NORTHAMPTONSHIRE COUNTY COUNCIL

Guidance for schools on ‘out of cohort’ arrangements for children already in school

for children seeking admission who are requesting an out-of-year group placement, contact the Admissions Team¹

1. Children are entitled to be educated within their cohort.

Children should be given access to a broad and relevant curriculum, including the National Curriculum, appropriate to their individual needs. Inclusion should be promoted through curriculum differentiation and/or modification within the classroom, rather than by moving the child into another year group.

The National Curriculum and its assessment procedures allow and encourage flexibility. Schools are able to adopt and modify both the curriculum offered and the assessment procedures in order to meet individual needs.

The Local Authority appreciates that there may be pressures from various quarters for children to be educated out of cohort. A number of these pressures are outlined below, together with suggestions as to how the school might overcome them.

While children are generally educated in year groups according to their date of birth, this is not mandatory in education law. For pupils without a Statement / EHC Plan, out of cohort placement is an issue for the school and the parents.

For children who have statements of SEN / EHCPs, it is the LA and not the school that takes this decision; the Local Authority determines provision for those with statements / plans. The EHC Team is responsible for making decisions in these cases and the issue should be part of the process of review of the statement / plan. The EHC Team may wish to seek advice from the Senior Educational Psychologist managing the educational psychology team for that area.

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The Schools Admissions Code\(^2\) was revised in December 2014. This has formalised the flexibilities of admission for summer born children. The Admissions Code now states that,

“2.17 Parents may seek a place for their child outside of their normal age group .... the parents of a summer born child may choose not to send that child to school until the September following their fifth birthday and may request that they are admitted out of their normal age group – to reception rather than year 1.

2.17A Admission authorities..... **must** also take into account the views of the head teacher of the school concerned.”

2. **Common reasons for requesting back-classing / forward-classing, and alternative ways of meeting the child’s needs:**

A. **Back-classing – following an in-year admission**

For example:

- **A child coming from another country where education starts later;**
- **A child who is a refugee.**

**Considerations:**

- The first priority is to settle the child into school. Confidence in the accuracy of the reported date of birth is also important. In the short term, the child may be put into a class appropriate to their curriculum needs. This is a transitional arrangement and the child should be moved into an age-appropriate class within a few weeks or months;

- If the child is at the end of a key stage (e.g., 7 or 11 years old), then the teacher should summarise his/her judgements about the child, taking into account the child’s attainments and rate of progress since arrival to determine the level that the child is working at;

- In rare circumstances where a child has been disapplied from all or part of the National Curriculum, the child should be recorded as for teacher assessment (for those parts of the statutory assessment arrangements that are included in the disapplication).

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B. Back-classing - where a child has missed large amounts of schooling

For example:

**Serious illness**

**Considerations:**

- The child should be supported within their age group cohort with a differentiated curriculum appropriate to the individual's needs;

- This may mean using the curriculum from the previous key stage;

- Back-classing should not be used to address a child's Special Educational Needs;

- At the end of key stages 1 and 2, where a valid teacher assessment judgement cannot be made because of long periods of absence, for example because of a prolonged illness, the child should be recorded as absent from assessment;

- At the end of key stage 2, children working below the level of the tests must not take the tests and should be assessed using teacher assessment only;

- Where children have experienced prolonged absence from school and where this absence has not resulted in permanent learning difficulties, the likelihood of 'catching up' may be high, particularly if some additional teaching support is available. Therefore, back-classing is not necessarily the appropriate outcome of extended illness.

C. Back-classing - where it is thought that the child is immature

For example:

- **Premature birth** and **summer birthday** (e.g., where expected due date is the autumn following the child's actual delivery date).

The Department for Education issued guidance in 2014 regarding 'summer born admissions', bringing additional rights of flexibility in allocation to year group for these children\(^3\). Further comment on this DfE guidance is made on page 6 of this document. Head teachers are advised to consult that guidance when considering requests from parents for out of cohort admissions under those 'summer born' criteria.

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Considerations:

- Although this may be a circumstance where back-classing may be justified when their global development is delayed due to prematurity, the first response should be to consider how the child can be supported within their age group cohort with a differentiated curriculum appropriate to their individual needs;

- This may mean using the curriculum from the previous key stage;

- If the child has Special Educational Needs, the Code of Practice should be applied and advice and support sought from the relevant staff;

- Back-classing should not be used to address a child’s Special Educational Needs – arrangements via High Needs Funding, or exceptionally, through an EHC Plan may be other ways of addressing the SEN.

D. Forward-classing – where a child’s attainment is particularly high

The child should be supported within their age group cohort with a differentiated curriculum appropriate to their individual needs.

High abilities are not regarded as a special educational need and SEN processes, including High Needs Funding and EHC Plan assessment, will not be appropriate routes of support.

