



30th April 2021

Dear ,

Thank you for your letter with a more detailed response regarding the panel's decision to decline our request for admission out of normal age group. We do not believe that it answers satisfactorily the question that the admissions authority is legally obliged to answer, which we will set out below.

The School Admissions Code (2014) section 2.17 ^[1] states that:

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

“Admission authorities **must** [emphasis original] make decisions on the basis of the circumstances of each case and in the best interests of the child concerned. This will include taking account of the parent's views; information about the child's academic, social and emotional development; where relevant, their medical history and the views of a medical professional; whether they have previously been educated out of their normal age group; and whether they may naturally have fallen into a lower age group if it were not for being born prematurely.”

As their parents, we have the legal right to decide that our children will not start school until compulsory school age (as is the case for any child, not just summer borns). As the parents of our summer born twins, we have decided that they will be starting school in the September after they turn 5 years old (2022). The DfE's advice to admissions authorities on the admission of summer born children (2020) ^[2] states that:

“Where a parent delays their child's start until the September after their 5th birthday, they may request their child is admitted out of their normal age group in order to start in reception rather than in year 1. In this situation, the school admission authority is responsible for making the decision on which year group a child should be admitted to *but it is the parent who has taken the decision to delay their child's start at school* [emphasis original].” (p4)

The question which St Francis CofE Primary and Nursery School needs to answer is: *To which year group would they be admitted in September 2022?* If the answer to this is Year 1, then your reasons need to set out how you consider it to be in our twins' best interests to miss the entire year of education that is Reception. The DfE's advice to admissions authorities (2020) ^[2] states that:

“This [decision on Reception or Year 1] will require the admission authority to take account of the child's individual needs and abilities and to consider whether these can best be met in reception or year one. In effect, this means that the authority is making a decision about whether it would be in the child's best interest to miss the reception year. It will also involve taking account of the potential impact on the child of being admitted to year one without first having completed the reception year. The views of the head teacher will be an important part of this consideration.” (p6)

The reasons you have outlined so far appear to refer to why, in the panel's view, our twins would be best admitted to Reception aged 4 rather than to Reception aged 5. This is irrelevant because we have already made the decision that they will start school at 5 years old, as this is our decision to make. Taking your specific points individually:

“As a one-form entry school, the nature of our approach and ethos enables children to thrive and progress. We always think of the whole child and their learning journey through our school when taking these decisions.”

This sounds excellent, and we are glad that all children thrive and progress. When thinking of the whole child and their learning journey through the school, we should think that this would include the important foundation year that is Reception. Please could you state why it is in our children's best interests to miss this year of their learning journey.

“The committee did not feel the evidence provided showed a significant developmental delay or medical reason which would necessitate a deferred start. The children would therefore not be at any greater advantage starting school later than their intended year.”

The School Admissions Code (2014) ^[1] does not require that summer born children have diagnosed medical conditions or significant developmental delays in order to be eligible for a request for admission out of normal age group – being summer born is a sufficient reason to request this. The DfE's advice to admissions authorities (2020) ^[2] states that:

“We are aware that, in making a decision, many admission authorities focus on whether the child has any particular medical or special educational needs which mean their development is significantly below the expected levels for a child of their age. However, it is not necessary for a child to have medical or special educational needs in order for it to be in their interests to start reception age 5.” (p7)

“...there should be no expectation that parents will obtain professional evidence that they do not already have. Admission authorities must still consider requests that are not accompanied by professional evidence. In such cases the supporting information might simply be the parent's statement as to why they have made their request. A lack of professional evidence, or limited evidence, does not mean that requests should be refused outright.” (p8)

Our twins have spent the majority of their time in life with us, their parents, therefore we are best placed to make a decision based on their academic, social and emotional development. The nursery that they have attended since September 2020 (Hopscotch at St Francis Church Centre) is fully supportive of our decision to give them an extra year of play there next year. Statistically, summer born children are disadvantaged in terms of their academic attainment at KS1 and KS2 (for example: [3] Table 17, and [4] Table 17), although we do not believe statistics of academic attainment are the only indicator of how well children thrive at school.

