or those located in another local authority. Therefore there must be a written agreement from the headteacher(s) concerned that they will agree to the child being educated out of cohort before the application can be progressed. Lewisham is aware that locally there are more requests from parents who wish for their child to be educated out of cohort. Coupled with the increasing pressure on school places there is a danger that such applicants will deny others.</p>
London Borough of Redbridge	<p>The advice on the admission of summer born children has been helpful in clarifying for schools that not all children must be admitted to their age cohort, as this is a common misconception that they hold. Giving greater prominence to this in the Code would be helpful. However, the guidance to decide requests to back-class summer born children "on the circumstances of the case" is still too vague when there is little information on young children to judge their circumstances or the case is that their parents believe it would "be better" for their child. It would be helpful to have more guidance on what could be taken into account but without encouraging parents to accumulate expensive evidence, for example by engaging a private psychologist. It would be helpful to schools especially if it could be clarified whether it is sufficient for a parent to request their child is back-classed, on the basis that they know their child best. It would also be helpful if the Code could clarify the difference between "deferred entry" within a school year and admission outside the cohort, or "back-classing" as it is known as in some LAs.</p>
London Borough Waltham Forest	<p>Waltham Forest broadly welcomes this proposal, and is pleased to see more clarity in this area.</p>
London Boroughs of Sutton and Merton	<p>Some clarity is welcome. However, it should state 'evidence' about the child's needs rather than 'information', as this could otherwise be an extension of the parent's views rather than an independent one. Whilst I agree there should be a school's view, it is difficult in a normal admissions round to consider the 'views of the headteacher concerned' – whilst this would suit an admission authority school making a decision, for the LA there may be 6 community school preferences in or outside of the home LA and they may present different views. It is quite possible the child would not be offered any of the stated preferences; it would be preferable to say 'views of or on behalf of schools' to allow some local flexibility to design a process. There is also a timing</p>

	<p>issue seeking headteacher views as parental requests may come a year or two (in cases where late entry to nursery provision is also sought) ahead of the time the parent will seek to submit their final application, during which time the headteacher or admission authority for the school may change. By stating 'must' for headteachers views it indicates more weight is given to that than any documented evidence provided.</p>
Medway Council	<p>Medway Council welcome the clarity provided by the proposed changes and feel that this would make the process for considering a parental request to admit outside normal age group more transparent for parents and admission authorities.</p>
Milton Keynes Council	<p>We support this clarity.</p>
Newcastle City Council	<p>The additional clarity is welcomed. However further clarity is still required. The points are written in a way that suggest that a parent applies to only one school (admission authority) in the normal admissions round and this single admission authority then makes a binding decision about whether the child can be admitted to reception rather than year 1. The reality is that a parent can apply to at least 3 different schools (and therefore 3 different admission authorities) in the normal admission round, and may end up with no offer from any of them after the admissions oversubscription criteria are applied. It is unclear how the common application will be handled if different admission authorities reach different decisions about whether the child should be admitted to reception or year 1. Is it the LA's role to mediate on receipt of the common application and establish whether the application will be accepted by each admission authority? The Code should at least place a duty on an admission authority to notify the LA of the outcome of any request to agree or refuse to admit a child into another age group. It should also be made explicit in the School Admissions Code that if a parent decides they wish their summer born child to be admitted one year later into the reception class, it is the parent's responsibility to make the application on time in the appropriate admissions round, not the responsibility of the LA to locate the parent and inform them of application timescales. Appeal panels should not be able to find fault with the LA for failing in a duty to inform the parent of the timeline for application when we are not necessarily aware of the parents' intention or responsible under the School Admissions Code for approving which year group the child is admitted to, during the Autumn term of the preceding year.</p>
North East	<p>Any clarification on aiding decision making for the</p>

