

CHILDREN'S SERVICES DIRECTORATE

POLICY ON THE PLACEMENT OF PUPILS OUT OF THEIR CHRONOLOGICAL AGE GROUP (BACKYEARED)

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1. Introduction

- 1.1 The purpose of this policy is to provide schools in Dorset with a framework within which decisions about whether or not pupils should be educated in a group outside of their chronological age should be made.
- 1.2 The terminology used to describe the process whereby a pupil is placed in a year group below that of their chronological age or 'kept back a year' will be referred to for the purposes of this policy as being 'backyeared'.
- 1.3 Backyearding can have significant implications for pupils as they move through schools. This policy therefore aims to place the responsibility for final decisions about backyearding with the Local Authority rather than with individual schools. It also provides a central point of contact within the Local Authority, for all backyearding issues and decisions.

- 1.4 Consultation has taken place with all relevant teams within the Children's Services Directorate. The policy will be applied consistently across the service.
- 1.5 The existing arrangements for considering backyearing for a child have been in place for a number of years. In general the decision has been made by the individual school, based on advice from professionals involved with the child. This new policy provides more in depth advice to schools on backyearing and a new framework in which future decisions should be made.
- 1.6 Not all pupils who are backyeared have special educational needs. However, as the numbers of pupils with increasingly complex special educational needs has increased within Dorset mainstream schools, there has been a related increase in the number of pupils educated outside their year group. As a result the need for a clear policy, and decision making framework, has become increasingly important, both for pupils with special educational needs and for other potentially vulnerable pupils.
- 1.7 It is recognized that some pupils are already placed out of their chronological age group. As a result some interim arrangements will be required.
- 1.8 There will be no requirement on schools to place those pupils who were backyeared under the previous policy arrangements in their chronological age group. It is suggested that in these circumstances the school should meet with or write to the parents or carers to ensure that they are aware of the possible implications of the pupil remaining outside of their chronological age group. This relates in particular to phase transfers. Some of the possible implications are outlined in section 3 of this policy document.
- 1.9 No pupils should be backyeared by schools without recourse to this policy as of May 2006.
- 1.10 This policy will be monitored, and reviewed annually.
- 1.11 Schools are invited to adopt this policy, which is not automatically binding on schools. However the implications of backyearing are significant and may give rise to future complaints against a school. If Local Authority advice has not been taken, schools may have to bear any consequent legal costs.

2. Principles

- 2.1 The principles behind educational inclusion stress the importance of all pupils being educated alongside their peers in their local communities. This national perspective is reflected in Dorset's Inclusion Strategy which is set out on the Council's website (<http://www.dorsetforyou.com/index.jsp?articleid=368787>). The emphasis is on schools meeting individual needs, including those of pupils with special educational needs, through personalised learning.
- 2.2 Expectations of good practice are based upon a child's entitlement to be educated alongside their age equivalent peers. The responsibility for addressing individual needs lies with the school through an appropriately differentiated curriculum. Personalised learning is at the heart of ensuring that the provision that is made meets the individual pupil's needs.
- 2.3 The needs of the child or young person need to be viewed holistically. The individual's social and emotional development and well-being need to be considered alongside educational needs.

- 2.4 Where a child has special, additional or individual educational needs, then their educational programme should be enhanced with any appropriate support. For pupils with SEN, this support will be outlined in the Individual Education Plan (IEP) or, where appropriate, in a Statement of Special Educational Needs.
- 2.5 The placement of a child or young person out of their chronological year group is not an appropriate strategy for meeting special educational needs.
- 2.6 The ways in which a pupil's needs can be met without resorting to backyearing are outlined in Appendix (i) of this policy.
- 2.7 There are significant and long term issues for the pupil, the school and the Local Authority that arise from a decision to backyear a pupil. These are set out in Section 3 of this policy.
- 2.8 Backyearing should only be agreed in exceptional circumstances and in full light of the possible implications for the pupil. Decisions should be taken in accordance with procedures published in this policy, and with the full involvements of parents/carers and all relevant professionals involved with the pupil's education. The decision making framework is set out in Section 4 of this policy.

3. Implications for pupils who are backyeared

All decisions about backyearing should be made with the following factors in mind. It is particularly important that parents/carers are aware of possible implications for the remainder of the pupil's progress through the school system.

