

Children and Young People (CYP) Educated out of year group: a guide for East Sussex Schools

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Introduction

This document has been produced to guide headteachers and governing bodies in their role where it is suggested that CYP enter school late, are held back, or advanced in relation to their chronological year group in school. Such CYP are sometimes referred to as being 'offset' or 'back classed' (or 'advanced').

The document is not intended to provide guidance on temporary short term management arrangements (1-2 terms) within a school e.g., a term's deferral of transfer from nursery into reception, that are sometimes felt to be of benefit to younger children.

In the UK it is unusual for CYP to be educated outside of their chronological age group, although there is some demand for children who are summer born to delay reception admission until compulsory school age.

Educating CYP in the year above their chronological age group is very rare. East Sussex County Council will not allow any child to be admitted to Reception before the September after they turn 4 years old.

Offsetting by more than one year group is unlikely to be successful and will not be considered in this document.

Each type of offset is set out in its own section here, with guidance as to how decisions are made. Parents and carers should at all times be kept informed of the pros and cons of any decision or request they may make and should be able to feel confident that their child's best interests are at the heart of whatever educational provision is made for them by schools in East Sussex.

Summer born Reception starters:

For the purposes of this document, there are three school terms in an academic year.

Children are not required to start school until the school term following their fifth birthday. Parents and carers have the right to accept a Reception place and defer admission up to the beginning of the summer term of that academic year.

If the parents and carers of summer born children wish to defer entry to school until the following September, they will need to decide whether they wish their child to join Reception or Year 1 at that point, and they need to apply again:

To join in Reception following deferral [How to apply for a primary or junior school place | East Sussex County Council](#) by 15 January.

To join in Year 1 following deferral [Apply for a place during the school year | East Sussex County Council](#) from 1 June to join in September.

The School Admissions Code, which carries the force of law, requires that admission authorities¹ consider requests for admission out of year group on a case-by-case basis, based on the best interests of the CYP.

Children without an Education and Health Care (EHC) plan

Where parents and carers request that summer born children are admitted to Reception rather than Year 1 in the term following their fifth birthday, having not previously attended school, the Code is clear that the decision rests with the admission authority although the headteacher of the school in question must be consulted.

Where East Sussex County Council as LA is the admission authority, it bases its decision-making on the assumption that it is in the best interests of summer born children to be admitted to reception at compulsory school age where their parents and carers request it, unless there are clear reasons why this is inappropriate (e.g., safeguarding or the child has an EHC plan or is undergoing statutory EHC needs assessment).

Parents and carers are, however, required to make a case for this so that it can be demonstrated that the admissions authority has considered the rationale behind the request and made the decision in the child's best interests. They are asked to

¹ the local authority (LA) in the case of community and voluntary controlled (VC) schools, the governing body or trust for voluntary aided (VA) schools, academies, foundation and free schools

follow the process found here: [Admissions for summer-born children | East Sussex County Council](#)

Where the LA is not the admission authority, governing bodies or trusts may make their own decisions. The LA would encourage other admission authorities to make decisions in the same way for consistency's sake. The LA will advise all parents and carers of the potential difficulties offset could cause later in their child's school career. Parents and carers will need to agree that they have understood this and take responsibility for this decision before the CYP is admitted to school in East Sussex, by signing a disclaimer to this effect. Should the parent refuse to sign, admission will not be held up if the CYP is already compulsory school age, but it will be clearly documented that the parent has been advised of the risks but has refused or otherwise failed to sign the disclaimer.

It should be noted that parents and carers do not have the right to choose their child's year group - if a place is offered at the preferred school, but not in the preferred year group, there is no parental right of appeal against this decision. For this reason, parents and carers are asked to apply in their chronological age group and request the deferral at this point.

Parents and carers will often seek advice from headteachers in this situation and it is very important to discuss the pros and cons of offsetting with parents. Please see the section below headed 'issues to discuss' for further information about this.

Further reading:

[Summer born children: advice for admission authorities - GOV.UK](#)

[Summer born children - advice for parents \(publishing.service.gov.uk\)](#)

CYP with an EHC plan

In the case of CYP with an EHC plan, the LA, or their designate, must specify in the EHC plan that the CYP is to be educated other than in their chronological year group, where this is agreed.