Lincolnshire Local Authority	admission of summer born children would be welcomed and hopefully may be easier for parents/carers to understand. How can an admission authority make a decision about whether to agree with the request when it is not known which school will be allocated the following year.
North Somerset Council	The guidance is not specific and we have taken the decision to look at requests on a case by case basis, but we are aware some local authorities are agreeing all requests regardless of the child's needs. It is very hard to make a decision so far in advance of the child starting school. It needs to be clear to parents that even if their request is agreed the oversubscription criteria still applies. There is no guarantee of a place at a school and it is not a way of getting a place when they were unsuccessful the first time round (in the correct year group) If the parent does not get any of their preferences what do we offer as an alternative? What if the alternative school does not agree with educating the child in a different year group? Also there is the time taken having to approach the alternative school for their views within very tight timescales. Currently it is not having a real effect on place planning, but as more parents are made aware of this opportunity we are concerned it could become an issue.
North Yorkshire County Council	As always the further clarity is useful. The important revision here relates to the proposed technical drafting changes associated with this section of the Code which will align it with the primary legislation These changes are overdue, when implemented they will greatly assist admission authorities and parents and avoid unnecessary and unhelpful debate around interpretation.
Northamptonshire County Council	NCC response There is great concern about these proposals. We believe that further clarification is needed. Concerns/comments include: • The practicalities have not been adequately considered. How would Admissions manage if a large number of children born in the summer term exercised their right to request admission to Reception in the wrong year (chronologically); • The consultation document contends that the number of parents making this request would be small (5.3). However, what will happen when parents become aware of their 'rights'? The summer term contains the largest cohort of children in a year group there is the potential for a large number of requests to be made by parents of summer born children; • As a default position, parents often apply according to the birth year until an alternative is agreed and this can be confusing. It may lead to parents of children born in the summer term having 'two bites of the cherry' i. e. if they are unsuccessful in

	obtaining their preferred school in the 'correct' year, they could then apply again the following year citing the fact that the child was born in the summer term and therefore they are entitled to apply for a Reception place in the 'wrong' year; • If a parent is refused, how will the complaint procedure be conducted? • Who will be required to make the decision? • There is concern that the implications have not been thought through. Summer born children who are allowed to start in Reception in the September following their 5th birthday could legally leave full time schooling school at the end of Year 10 (when they reach 16) and not Year 11.
Northumberland County Council	A truly brilliant idea, as an ex-teacher I have long been of this opinion – parents I have spoken to about this, those with very young children or prem babies would welcome this
Nottingham City Council	Whilst we do not disagree with the proposal there is a concern that parents are using this process just to try to gain a place at their preferred school (having already been refused a place in the age appropriate year group due to over-subscription) rather than because of the needs or circumstances of the child/family.
Nottinghamshire County Council	If the parental request is not agreed, should there be a right of appeal? • How would such appeals be regulated? The School Admissions Appeals Code includes no reference to this type of appeal. • To which year group would any appeal relate - the chronological age group or the requested year group? • From a local authority perspective, the draft does not make clear to which year group the place should be allocated. • As a default position, parents often apply according to the birth year until an alternative is agreed – this can be confusing.
Oxfordshire County Council	Oxfordshire County Council welcomes explicit reference to parents of summer born children having the right to request their child's entry to Reception in the next academic year after their fifth birthday. However, we would like to make the following points: 1. It would be useful for a sentence to be added to paragraph 2.17b stating that places cannot be reserved a year in advance. 2. It needs to be clearly stated that agreeing to a request for a child to be considered for a place outside of the usual chronological year group does not mean that the over-subscription criteria will not be applied. Therefore it should also be stated that an agreement of this kind does not guarantee that a place will be offered at the school concerned – simply that the child will be considered with all other applicants. 3. It should be made clear that there is no automatic right for a parent to choose a year group and that admission authorities should make reasoned decisions on a case by case

