

Local Government &
Social Care
OMBUDSMAN

Summer born admissions



*Guidance for
practitioners*

December 2018

Summer born admissions

Introduction

This document sets out the Local Government and Social Care Ombudsman's approach to complaints about the admission to school of summer born children.

It gives admission authorities, and the public, a shared understanding of the correct decision-making process admission authorities must take. It also includes some recent case studies that illustrate our approach in this area.

Overview and the Admissions Code

The parents or guardians of a summer born child (that is, one born between 1 April and 31 August) have the option not to send their son or daughter to school until the September following his or her fifth birthday – a year after the point at which they could first have been admitted.

In this situation, parents or guardians can also ask the school admissions authority to agree to admit their child to reception year, rather than year one at age five. This may be because the parent has concerns about the child's development, particularly for example where the child was born very prematurely.

Although parents or guardians can decide not to send their child to school until he or she reaches compulsory school age, they cannot insist their child is admitted to a particular year group. The School Admissions Code (para 2.17A) states that when a parent asks the admission authority to allow their child to enter reception out of their normal year group, *“the admission authority must make a decision on the basis of the circumstances of the case and in the best interests of the child concerned”*.

The Code goes on to set out examples of the criteria that should be taken into account by the admissions authority when making that decision: *“This will include taking account of the parent's views; information about the child's academic, social and emotional development; where relevant, their medical history and the views of a medical professional; whether they have previously been educated out of their normal age group; and whether they may naturally have fallen into a lower age group if it were not for being born prematurely. They must also take into account the views of the head teacher of the school concerned.”*

The Code also requires:

- > Authorities to make clear in their admission arrangements the process for requesting admission out of the normal year group.
- > Authorities to process the application as part of the main admissions round. They may not give the application lower priority on the basis that the child is being admitted out of their normal age group.
- > They must also set out clearly for the parents or guardians concerned the reasons for their decision in each case: *“When informing a parent of their decision on the year group the child should be admitted to, the admission authority must set out clearly the reasons for their decision.”*

There was a Ministerial statement by the Minister of State for Schools, in 2015, setting out his intention to amend the Code so that summer born children could automatically be admitted to reception at age five where parents or guardians want this. The Minister has since reconfirmed his commitment to making the change when Parliamentary time allows; but this has not yet happened, so cannot form part of our considerations. The existing Code and non-statutory guidance therefore continue to apply, and these documents will form the basis for the Ombudsman's decision making.



Non-statutory guidance

The DFE has also produced non-statutory guidance on this issue – [Advice on the Admission of Summer Born Children](#). The Ombudsman’s view is generally to expect councils to follow such guidance, or be prepared to evidence why they have chosen to depart from it.

The guidance reiterates that admission authorities must make decisions based on individual needs and abilities, and consider whether these can best be met by the child starting school in reception or year one. They should also take account of the potential impact on the child of being admitted into year one without first having completed the reception year. To make that decision the guidance states: *“It is reasonable for admission authorities to expect parents or guardians to provide them with information in support of their request – since without it they are unlikely to be able to make a decision on the basis of the circumstances of the case.”*

This guidance says, in general, children should be educated in their normal age group and should only be educated out of this age group in very limited circumstances. However, it goes on to say parental requests for summer-born children are *“different from any other request for admission out of age group, as it is only in these circumstances that the child is being admitted to school for the first time”*.

It makes clear: *“Parents must be able to make a decision about whether their child is ready for school before compulsory school age, confident that if they decide not to send them to school until age five, the decision about the year group they should be admitted to at that point will be made in the child’s best interests.”*

Guidance recognises it will not always be easy for admission authorities to make a decision about a child more than a year before the point at which they may be admitted. But it is clear this is the decision they must make.



Ombudsman's view

We have investigated a number of 'summer born' complaints in recent years. The most recent set of complaints, referred to below, has provided us with an opportunity to clarify our position in relation to the current status of the code and non-statutory guidance. This has resulted in the Ombudsman forming a clear view regarding the correct decision-making process that admission authorities must follow.

Parents or guardians can decide to wait until their child reaches compulsory school age (CSA) before they start school. That is their decision to make and not one the admission authority can overrule.

Parents or guardians should be able to make this decision knowing which school year (reception or year one) the admission authority considers it would be in the child's best interest to start, should they decide not to send their child to school until the September after their fifth birthday. This means that the admissions authority is obliged to inform them of this when they apply for their four year old child to be admitted out of their normal age group, even if they are not intending to have their child actually admitted until they reach CSA.

The decision the admission authority must therefore make is whether, after reaching compulsory school age, it would be in that child's best interest to start in reception or year one. It must make this decision taking account of all relevant considerations, including the factors set out in the Code, and having taken into account the potential impact of admission to year one without first having completed reception.

Decision letters should clearly set out how the admission authority made its decision, including how it had regard to any evidence provided by the parents or guardians.

We recognise this is a difficult decision, more than one year in advance, but that is the test required by the Code and guidance.

The authority can decide it is in a child's best interests to start with their normal school age in year one, missing reception – each case must be decided on its merits. To do so it would need to explain this decision with reference to any support available within the school.

Once parents or guardians know the outcome of this decision they can choose whether to send their child to school earlier, before reaching compulsory school age, or wait until reaching compulsory school age.

Recent decisions

We have recently made decisions on four complains that illustrate our approach in this area:

[17009474](#), [17017609](#), [17017611](#), and [17007061](#)

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Local Government and Social Care Ombudsman

PO Box 4771

Coventry

CV4 0EH

Phone: 0300 061 0614

Web: www.lgo.org.uk

Twitter: [@LGOmbudsman](https://twitter.com/LGOmbudsman)