“We have a very experienced Early Years team, who address children's individual learning needs. The particular issues raised in your request fall within our usual provision in Reception.”

It is excellent that your Early Years team are able to address children's individual learning needs, so we are confident that they would be able to meet the needs of children who have just turned 5 years old when they start Reception, just as they would for September born children. The particular issue of toileting that we have raised is still a concern; even if your staff are able to cope with multiple

clothing changes per day, this is not something that we feel is appropriate for Samuel to have to cope with in a school environment, and the mental health implications of this are worrying.

“The committee also discussed how the decision to defer entry into Reception has implications for transition to secondary school as another deferral request has to be made at this point. There is no guarantee it would be upheld and the child may have to move from Year 5 into Year 7, missing out on the learning in Year 6 and having to move away from their friends.”

Thank you for your concern about them missing out on Year 6. We have done extensive research to come to our decision; we are fully aware of the current system and that we would need to apply out of normal age group again for secondary school. This is our burden to bear as parents, not the panel’s, who are simply being asked to make a decision over which year group they would be admitted to at the start of primary school. As you are concerned about them missing a year of education, does this also apply to them missing a year of education in Reception, as this is the question asked of the panel? The DfE’s advice to admissions authorities (2020) ^[2] states that:

“In September 2015, we committed to amend the School Admissions Code (‘the Code’) so that summer born children can automatically be admitted to a reception class at the age of five where that is what their parents want, and can remain with the cohort with which they are admitted throughout their education. We remain committed to making that change when a legislative opportunity is available.” (p4)

Furthermore, on the issue of transition to secondary school it states that:

“Unless there are sound educational reasons to do otherwise, the assumption should be that children remain outside their normal year group (that is, in the year which they have been educated so far).” (p11)

Therefore we are confident that any secondary school worth applying to for the quality of education they provide would not make our children miss out on a year of education, which would not be in their best interests, and that the system may well have changed by then anyway.

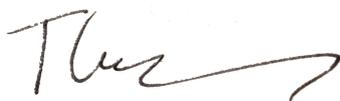
In conclusion, we would like to reiterate the question that needs to be answered: *When our children start school aged 5 in September 2022, to which year group would they be admitted?* If the answer to this is Year 1, then your reasons need to set out how you consider it to be in our twins’ best interests to miss the entire year of education that is Reception. Please could we kindly ask that the panel responds to this question. Please also note that we are not asking for deferred entry places, rather we are asking for admission out of normal age group. Deferred entry is covered by section 2.16 of the School Admissions Code ^[1], and indeed your school’s own admission policy differentiates between deferred entry on page 4 and admission out of normal age group on page 5 ^[5]. We are aware that we cannot insist that our twins start in Reception at compulsory school age, but we have not yet received a satisfactory answer as to how the panel has considered that it is in their best interests to miss Reception and go straight into Year 1.

We look forward to hearing back from you.

Yours sincerely,



Dr Ruth Cumming



Mr Tom Cumming

References

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- [2] [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/921254/Guidance for admissions authorities September 2020.pdf?fbclid=IwAR1di4KLZhv_3YvoQMbuWNiAXwndBUm7SbWWMQRpcysVBdUlc4ZPrU0QDRnk](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/921254/Guidance_for_admissions_authorities_September_2020.pdf?fbclid=IwAR1di4KLZhv_3YvoQMbuWNiAXwndBUm7SbWWMQRpcysVBdUlc4ZPrU0QDRnk)
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- [4] [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/675991/SFR69 KS2 2017 National Tables.xlsx?fbclid=IwAR3GihYhhLGeF-DFbU3MJDf6NmGMGbnPkOwgAlc9sVDP0FA2H3mEOGsPGY](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/675991/SFR69_KS2_2017_National_Tables.xlsx?fbclid=IwAR3GihYhhLGeF-DFbU3MJDf6NmGMGbnPkOwgAlc9sVDP0FA2H3mEOGsPGY)
- [5] <https://primarysite-prod-sorted.s3.amazonaws.com/st-francis-cofe-aided/UploadedDocument/7d83b2dbaa9d4a279d482007a922bdb1/st-francis-admissions-policy-202223-with-dfe-variation.pdf>