	<p>basis. 4. Parents are often rightly concerned that decisions can differ between admission authorities 5. Currently the number of parents seeking places for their children in a different year group is too small to have any impact on school place planning. However, if more families seek to place their children out of year group in time this could have a destabilising effect on schools (assuming that the requests are accepted). 6. It would be helpful to know whether after applying the usual over-subscription criteria and a parent does not qualify for any of the named preferences, there is an obligation to offer an alternative school in the year group requested (as distinct from the chronological year group). If this is expected there is unlikely to be sufficient time to do this within the time scale of coordinated admissions schemes. In these circumstances, in Oxfordshire, we would currently offer a place in the chronological age group at an alternative school.</p>
Plymouth City Council	<p>Whilst this LA appreciates the issue that some summer born children face, it is by no means common to all. This LA has adopted the unofficial guidance previously issued by the DFE and does already admit out of age cohort placements. However, it is very difficult to give full consideration to a case where the child concerned has not previously attended a nursery or pre-school in which case, decisions can really only be made on the basis of the parent's wishes as there may be no psychologist involvement, no preschool and the requested school may have no information about the child.. Placement out of age cohort makes school place planning very difficult. Presently, numbers are small and manageable but this could be due to lack of publicity. Once published, the numbers could become unmanageable and parents may use this as an opportunity to have 'two bites of the cherry' when seeking a place in a particular school as there would be nothing to prevent an application in 2 years. This would then be unfair to those who not summer born and for this reason, this LA would not be supportive of this change in its current format. There needs to be a provision to prevent application in 2 separate years.</p>
Portsmouth City Council	<p>Para 2.16 We are concerned that parents now have a right to defer a child's entry into Yr R. Previously, when parents exercised their right to request a deferment the LA and school would have the opportunity discuss the impact on the child and consider the child's interests. The school would also discuss the impact on the school of children joining much later than the rest of the class child and what their peers would be doing during the period of deferment.. Parents sometimes decided after</p>

	<p>this discussion that it was in the best interests of their child to not to proceed or limit any introduction period or deferment. Whilst this discussion can still take place if the parents are receptive, some may be resistant to discuss or consider a change in position as it is now their right. In our experience, most of the requests to defer are not really in the child's best interests but are related to parent anxieties and separation issues. Para 2.17 - Although we note this is right to request, each year we are experiencing an increase in applicants for starting school and allowing applicants who have deferred the whole of Yr R to request a Yr R place the following year will add to the increasing pressure on the increasing cohorts. We recommend adding that the " views of any professionals involved with the child should be taken into account</p>
Rotherham Borough Council	Clarifies the position for parents / carers and doesn't significantly impact on admissions.
Rutland Learning and Skills	This is an excellent proposal.
Salford City Council	<p>Some further clarification on how this works operationally would be useful as the Ombudsman's decision on case 13 013 380 has caused some confusion. Should children requesting admission a year 'late' be considered with other children applying for a place in that school year, or afterwards? If these children start a year late would they always be down a year, or would they be expected to catch up at some point to the correct NCY as with other children who may be taught out of their chronological age group for a period of time. Whilst the policy is helpful further operational clarification on 2.17B would be useful.</p>
Sheffield City Council	<p>The Guidance is clear that the assumption is to approve a parental request unless there is reason not to. This principle is fully supported as it is recognised that the wishes of parents should be given priority and I agree that local procedures should provide parents with advice and guidance with regard to the possible advantages and disadvantages of deferring entry including the implications of the child outside their chronological year group on transfer to secondary. A specific issue to raise is the timing of the admission process which means that permission to defer has to be given before the outcome of the application is known. When this is in relation to schools that are their own admission authority this can present very difficult challenges. For example, in May 2014 the parent of a child who is a chronological 2014/15 starter requests to defer and start Reception in September 2015. If the Authority agrees, the parent must apply for the next cohort by January 2015 and will not know the outcome of their application until April 2015. If</p>

