

**Gwybodaeth Ychwanegol at Gwestiynau Ysgrifenedig y Cynulliad
Information Further to Written Assembly Questions**

Cyhoeddir atebion yn yr iaith y'u darparwyd, gyda chyfieithiad Saesneg o atebion yn y Gymraeg.

Responses are published in the language in which they are provided, with a translation into English of responses provided in Welsh.

**Gwybodaeth ychwanegol at WAQ65004 a gyhoeddwyd gan Huw Lewis, y Gweinidog
Addysg a Sgiliau, ar 16 Gorffennaf 2013
Information further to WAQ65004 issued by Huw Lewis, the Minister for Education
and Skills, on 16 July 2013**

At/To Mark Isherwood:

You tabled a Written Assembly Question (WAQ) for answer on 3 July, as follows:

Will the Minister outline when a child, born minutes into September, may first receive a school place, detailing all options available to parents in such instances? (WAQ65004)

Unfortunately the reply to the question referred incorrectly to the *Education Act 2006 s8 and the Education (Start of Compulsory School Age) Order 1998*, it should have read the *Education Act 1996 s8 and the Education (Start of Compulsory School Age) Order 1998*.

I see that you have written to my predecessor on the same theme, and submitted another written question requesting information about starting dates for a child born just before midnight on 31 August. I would like to take this opportunity, whilst correcting the error, to expand on the information you have given, in case this remains a matter of concern.

Admission to school is considered a fairly complex area of legislation. The legislation and supporting regulations provide a robust framework for those responsible for admissions to work within. The Welsh Government's statutory School Admissions Code seeks to convey the legislation as practical guidance identifying the legal requirements imposed on admission authorities in the discharge of their duties in respect of admissions. The Code sets out some mandatory requirements and others which represent good practice. Admission authorities not complying with the good practice guidance in the Code need to have strong reasons for their actions.

I understand from your earlier correspondence that you have constituents who are worried that their child is not going to be ready to start school at the age of four and will likely be the youngest in the cohort. Conversely, a child whose fourth birthday falls on the 1 September will not start school immediately after their fourth birthday but the following school year and will be the oldest in the year group. In considering admission to schools it is clear that if a single point of entry exists at the start of a term there will always be children that are 'older' or 'younger' in the year. The vast majority of children in Wales start school in a reception class in the September after their fourth birthday. Parents may decide not to send the child to school at the start of September or at the start of any other term provided he is not already 5 years old.

A child must start school in the term after their fifth birthday; *The Education (Start of Compulsory School Age) Order 1998* sets out the term dates within which the relevant birthday falls as ending on 31 December, 31 March and 31 August. This effectively means that any child who has their fourth birthday on or before 31 August can expect to be admitted

to a reception class in the immediately following September or during that same school year during which he attains the age of 5.

The School Admissions Code 2013, paragraph 2.61 says that *‘The law does not require a child to start school until the start of the term following the child’s fifth birthday. Where the admission authority for a primary school offers places in a reception class to parents before their children are of compulsory school age, they must allow parents the option of deferring their child’s entry until later in the same school year. The effect is that the place is held for the child and is not available to be offered to another child. The parent would not however be able to defer entry beyond the beginning of the term after the child’s fifth birthday, nor beyond the school year for which the original application was accepted. This must be made clear in the admission arrangements for this school.’*

If a parent decided to defer entry to school until the term following the child’s fifth birthday i.e the following September they effectively forfeit the place allocated to their child in the reception class in the school. They will have to make a fresh application for the child to be admitted to the school the following year; this carries the danger that there will not be room for the child at the preferred school. If there is sufficient space for the child to be admitted to the preferred school the parents should not expect the child to be admitted to the reception class; the child will usually be considered for admission with their normal age group who will then be entering Year 1. Parents can however make a request for a reception place (i.e for a class of a different cohort) and the admission authority, whilst not obliged to agree to the request, must show that they have considered it in the light of the needs of the child concerned.

Very rarely a child will be admitted to school outside their normal age group, this is usually for a very specific reason such as, for example, particularly gifted or talented children or children who have missed some or all of a year due to ill health.

I can sympathise with parents whose children are relatively young when they start school but they also need to consider the wider impact on the education experience if children are placed in a class outside their normal age group. In these circumstances it may not be possible for the child to remain in the class (other than their normal age group) for the whole of their education. Any alternative arrangements such as these may well be subject to renegotiation on an annual or possibly termly basis which may have a negative effect on the child. It may be expected that difficulties might arise at the transition points in a child’s education which are the movement from the Foundation Phase to Key Stage 2, then at the Key Stage 2 to secondary school transfer. It is quite possible that the child will have to move to secondary school with their normal age group and that they will effectively ‘miss’ a year of their primary education when they move to secondary education. In addition, from a social perspective they may not transfer to secondary school with the children that they have been with in primary school; this could be unsettling for the child.

On a positive note education provided through the Foundation Phase begins in the nursery setting and continues throughout the infant age groups up to and including Year 2. Whilst the Foundation Phase is designed for specific age groups there is scope within the programme for children to develop at their own pace. If your constituent has been offered a place in reception class for their child they could consider contacting the headteacher at the school concerned so that they can see how the Foundation Phase is delivered in that school.

I hope this information will be of use to you in the future.