Considerations:

- It may be possible to meet the child’s needs by allowing them to join children from a different age group for specific, individual subjects e.g. literacy, numeracy programmes of study;

- Extra-curricular activities or Gifted & Talented study clubs can be a very useful means of addressing these needs and ensuring appropriate levels of stimulation and access to a peer group able to share interests;

- This may mean using elements of the curriculum from the next key stage.

E. Where a child has a Statement of Special Educational Needs or Education, Health & Care (EHC) Plan

The child should be supported within their age group cohort with a differentiated curriculum appropriate to their individual needs.

- It may sometimes be appropriate to meet specific areas of the child’s needs by allowing them to join small groups of children from a different age group for specific, individual subjects e.g. literacy, numeracy or other programmes of study;
• This may mean using elements of the curriculum from the previous key stage.

N.B.: Recommendations made at the child's Annual Review with regard to out of cohort placement will be considered by the EHCP Team. Such arrangements should not be put in place unless agreed by the Local Authority’s EHCP team. Where the Local Authority has agreed that a pupil who has a Statement of SEN / EHC Plan should be placed out of cohort, this should be appended to the Statement / Plan or the Statement / Plan amended. A review of these arrangements would then form part of the subsequent annual review process.

3. Exceptional Circumstances

If, having considered all aspects of the case carefully, the school believes that the child's circumstances are exceptional, the head teacher may write to their area's Senior Educational Psychologist outlining the reasons why the school believes the change of year group is in the best interests of the particular child.

Although the decision to place out of cohort children who do not have Statements or Plans rests with the school and the parent, it is advised that opinion is sought from the LA prior to the decision being implemented. The school's Admissions Authority may also have a view.

However, as the needs of almost all pupils will be met within their appropriate age-group, any changes in year group setting for a child will be for the most exceptional cases. For children with Statements of SEN / EHC Plans, the decision about which year group a child should be in remains with the county council; for those without a Statement / EHC Plan, the decision is shared between parent/carer and the school, with the council's comments having the status of advice.

The following should be included when considering the case for out-of-cohort arrangements:

a) Evidence of the parents views and the views of the child;

b) Evidence that the current & next phase school has been consulted and supports the plan;

c) Evidence that external advice has been sought regarding meeting the child's educational needs and that this has been implemented and reviewed;

d) Current educational achievements, including National Curriculum Levels;
e) Individual Education Plan and/or SEN Resource Mapping indicating aspects of support relevant to this individual;

f) Support for the individual child funded through the High Needs Funding arrangements;

g) An action plan which sets out how the child’s progress will be reviewed and how the child will be assessed at the end of Key Stages.

The LA will consider all the evidence presented, taking into account information regarding the child’s

- emotional,
- social,
- physical and
cognitive development.

For support from the LA to be given regarding the request for out of cohort arrangements, it is likely that in each of these domains, the young person will show exceptional development for forward classing and, for back-classing, the evidence from each domain will support the case.

If after taking advice, the head teacher considers that an out of cohort placement is appropriate, the head should write formally to the parents setting out the agreement and the longer term implications, to the end of Key Stage 4. This is particularly pertinent for any pupil who is ‘back-classed’, reaching the minimum school leaving age before the end of Key Stage 4, but who would be expected to complete Key Stage 4 despite their age. This is important in the event that legal objections are made later under the Human Rights Act or other legal process.

Schools should ensure that parents/carers are fully aware that if their child is kept down one year (at most), that:

- assessments such as SATs will be alongside his/her class, not age-peers;
- that the child is likely to remain within that cohort for the remainder of the school career. The DfE (2014) ‘Summer Born Admissions Guidance’ notes that,
  - “Once a child has been admitted to a school it is for the headteacher to decide how best to educate them. In some cases it may be appropriate for a child who has been admitted out of their normal age group to be moved to their normal age group (p. 8);
  - and that “Where a child has been educated out of their normal age group, the parent may again request admission out of the normal age group when they transfer to junior or secondary school. It will be for the admission authority of that school to decide whether to admit the child out of their normal age group (p. 9)”

• that there are likely to be no circumstances that sensibly place a child out of cohort by more than one year;
• the child will be expected to remain in school until at least the end of Year 11 (although this is not legally enforceable)
• that the child could be ineligible due to age to play for teams with their class-peers, when these are identified as, for example, “Under-11s Football team”.

The risks inherent in ‘back-classing’ also include that children could choose to leave school at the end of Year 10 (i.e. when they reach statutory school leaving age), departing before a course of study has been completed, or that they would seek to remain in school or Further Education at 19 years or older, thereby risking complications in their access to education funding (under current arrangements).

For further discussion or advice, contact the Senior Educational Psychologist for your school's geographical area.

Daventry / South & Northampton teams: 01604 364770 / fax 01604 365559
Corby / Kettering & Wellingborough / E. Northants teams: 01604 361416 / fax 01536 533931