	<p>the application is for an own admission authority school then that school may be faced with having to accommodate the child, having not had any opportunity to discuss the matter with the parent. At this point the decision to defer has already been made. Under the current system the Local Authority, as co-ordinating body, is faced with making a decision before an allocation is confirmed on behalf of a school that it may not be the admission authority for. Even if the application is for a community school, a decision is still being made by the Authority on behalf of the school. The guidance states that the Authority should take into account the views of the Headteacher. Again, in the absence of an allocated school, which Headteacher is to be consulted? Secondly a Headteacher is not permitted to make decisions on admission issues. Clarity about the timing within which it is appropriate for a parent to make a request, would be appreciated. For example in Sheffield we have received a number of requests after allocation date from parents who have not received a place at their preferred school. In these cases their requests to defer are linked to the outcome of their application rather than the needs and welfare of the child.</p>
Shropshire Council	<p>Shropshire Council is concerned that parents may view this as an opportunity for their child to become the oldest rather than the youngest in their cohort. We would only support a child's deferral if it was clearly and demonstrably in the best interest of the child to defer and would expect this decision to be backed up by evidence from any health or education professionals who were working with the child and family. Our opinion is that this should not simply become a parent's choice as this may not always be in the long term best interests of the child. Parents may not have considered the implications for their child later in their school life.</p>
Somerset Local Authority	<p>It is difficult for Local Authorities to judge whether they should be agreeing all requests for summer born children to start school outside of their normal age group or using a case by case basis. It is also hard for any admission authority to be able to make a decision eighteen months in advance of a child being due to start school. What evidence can be requested? If it is agreed and when the over-subscription criteria is applied all preferences are refused, this could cause difficulties if the alternative school offered is not willing to agree to that child being taught out of their chronological year group. It would be very useful to have an addition that a parent can't change their mind and make two applications for two different year groups as this can sometimes be used as a second chance if a parent is not successful in obtaining</p>

	<p>a place at their preferred school(s). It needs to be very clearly stated that regardless of the request for being taught outside of chronological year group being agreed, that the over-subscription criteria still applies. If the parent is unsuccessful in gaining a place at the school(s) they have expressed a preference for, is the Local Authority obliged to offer an alternative school? If so the LA would have to approach the Head Teachers of alternative schools and there would not be time for this within the co-ordinated scheme time lines. Clarification on this would be very useful. This is not having a significant effect on school place planning at the moment but as it is more widely publicised there are concerns that this could become an issue.</p>
<p>South Gloucestershire Council</p>	<p>It would be useful to have clarification on paragraph 2.17b. A sentence stating that places cannot be reserved a year in advance would be helpful. It is difficult for Local Authorities to judge whether they should be agreeing all requests for summer born children to start school outside of their normal age group or using a case by case basis. It is also hard for any admission authority to be able to make a decision eighteen months in advance of a child being due to start school. If it is agreed and when the over-subscription criteria is applied all preferences are refused, this could cause difficulties if the alternative school offered is not willing to agree to that child being taught out of their chronological year group. It would be very useful to have an addition that a parent can't change their mind and make two applications for two different year groups as this can sometimes be used as a second chance if a parent is not successful in obtaining a place at their preferred school(s). It needs to be very clearly stated that regardless of the request for being taught outside of chronological year group being agreed, that the over-subscription criteria still applies. If the parent is unsuccessful in gaining a place at the school(s) they have expressed a preference for, is the Local Authority obliged to offer an alternative school? If so the LA would have to approach the Head Teachers of alternative schools and there would not be time for this within the co-ordinated scheme time lines. Clarification on this would be very useful. This is not having a significant effect on school place planning at the moment but as it is more widely publicised there are concerns that this could become an issue.</p>
<p>South Gloucestershire Council</p>	<p>It would be useful to have clarification on paragraph 2.17b. A sentence stating that places cannot be reserved a year in advance would be helpful. It is difficult for Local Authorities to judge whether they should be agreeing all requests for summer born children to start school outside</p>