It is expected that a request to back-class a pre-school child would be made during the EHC needs assessment process. Professionals attending the Co-production

meeting would need to discuss the appropriateness of the request and make recommendations to be considered by the local authority.

Where an EHC plan is already in existence, the process in the 'CYP already on roll in your school' section of this document, under the EHC plan heading, should be followed.

Admissions at other times (junior and secondary transfer and in year admissions):

CYP without an EHC plan

For CYP educated out of year group in a school which follows the National Curriculum, the LA, having sought all relevant advice, will work on the assumption that it is in the best interests of CYP to continue to be educated out of year group unless there are clear reasons why this is inappropriate.

Where parents and carers submit applications for their children to be educated out of year group where this has not happened before, or where they have come from provision that does not follow the National Curriculum (e.g. private provision or overseas) the LA will make a decision in the best interests of the CYP in consultation with the headteacher of the relevant school as in the case of summer-born children applying at Reception entry (see 'Summer born reception starters' above).

These arrangements will apply to schools where the LA is the admission authority, schools which are their own admission authority are encouraged to work in the same way, but the decision is for each admission authority to make in these cases.

The LA will continue to advise all parents and carers of the potential difficulties offset could cause later in their child's school career. Parents and carers will need to agree that they have understood this and take responsibility for this decision before the child is admitted to school in East Sussex, by signing a disclaimer to this effect.

Medical or social concerns

In general, there is little justification for offsetting as a result of time lost for medical reasons or other social or medical considerations. There is sufficient flexibility in all year groups to provide an appropriate curriculum within the CYP's normal age group to deal with anything but very exceptional cases. In the case of young people who need to fully cover an examination curriculum in Year 10 and Year 11, offsetting may be appropriate.

Where a recommendation for deferred entry or offsetting originates solely from health service personnel, it is good practice to discuss the case with the school's link Educational Psychologist to ensure that all the educational implications of the decision have been considered, both by the parents and carers and the school.

Similarly, there is little justification for the deferred entry or offsetting of CYP new to English or the English education system. It is in the CYP's interest to be in a situation where he or she can acquire age-appropriate English as soon as possible. In the case of young people who enter the British education system in Key Stage 4, who need to fully cover an examination curriculum in Year 10 and Year 11, offsetting may be appropriate.

CYP with an EHC plan

The process for these CYP is the same as described below in the section relating to 'CYP already on roll in your school' under the EHC plan heading.

CYP already on roll in your school:

CYP without an EHC plan

Poor academic progress is not usually considered to be a significant reason for holding a CYP back for an additional year. Significant changes will need to be made to the nature of the curriculum presented to a CYP in any repeated year, as merely repeating the same curriculum is likely to lead to repeated failure and impact on wellbeing. It is unlikely to be significantly easier to make these changes by repeating a year than if the CYP remained with their chronological year group.

CYP with an EHC plan

CYP with EHC plan are no different from other pupils when it comes to education outside of chronological age (back-classing). They are bound by the same statutory guidance. In general, back-classing for CYP with learning difficulties should only be considered in exceptional cases. Where a CYP has an EHC plan or is in the process of having an assessment for one, the request for back-classing will go through the LA's Assessment & Planning Team. This is because the request involves a change to section F of the EHC plan and has place planning and funding implications.

A request to back-class a CYP usually comes from discussion at an annual review. The request will be considered by the LA and a decision will be made after reviewing all evidence and information, including the views of the parent/carer and the young person. All requests will be considered individually, however, it is the LA's view that, wherever possible, CYP should be educated with their chronological peers.

As with a CYP without an EHC plan, a decision will not be made to back-class a CYP simply because they are falling behind academically.

The decision to back-class is not reviewed at annual review. Once in place, the CYP remains with that new Year Group unless there is a request through annual review to revert to the chronological year group.

School leaving and results implications:

School leaving

A CYP ceases to be of compulsory school age on the last Friday of June in the school year they become 16.

All CYP are now required to continue in education, employment or training until they turn 18. CYP have a choice about how they do this. It could be through full time education in school or college, an apprenticeship or full-time employment

combined with part time education. However, compulsory school age remains unchanged.

If a CYP is educated outside their chronological age group (i.e., is in Year 10 when this date is reached) the school will continue to receive funding for that CYP, but they will no longer be of compulsory school age during the school year in which most CYP take their GCSE examinations and cannot, therefore, be obliged to attend.