- Pupils are seldom uniformly delayed in their cognitive development. If a pupil is backyeared and a reduced set of general expectations are in place, then areas of strength are at risk of not receiving appropriate stimulation
- The implications are long term as once the year/group change has been made, it is difficult to reverse as:
 - a) the pupil may miss out on a national curriculum year programme of work
 - b) the pupil may need to join an unfamiliar class group and will need to form new friendships and support networks
 - c) the consequences of making up a year can be negative for the pupil

The above is likely to put additional pressure on an already vulnerable pupil

- If the pupil remains backyeared his/her physical, emotional and social needs may be unmet
- At phase transfers, which could mean a change of school and new friendship groups, pupils will be chronologically ahead of the rest of their new peer group
- National Curriculum Tests and GCSEs and other accredited courses are completed a year or more late, as assessment takes place at the same time as the rest of the year group in which the pupil has been placed and not in line with their chronological age
- A pupil who is backyeared, and reaches Year 10 with good prospects for GCSE performance may choose to leave school at the official school leaving date – which is always the last Friday in June at the end of Year 11, thereby damaging their prospects for future employment or further education placement

4. The decision making framework

The following general framework applies to requests for backyearing of any pupils, regardless of their specific circumstances. Additional guidance, for specific groups of pupils, follows in sections 5 and 6.

- All requests for backyearing should come direct from schools to the Local Authority, using the Backyearing Request form attached as Appendix (ii)
- In no instance should backyearing be more than a single National Curriculum year.
- In completing the Backyearing Request form, schools need to satisfy the Local Authority that:
 - the child's needs have been fully identified and appropriate intervention has been provided
 - the pupil's educational, social and emotional well-being would be best met through backyearing
 - the school's Educational Psychologist is in agreement, having considered the pupil's progress and potential
 - there is full parental support and agreement
 - there is pupil support and agreement following explanation and counselling at a level the pupil is able to understand
 - there are clear objectives and time scales to the change with plans in place to manage phase transfers and examinations if appropriate.
- Schools should also consider the guidance for backyearing of specific groups of pupils (section 5 below). This may involve attaching reports received from a variety of professionals involved with the child
- Where a request is made for a pre-school pupil, it is particularly important to look ahead to possible long term implications of backyearing for that pupil
- All requests must be discussed with parents before submission to the Local Authority and parents must be asked to indicate their agreement with the request by completing the Parental Views Slip, attached as Appendix (iii). This form must be returned to the school and parental views will be included on the Backyearing Request form, Appendix (ii), when this is submitted to the Local Authority
- Requests should be sent by schools to the appropriate Education Officer (SEN) who will act as key contact for backyearing requests, liaising with other professionals within the Local Authority, as necessary, before making a decision in accordance with the Backyearing Policy.
- Non-Dorset children / non-Dorset schools. Requests are dealt with by schools based on their Local Authority guidelines, regardless of the child's home address. For a child with a statement of special educational needs, where another Local Authority is responsible for the statement the school would need to consult with the SEN team of the Local Authority having responsibility for the statement.
- If a school is not satisfied with the Education Officer's decision, and agreement cannot be reached, the school may ask the Inclusion Manager to arbitrate

5. Guidance on the backyearing of specific groups of pupils

This section contains guidance in respect of the following groups of pupils who may have special, additional or individual needs that mean that backyearing may be considered.

- 5.1 Pupils with special educational needs
- 5.2 Children 'looked after' by the Local Authority
- 5.3 Medical needs
- 5.4 Permanent exclusion
- 5.5 Children born in summer
- 5.6 Degenerative conditions and/or terminal illness
- 5.7 Pupils who have been home educated
- 5.8 Pupils from Gypsy and Traveller communities
- 5.9 Pupils learning English as an additional language
- 5.10 Refugees and asylum seekers
- 5.11 Children who are born prematurely

5.1 Pupils with special educational needs

As stated above, special educational needs cannot, alone, be justification for backyearing. However, it is the most common reason for schools requesting it.

The long term implications of backyearing has serious implications for the pupil. The expectation is that schools will be able to make provision for pupils with special educational needs within their appropriate year group. If requesting backyearing, it is particularly important that schools provide evidence of monitoring and reviewing of the pupil's progress and of the pupil's failure to make satisfactory progress despite appropriate interventions. All support agencies working with the pupil in school will need to be involved in the decision.

The pupil's IEP should document how the return to their chronological age group will be managed as and when appropriate.

5.2 Children 'looked after' by the Local Authority

There may be additional needs that mean that the child may be considered as an exception.

If a Looked After Child is being considered for backyearing there will need to be involvement from the professionals within the Looked After Team and also from the Social Care and Health Team as well as the school and SEN Team.

5.3 Medical needs

Some pupils may have significant absence from or intermittent attendance to school due to a medical condition or accident. During the absence from school pupils may have accessed differing amounts of education/tuition and as a result will be better or less well-prepared to re-engage with full-time education.