	<p>of their normal age group or deciding on a case by case basis. It is difficult too for any admission authority to be able to make a decision 18 months in advance of a child due to start school. Currently local authorities discuss with the preferred school the parental request for their child to start school outside their child's normal age group. Where this is agreed but the parental preference is refused, the local authority must then discuss the request with the offered school. Where the offered school is not willing to agree to the child being admitted outside of their chronological year group, it is unclear what action the Code expects of admission authorities. It would be useful to clarify for parents/carers that under no circumstances are they permitted to submit separate applications for two different year groups in order to obtain a place at their preferred school(s). It needs to be very clearly stated that regardless of the request the over-subscription criteria still applies.</p>
Southampton City Council	<p>The definition of summer born is those born between 1 April and 31 August. This is 5/12ths of the cohort and although most parents will not want to defer their child's entry in to Reception class to the following year it is impossible to predict how many it will be. This gives admission authorities an unquantified amount of work to do to manage these requests. It is thus impossible to plan how much staff time and budget to allocate to this. This seems unfair on smaller admission authorities, such as Infant Academies, or for larger LAs who might have hundreds of schools to administer and have 1 application per school. At a time of constrained budgets this open ended call on resources seems to be unfair.</p> <ul style="list-style-type: none"> • Impact on other parents. The impact on the parents of non-summer born children applying for oversubscribed schools who would be denied a place at the school because of "over age" children taking places. In areas where, if you don't get a place at your catchment school, being out of the catchment area for neighbouring schools means that you will not get a school place at them either, the impact could be severe. • Need for the amendments. Now that parents can a) defer entry until much later in the school year and and/or b) request part time at the school the impact on summer born children of starting school a long time before their 5th birthday is much reduced. There are numbers of "immature" September born children who are supported by schools in making the transition from preschool to school very successfully. There is no reason why this type of support and flexibility within the school cannot support summer born children just as well. • Timing. The proposed amendments appear to give the parent the right to make the request to defer to the next

admissions round at any time. Can a parent do this after having made an application, received their decision letter, and not got the school place they want in the “correct NCY” normal admission round? Would this not give them 2 bites of the cherry – a right not afforded to other parents based simply on an arbitrary date (31 March) • Evidence. When the proposed amendments make reference to “information about the child’s academic, social and emotional development” what evidence is it envisaged would apply to those applying for a reception class place? Would the parent be expected to provide such information with the request? Would an admission authority be expected to request it after a request? From whom should it be requested? If evidence from such as Educational Psychologists is produced would this carry more weight? If so then those parents with means who can afford to seek such evidence privately would be in a much better position than parents without access to such resources – this seems to run counter to professed desires to increase social mobility by enabling the more disadvantaged children to be prioritised by such things as pupil premium, early years premium etc. How would a parent of a child that has been at home with mother and has not accessed preschool provision be expected to provide evidence? • Premature births. The consultation talks of taking into account whether prematurely born child would naturally have fallen in to a lower age group. It makes no mention of a prematurely born child who would naturally have fallen in to the summer born category but because of the premature birth is born in March. Would children in this category who would “naturally” have had the right to defer entry be allowed to exercise it? What evidence apart from the parent’s word should an admission authority be asking for. For those parents unable to provide a comprehensive medical history to require them to provide confirmation from some medical authority would seem again to disadvantage certain social and ethnic groups • Heads Workload. The requirement for the views of heads to be taken in to account is welcomed but because the workload is as yet unquantified may be an unduly onerous task in some very oversubscribed or large schools. Can the task be delegated, especially where the schools has an executive head who may be head of 2 or 3 schools with a relevant intake? • Multiple applications. Because the decision on education out of “correct NCY” is to be a decision for each admission authority parents could be faced with having to apply for some schools in one year and for others in the next. If the parent was offered say their 3rd preference school in