Results

CYP are assessed when they reach the end of each key stage, not when they reach a particular age. There are no age requirements as to when CYP must take their GCSEs or other assessments.

Where required to do so (for example, at the end of key stages), schools report results to the Department for Education. There is no barrier to reporting the results for CYP who are educated out of cohort so, although children may ordinarily take key stage 2 assessments in the academic year in which they turn 11, there is no barrier to these assessments being taken and results reported for the year in which they turn 12. The department reports on pupils' performance when they reach the end of a key stage - regardless of age.

Consideration for advancing:

Advancing is likely to happen only in cases where the CYP is already attending school, at the discretion of the headteacher.

CYP with exceptional abilities

In the vast majority of cases CYP with exceptional abilities should be catered for through a combination of individualised instruction and mastery approach to provision. However, there may very occasionally be CYP for whom it is considered appropriate to advance a year or more in school because of their exceptional abilities. The views of the CYP should be fully taken into account and there are a number of considerations that parents and carers and schools should consider

before any decision is made. The involvement of outside specialists should be sought to ensure that the right decision for the CYP is made.

Issues to consider when discussing advancing a CYP

Every CYP is clearly an individual whose case should be thought through carefully and decisions made in their best interest. For example, advancing CYP usually happens a year or two after starting school, after they have established a group of friends to whom they may be very attached. Moving a CYP at this time may also create difficulties adjusting to the pre-existing friendship patterns in the new year group. Additionally, whilst the CYP may be intellectually ahead of their peer group, they may not be so advanced either socially or emotionally.

Alternative strategies

Before any decision to advance is made, consideration should be given to alternative strategies, for example, use of a combination of individualised instruction and mastery approach to provision and whether the CYP's academic needs can be catered for by attendance at some subject lessons with higher age groups. In occasional circumstances, consultation with a proposed or likely secondary school may be recommended to access further curricular materials.

Implications for secondary transfer

It is important that if a CYP is advanced a year group, the implications in terms of transfer to secondary school are considered. The CYP would be expected to transfer at the same time as their adopted year group and primary schools need to be aware that they are making a decision that has an on-going implication for secondary schools. Key Stage 2 assessments will be completed as the CYP concludes Year 6.

If the secondary school does not have the same admission authority as the primary school, there is no guarantee that the secondary school will agree to admit the CYP out of year group and although the parent will have the right of appeal, if this is unsuccessful, they will need to remain at primary school.

Appendix 1, concerns to consider:

There are a number of factors which might mean that working outside their normal age group will not be in a child's best interests and schools are strongly advised to encourage parents and carers to consider these before applying:

- If the child continues to attend an Early Years setting, they might find it difficult that their peer group has transitioned to Reception and been replaced by a significantly younger cohort.
- As the CYP grows older, they may feel resentment at being treated differently and may worry that this decision reflects on their ability or behaviour which may, in turn, affect their self-esteem.
- It may affect the CYP's ability to participate in sporting or social activities/competitions with classmates as many organisations base their age categories around standard school year groups.
- When the CYP is due to transfer to secondary school, or the parents and carers make an in-year application to another school, the admission authority for that school may not continue the arrangement, leaving the CYP obliged to transition to the year above.
- The CYP will still be eligible to leave school on the last Friday in the June of the academic year in which they turn 16, even if this is at the end of Year 10 rather than Year 11 and may choose to do so. The school will not ask them to leave, but they will no longer be required by law to attend school, and the school may not be able to enforce their attendance.
- If a child starts school prior to compulsory school age, they can benefit from a staggered start, whereas joining at age 5 means starting school full-time from the very start.
- If the CYP needs to change school for any reason (e.g., house move, transition from primary to secondary etc), the admission authority for the new school may not agree to continue the arrangement to work out of year group.
- Should the CYP require an assessment for an EHCP, this decision will be reviewed. The assessment may show that your child's special educational

needs can be met within their chronological year group and therefore the EHCP will supersede any decision taken by the admission authority.

- Eligibility for home to school transport is based on compulsory school age as well as distance, and if the CYP qualifies for assistance, this will cease at the end of compulsory school age. Funding after this is discretionary and cannot be relied upon.
- If a CYP is educated in a year above their chronological age this means they reach SATs, GCSEs, and the school leaving point a year or more early. Negotiation to transfer early to a sixth form or Further Education College would be needed and is not guaranteed.