The age of the student is also important. Absence from school which has affected preparation for GCSE courses of study may have greater significance on a student's future life chances than prolonged absence at other times.

Decisions in respect of the backyearing of pupils who have missed extensive periods of time from education due to illness or accident will be made on an individual basis.

5.4 Permanent exclusion

Pupils who are permanently excluded from school should not experience significant absence from education.

An Admissions protocol is in place in relation to permanently excluded pupils. The protocol says that the Children Out of School Panel will consider what is in the best interests of the child in terms of Admission to school. As a result, any decisions on backyearing will include advice from this Panel.

5.5 **Children born in the summer**

Children who are born in the summer may show lower levels of achievement and maturity. However it must be remembered that these are individual children who will show a wide range of academic achievement.

Pupils who are born in the summer should be educated alongside their peers in their chronological age group. Being a child who was born in the summer is not in itself a reason for being placed outside of chronological year group. Personalised learning means that teachers have a responsibility to meet the individual developmental needs of pupils born throughout the 12 month age range within a national curriculum year group. The needs of children who have summer birth dates should be addressed within the class group through normal differentiation of the curriculum.

5.6 **Degenerative conditions and/or terminal illness**

The sensitivity of these situations is recognised. These pupils are likely to be in receipt of a high level of School Action Plus Funding or individual pupil funding. The multi-professional review meeting should consider what is in the best interests of the child and where appropriate recommend any decision to backyear a pupil. Where necessary the review meeting should be brought forward to allow consideration of backyearing to be made.

5.7 **Pupils who have been Home Educated**

It is important to acknowledge that these pupils have not had significant absence from education but have been in receipt of a different type of education to that which is on offer in schools.

Pupils who have been in receipt of Elective Home Education should be educated alongside their peers in their chronological age group unless they fall into another category as defined by this policy.

The school to which the student is admitted will be responsible for making curriculum provision that is appropriate to the needs of the pupil. At Key Stage 4 the school may include College placements and work-related learning.

5.8 **Pupils from Gypsy and Traveller communities**

Pupils who are members of Gypsy and Traveller communities should be educated alongside their peers in their chronological age group unless they fall into another category as defined by this policy or there are exceptional circumstances. There will occasionally, although rarely, be a need to backyear a child, possibly as a result of high levels of mobility. Advice should always be sought from the Traveller Education Support Service before considering backyearing a child.

Support and advice for pupils from the Gypsy and Traveller communities is available through the Traveller Education Support Service.

5.9 **Pupils learning English as an additional language**

Decisions in respect of the backyearing of pupils who have English as an additional language are complex and need to be based on what is considered to be in the best interests of each individual student, in both the short and long term. Some of the factors that may need to be considered are listed below.

The vast majority of EAL learners will be admitted to the normal chronological year group for their age. Their needs should be met through appropriate differentiation of work and where possible additional support. Opportunity to hear other pupils talk, in contexts that support understanding, is particularly important.

In exceptional circumstances, pupils who have had little or no prior experience of formal education and have limited literacy skills in both English and their home / community language are likely to benefit from focussed literacy teaching. In these circumstances schools should consider the best way to support pupils' induction and enable them to progress. However, if this involves pupils in working with a younger age group, it should generally be part of a planned programme that will enable pupils to join their peers at a later date.

To help a student achieve academically it may be useful for them to be placed in a younger year group in order to give them an additional year to learn English before completing course work or examinations. This may be particularly helpful for pupils who arrive during Year 10, since placing them in Year 9 gives them an opportunity to develop their English fluency before beginning GCSE courses in the following year.

However, parents/carers and pupils need to be clear about the implications of this arrangement, including the fact that pupils would not complete GCSE courses until the age of 17 and could choose to leave at the end of Year 10. There may also be financial implications for pupils. For pupils arriving in Year 11, it may be more appropriate to make links with colleges, rather than place them in a younger year group.

Several other factors may be relevant to such decisions, for example the physical and emotional maturity of the student and the likelihood that an additional year would make a difference to examination results. A student's previous level of academic success is likely to be relevant, as pupils who are highly literate in their home or community language may make very quick academic progress in their new school.

Pupils with EAL should not generally be classed as SEN but if there are indications of learning difficulties, assessment by the appropriate professional should be carried out to inform any decision to backyear.

Where backyearing is being considered for a pupil learning English as an additional language, the school should call a multi-disciplinary meeting which includes attendance by a member of the Ethnic Minority Achievement Service (EMAS). This group may recommend to the Local Authority that the pupil is backyeared.