	<p>the correct year because their 1st and 2nd preference school was allowing them to apply out of NCY the parent would then be faced with a choice of putting their child in that school or not on the chance that they would get a place at their preferred school the next year. If they did take the place would they be able to defer entry to that school as currently allowed in the Code to a point late on in the academic year but make an application to their preferred schools at the same time for the next academic year. How many preferences would such a parent be allowed in each admissions round? • Right of Appeal. The proposed amendments give no guidance on how much weight should be given to parental view, evidence, and head teacher's view. If the head teacher is adamantly of the view that the school can provide all necessary support within the correct year group and the parent disagrees and the admission authority declines the parent's request does the parent have the right of appeal against that decision. This could easily be the case if another admission authority at the same time was acceding to the request. Is it the intention that there be no right of appeal against these decisions? • Change of cut off date. Would it not be possible for the qualifying date for the NCY to be changed from 31 August to 31 July for application for year R? This would probably get rid of many of the most vocal calls for this change. It would seem to have a one off effect of a smaller cohort in one year as the cohort works through but make no differences after that.</p>
Staffordshire County Council	Staffordshire County Council already considers applications in relation to this group of children in line with the admissions guidance and draft Code.
Suffolk County Council	<p>1. Whilst we appreciate that the proposals aim to provide clarity for parents, any changes to the current DfE guidance are minimal. 2. There is an issue in terms of opening the floodgates for educating children outside of their normal age group, particularly in terms of managing place planning. When a child is displaced because an older child has been given a place, it could cause problems for families as they may need to travel further to access provision when their nearest provision is full to capacity. It would be helpful to strengthen the understanding that all schools must educate all children and meet their needs whatever the child's age or stage of development. 3. Infant class sizes and EYFS ratio requirements means that schools cannot expand beyond certain sizes without incurring extra staffing costs. Any child who is able to delay full-time entry into the next school year is potentially taking a place from another child who would have been entitled to it. It is important</p>

	<p>that the flow of children into a year behind their chronological year group is managed so that only those with exceptional need are agreed. 4. It would be helpful to indicate when parents should make a request for delayed entry. If a parent does not apply until the child is four years old, the LA is placed in a difficult position because it may not be in a child's best interests to defer entry. However, to refuse may mean that the child misses the opportunity to be placed in a reception class because the parent didn't apply. 5. Unless guidance states what admissions authorities 'must' do rather than 'should' do there will be inconsistencies across the country.</p>
Surrey County Council	<p>The clarity provided in paragraph 2.16 of the draft Code is welcomed, including the wording that for summer born children, parents may not defer beyond the beginning of the summer term. Inclusion in paragraph 2.17A that the views of the headteacher of the school concerned must be taken in to account is welcomed. However we would welcome some reference in the Code to:</p> <ul style="list-style-type: none"> • future points of transition and an acknowledgement that at each change of school the admission authority would be responsible for making the decision • applications needing to be made according to the child's normal year group so that decisions can be made in good time • the fact that an offer cannot be held over to another intake year <p>The consultation document refers to prematurity of a child but this does not appear to be referenced in the draft Code. Finally, paragraph 2.17 refers to the fact that parents of summer born children may request that they are admitted out of their normal age group. The implication here is that parents of children born at other times, cannot ask for their child to be educated out of year group, unless perhaps if they are covered by the first sentence of the paragraph. This needs further clarity. The Code also needs to make clear whether paragraphs 2.17A and 2.17B relate only to summer born children or any request for education out of year group.</p>
Tameside MBC	<p>We agree in principle however are concerned that to consider such cases we would need to agree a clear format or criteria to ensure there is no disparity. This could cause an additional administrative burden as to how/ the process for consideration of such cases. As we operate an online admission application process, the application would need to be updated to facilitate this change as it would also need to be considered as part of the application process. We would also place the emphasis on the parent to provide the relevant information or evidence needed otherwise this could be administratively burdensome. What if a child has not</p>