This is not necessary where a pupil is privately funded to attend a Dorset school and/or does not have resident status in the UK. In this case it is recommended that the school refers to the guidelines of this policy and seeks the advice of EMAS if necessary.

5.10 Refugees and asylum seekers

Decisions in respect of the retention of pupils who are refugees and asylum seekers are complex and need to be based on what is considered to be in the best interests of each individual student. How youngsters need to be treated depends on their circumstances. The factors listed in relation to EAL learners are likely to be relevant to asylum seekers and refugees. However, they may have experienced significant trauma and may need access to appropriate additional support.

Where backyearing is being considered for a pupil who is a refugee or an asylum seeker, the school should call a multi-disciplinary meeting which includes attendance by a member

of the Ethnic Minority Achievement Service. This group may recommend to the Local Authority that the pupil is backyeared.

5.11 Children who are born prematurely

Complications of prematurity may result in: developmental or educational delays, or difficulties which should be dealt with in the same way as those arising from other causes and, in most cases, would not be appropriately dealt with by backyearing.

However, some children who are born prematurely may benefit from being backyeared. This will apply particularly to children who were born up to four months prematurely, before 31 August, when their due date was in the September – December period. This may help to ensure that the child's developmental, medical, physical, emotional and psychological well-being is secure enough for them to benefit fully from education alongside their peers. This may or may not be linked with delayed entry to school.

Parents and professionals should also have regard to the guidance on school admissions. This gives greater detail about deferred or delayed entry to school. Parents must be well informed of the possible implications of deferred or delayed entry to school.

6. Pupils already out of their chronological age group

6.1 There is no intention to undo previous decisions with regard to backyearing of individual pupils. However, where pupils have been placed outside of their chronological age group following the processes in line with the previous guidance, the school should meet with the parents/carers to ensure that they are aware of this new policy, and the possible implications of the pupil remaining outside of their chronological age group. This relates in particular to phase transfers. Some of the implications that need to be brought to parents are outlined in section 3 of this policy document.

6.2 The school and the parents or carers should have a clear plan as to the future educational arrangements for the pupil. This should take into account how any potentially negative implications will be managed. Phase transfers in particular should be well considered and parents/carers may need to research their choice of school early on.

7. Pupils who are already out of their chronological age group, moving into Dorset schools

7.1 A move of school provides a suitable opportunity for the pupils to be returned to their chronological age group. The expectation will be that pupils moving into Dorset schools will be placed with their age-related peers.

7.2 Where a school believes that this will not be in the best interests of the child, a Backyearing Request form, Appendix (ii), should be completed and sent to the Local Authority in the usual way. This should be done before the pupil is admitted and with the full involvement of parents/carers. Decisions will then be taken in accordance with this policy.

8. Pupils who attend special schools or bases

8.1 Pupils who attend special schools or bases receive educational support adjusted to meet their special educational needs. Therefore, there would be very few circumstances when it would be necessary for a child to be backyeared. Any recommendations for backyearing should be considered by the school and professionals involved with the child and put to the Local Authority.

9. Deferred and Delayed Entry

Every child must legally start their education the term after their fifth birthday. However a September admission date is expected to be maintained for the majority of four year old children in Dorset. A parent may wish to *delay* application until after the fifth birthday or, having applied for a place in September, wish to *defer* the entry until later in that academic year. Neither result in the pupil being backyeared and are therefore outside the remit of this policy. With both deferred and delayed entry the pupil is placed in the appropriate chronological year group. For further information please contact the school admissions team (01305 221000).

- 9.1 Where **deferred entry** is considered of benefit to the child parents/carers must contact their preferred school for further information and agree a date for entry to school for the child. The date of entry must not be beyond the end of the academic year (Foundation year). If the parents/carers do not take up the place at the agreed time, the place will be considered vacant and offered to another applicant. This applies to all schools.
- 9.2 Parents/carers opting for deferred entry need to be aware of the possible implications. The child will miss part of the Foundation Stage curriculum and also the period of induction that the pupils starting in September will receive.
- 9.3 **Delayed Entry is** where the child starts school a full year later than the normal date of entry but joins the appropriate age group. The child will therefore start school in a Year 1 class rather than the Foundation Stage class.
- 9.4 There are significant implications for parents to consider. The child will miss out on the induction period and, of course, the Foundation Stage curriculum. In addition, parents will be seeking places at their preferred school in an already existing year group and places may not be available. The Admissions Team, tel 01305 221000, will be able to provide further information.
- 9.5 Exceptions to this may be considered if the child falls into one of the groups outlined in section 5 of this Backyearing policy. Please refer particularly to section (5.11- Children who are born prematurely) which may be of particular relevance.

Further information on details in this Policy can be obtained from the SEN Team, Children's Services Directorate, County Hall, Dorchester, DT1 1XJ (tel: 01305 – 224888).

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Meeting the Needs of All Pupils

1. Key Principles to Promoting Inclusive Practices

- 1.1 Inclusion is about much more than the type of school that pupils attend and access to specialist skills and resources. It is about the quality of children's experiences; how they are helped to learn, achieve and participate fully in the life of the school. It requires positive attitudes towards children who have difficulties in school, a greater responsiveness to individual needs and critically a willingness amongst all staff to play their part. 'Removing Barriers to Achievement' is the Government's Strategy for Special Educational Needs and sets out clearly the expectations on schools in respect of becoming more inclusive.
- 1.2 In addition, 'Every Child Matters' sets out its strategy for ensuring the well-being of all pupils. The 5 outcomes for all children are integral to promoting educational inclusion. The five Outcomes are:
- **Being healthy:** enjoying good physical and mental health and living a healthy lifestyle
 - **Staying safe:** being protected from harm and neglect
 - **Enjoying and achieving:** getting the most out of life and developing the skills for adulthood
 - **Making a positive contribution:** being involved with the community and society and not engaging in anti-social or offending behaviour
 - **Economic well-being:** not being prevented by economic disadvantage from achieving their full potential in life.
- 1.3 The leadership of the headteacher is a key factor in ensuring that schools embrace a more diverse pupil population. The role of the Headteacher in creating an inclusive school includes:
- Creating a positive learning environment for all children
 - Ensuring that staff develop the skills and confidence to respond effectively to children's needs
 - Promoting collaborative working between the full range of area provision including special and mainstream schools
 - Building the confidence of parents and carers in the school's ability to meet their child's needs
 - Removing barriers to learning by embedding inclusive practices in the school
 - Ensuring that all children feel valued members of their school community

2. Meeting Pupil's Needs: Curriculum Differentiation

- 2.1 Effective teaching for children with Special, Additional or Individual Needs shares the characteristics of effective teaching for all children. As schools become more inclusive, teachers must be able to respond to a wider range of needs in the classroom.
- 2.2 Pupils should be provided with the support they need to access the curriculum and to progress at a pace appropriate to them, building on their particular strengths and abilities. Schools need to have the confidence to innovate to meet the needs of all pupils successfully.

- 2.3 The National Curriculum Inclusion Statement: 'Inclusion – Providing Effective Learning Opportunities for all Pupils', provides statutory guidance on planning and teaching the curriculum. It requires teachers to set suitable learning challenges for all pupils, tailor the curriculum to provide all pupils with relevant and appropriately challenging work and to overcome potential barriers to learning.
- 2.4 Schools are encouraged to make more use of existing curriculum flexibilities, emphasising the freedom teachers have to decide how they teach. Within the National Primary Strategy, the 'Waves of Support' are consistent with the graduated approach to meeting children's needs as set out in the SEN Code of Practice (2001). The main focus of Wave 3 which is currently underway is to raise the achievement of pupils who fall behind their peers.
- 2.5 Within secondary age schooling, the Key Stage 3 Strategy focuses on developing teaching and learning that engages pupils to raise their achievement. At KS4 curriculum flexibility means that Individualised Educational Plans can be designed for pupils to ensure that their learning needs can be more effectively met.

3. Meeting Pupil's Needs: Personalising Learning

- 3.1 Personalised learning embraces every aspect of school life including teaching and learning strategies, ICT, curriculum choice, organisation and timetabling, assessment arrangements and relationships with the local community. Delivering personalised learning is about making education more responsive to individual children. This means:
- a) Having high expectations of all children
 - b) Building on the knowledge, interests and aptitudes of every child
 - c) Involving children in their own learning through shared objectives and feedback
 - d) Helping children to become confident learners
 - e) Enabling children to develop the skills that they will need beyond school
- 3.2 There are five key components to personalized learning:
- Personalized curriculum – knowing the strengths and weaknesses of individual pupils through the use of Assessment for Learning
 - Developing the competence and confidence of each learner
 - Curriculum choice that engages and respects pupils
 - School organisation – the starting point for class organisation is always student progress
 - Local communities supporting schools to drive forward progress in the classroom
- 3.3 All pupils have a right to have their views taken into account in decisions about their education. Involving them in decision-making enriches their learning and helps to develop life skills such as problem solving and negotiation. Involving pupils in their learning means that they can discuss ways of removing the barriers to learning that they face. All children, even those with the most severe or complex needs will have views about their education and the choices before them.

This guidance will be included in the SEN Funding for Inclusion folder when it is next updated.