	attended any type of early education?
The Royal Borough of Kensington and Chelsea	Following the issue of the Summer Born Guidance issued in 2013, this proposal provides much needed clarity for Parents, schools and LAs.
Thurrock Council	1.9(h); 2.17; 2.17A; 2.17B. Whilst we welcome the clarification there should be some reference to the potential difficulties that parents might face at transfer to secondary school. The draft fails to alert parents to the possibility that a flexibility obtained in reception admission may not be afforded by a different admission authority at Y6/7 transfer. We wrote to the department on this point following the last Capita Admissions Conference on 3 December 2013 and are disappointed that the advice continues to fail to alert admission authorities, and more importantly, parents to it.
Tower Hamlets LA	<p>The clarity in the draft Code that parents may not defer entry beyond the beginning of the Summer term of the reception year, is welcomed. With regard to admission out of cohort, it would be helpful if the Code could state:</p> <ul style="list-style-type: none"> • that the expectation is that children will be educated out of cohort in exceptional circumstances. Parents should consider the impact of their child being educated out of cohort, not only within primary school but at transition to secondary school when a fresh decision will be made about the year group to which they will be admitted. • that requests should accompany an application for a place in the normal round of the child's age, so that a place is available if the request is not agreed. If the request is agreed, the parent must reapply in the following year and will be considered equally with all other applicants. Parents have the right of appeal if place at the school cannot be offered in either age group. • that the wording 'taking into account the views of the headteacher of the school concerned', be changed to 'taking account the views from or on behalf of the school(s) concerned.' This is necessary to give more flexibility for an LA in managing situations where a parent applies for up to six schools, with the potential for different responses from each school and also the prospect of not being offered a place at any the preferred schools. The consultation document states that if a child is premature, the decision will 'take account of whether they would have naturally fallen into the lower age group if born at the expected time'. However this wording does not appear in the draft Code
Trafford Council	Whilst, of benefit to many summer born children (does this include premature children who may not be summer born) to start school in the year following their fifth birthday, this proposal does not take into account what

	<p>happens in subsequent years and transfer to secondary schools who currently will not take children outside their chronological school year. To put on the onus on the LA admissions authority 2.17A for this decision, even with consultation will lead to contention and many difficulties, particularly in a local authority where demand for local schools is very high. What will be the appeals procedure for this?</p>
Trafford Council	<p>A number of Trafford headteachers have expressed concern at this proposal. Headteachers have agreed to submit their comments through the online consultation system. This response relates to: 1. The disadvantage to other children; 2. The lack of prescription on implementation; and 3. The impact when transferring to secondary school.</p> <p>1. The Disadvantage to Other Children Trafford schools are extremely popular and most are oversubscribed. Trafford's provision is met through catchment area schools where local children have priority. Although Trafford's target is for catchment area schools to meet the needs of these children, it is increasingly the case that children living at the extremes of a catchment area cannot achieve a place at the local school. The addition of extra children, outside their actual cohort, will disadvantage the children that will be displaced in the process. It is understood that a place will be made available in the summer born child's actual cohort but this will not negate the impact on the disadvantaged child in its own cohort where the only reasoning is that the child was born in the autumn or spring. This proposal merely stretches the age range in an academic year. In the 2016 admission round the current age range would be 1 September 2011 to 31st August 2012. This proposal will extend that age range of the reception class by 5 months. A child born in August 2012, where the parent chooses not to defer, may be taught alongside children 17 months their senior, further disadvantaging a summer born child in the correct cohort.</p> <p>2. The Lack of Prescription on implementation The proposed SAC does not contain sufficient detail to allow the objective implementation of the proposal. When would such an application be made? a) If the application is made in the correct admission round and contains the parents request to defer admission to the next academic year, this will mean that the application is measured against applicants in the correct cohort rather than in the relevant cohort. It may be the case that children in the relevant cohort would have had a higher priority than this child whose place has been reserved. b) If the application is submitted in the relevant admission round is ranked against the applicants in the relevant cohort the</p>

	<p>application may not be successful. In either scenario the parent may change their mind. It is currently the case that an increasing number of parents chose to defer entry as late as possible when they have not been able to achieve a place at their preferred school. Would a summer born child, unsuccessful in the correct cohort, be eligible to reapply for the next cohort (thereby having two opportunities to achieve a place at a preferred school)? 2.17A states that the admission authority must take account of “..... information about the child’s academic, social and emotional development, and whether they have previously been educated out of their normal age group.” How can this information be uniformly available to allow objective and impartial consideration? 3. The Impact when transferring to Secondary School A significant number of Trafford Secondary Schools stipulate an age group for entry to Year 7. This is particularly the case with Trafford’s grammar schools. Summer born children will then miss Y7 and be required to apply for a place in Y8. Since Trafford’s Secondary School are oversubscribed this late application is likely to be unsuccessful. It seems likely that any summer born child deferring entry to the next academic year will be required to miss another year, at some point, without further prescription in the SAC. The effect will be that the child misses 1 year of education. Trafford schools already deal well with summer born children and whatever arrangements need to be made are already made in the best interest of the individual. Educational professionals should be trusted to make the best provision for the children in their school. Conclusion: If implemented ,any child, where it has been agreed that admission is deferred, should be admitted as an excepted pupil. If implemented , the SAC should make clear that only one application for admission to the reception cohort will be accepted and when that application should be made. (, Marilyn Golding)</p>
Wakefield Council	<p>Agree The DfE’s proposal clarifies further a very emotive subject with parents. The current Code is not clear and the DfE provided further guidance last summer which helped both schools/LAs and parents. The proposed changes makes this issue even clearer.</p>
Wandsworth Borough Council	<p>The intention to provide clarity on this matter is welcomed although it is felt this expanded section may encourage parents of children to request to be admitted out of year group where there are no exceptional circumstances to do so. In this connection, it would be helpful to emphasise at the beginning of paragraph 2.17</p>

	<p>that the vast majority of pupils are educated within their normal chronological age group. It would also be helpful to further clarify within paragraph 2.17B that, in the event of oversubscription, an agreement in principle to accept an application for a child to be admitted out of year group, would still be subject to the application receiving high enough priority under the school's oversubscription criteria to be offered a place. If this is not made clear, there is significant risk of misconception from parents that they would automatically be offered their preferred school in these circumstances.</p>
West Berkshire Council	<p>This section provides helpful clarification. West Berkshire Council has previously sought clarification from the DfE in relation to this subject and finds the formal confirmation of the points we had raised in the draft Code to be very helpful.</p>
West Sussex County Council	<p>The County Council already handle these requests on a case by case basis with reference to the guidance previously issued. The clarification that the views of the Headteacher or school concerned are sought is welcomed. The requirement on the admission authority to deal with the application as part of the normal admissions round is welcomed.</p>
Westminster City Council	<p>Following the issue of the Summer Born Guidance issued in 2013, this proposal provides much needed clarity for Parents, schools and LAs.</p>
Wirral Council	<p>There is no objection to this element of the scheme.</p>
Wokingham Borough Council	<p>2.17, 2.17A, 2.17B - it is good to include this in the Code, however in order for an admissions authority to consider; I would suggest that the parent must be asked to make an application for the normal age group in order that we know what preferences may be expressed by the parent and to enable the admission authority for those preferences to give due consideration in line with their policy of admission of children outside normal age group, or consensus reached if it is a local authority school. This could result in be 3+ admission authorities giving consideration to the same request. An alternative is to give such requests consideration after allocation which lessens the resource implications and stress to the parent when asked for further information to satisfy demands by various admissions authorities. This will ensure that the child has a school place should the request be denied and that consideration is given and notified in the summer term before the child starts school. I am still unclear about 2.17B relating to statutory right of appeal. If the parent was allocated to the preferred school for the normal age group and the decision made that the child may work out of year and the place withdrawn in accordance with parental wishes;</p>

	<p>an application would then made for the following year. If a place could not be allocated due to children qualifying higher under the oversubscription criteria – would that parent still have right of appeal? The normal age place was offered and subsequently withdrawn following agreement to the parent's request to work out of year; so should that school be potentially penalised for taking that decision?</p>
Wolverhampton City Council	<p>Agree that more clarity around the decision making process is needed. We would already involve the HT in discussions if we had any cases to make decisions on.</p>
Worcestershire County Council	<p>The clarification in the proposed Code on this issue is welcomed.</p>