**Guidance on Educating Children with an EHC Plan Out of Year Group in Mainstream Schools**

**Introduction**

The Local Authority view is that children with Education, Health and Care (EHC) Plans should be educated in their chronological year group. However, requests are received for children with an EHC Plan to be educated out of year group (sometimes referred to as ‘offsetting’), whether by delaying entry to school or repeating a year group. Such requests require agreement of the Local Authority and each request will be considered on the individual circumstances.

This document sets out the principles underpinning this guidance and factors which are taken into consideration in reaching a decision on whether a child with an EHC Plan should be educated out of year group.

In considering this guidance, it is important to recognise the important difference between deferred school entry (i.e. starting school later as per the DfE Advice on Admission of summer-born children in schools) and offsetting (i.e. repeating a school year). This guidance is relates to offsetting.

**General Principles**

1. Placement outside the child’s chronological year group is exceptional
2. No decision will be considered or taken without involvement of parents/carers and taking into account the views of the child
3. The implications of offsetting have been discussed with the child’s parents/carers
4. The decision must be in the long term interests of the child/young person
5. The decision will only be made either:
	* + as part of an EHC needs assessment; or
		+ following consideration at an Annual Review of the EHC Plan
6. The views of any professionals involved with the child or young person will be sought and taken into account before making the decision
7. The expectation is that, where children have been educated out of year group in a mainstream school, they will return to their chronological age group on entry to special school

**Factors to Consider**

The decision to educate a child out of year group in a mainstream school should be considered in relation to a number of factors:

1. Research indicates that, in general, children who start school a year late tend to show the same difficulties that they had in the first place, and those who have been held back a year often feel anxious about their status with peers. More details are included in Appendix 1.
2. The school may not have space in another year group without breaching class-size regulations.
3. The child may begin puberty at a different time from their classmates, which could be confusing for him or her.
4. The child/young person is eligible to leave school at 16, and therefore may leave without completing external examinations.
5. Other interventions may be more appropriate in the long-term: placement outside the chronological year group should at best be seen as a short-term corrective measure and will rarely address long-standing difficulties and could be delaying the deployment of more appropriate provision.
6. Where children are educated out of year group, transition Annual Reviews will be held in the appropriate chronological age year group e.g. for a Year 5 child placed in Year 4, this would be whilst the child was in Year 4 and not a year later.
7. Where a child with an Education, Health and Care Plan transfers from mainstream to specialist provision, they will be expected to do so in their chronological year group.
8. Requests to offset in Year 6 or 11 are unlikely except in exceptional circumstances

**Decision Making**

* + - 1. Gathering the information to inform decision making

* + - * 1. **Via the EHC needs assessment**
* Where a child has been educated out of year group by agreement between the school and parent pre-assessment, the Educational Psychologist will be expected to comment on whether this arrangement should continue in their statutory advice.
* Where a child has not been previously educated out of year group but the parent requests for that to happen, the Educational Psychologist providing statutory advice will be asked to comment on whether it will be in the interests of the child, taking into accounts the potential merits and demerits of such arrangements
	+ - * 1. **Via an Annual Review**
* Where there is a request for a child to be educated out of year group, the educational setting should convene an Annual Review. In addition to the usual considerations about progress and attainment, the Annual Review should fully consider the pros and cons of the request to educate out of year group and fully record the views of all those present, including any difference in views. The Annual Review report should clearly indicate whether it is recommended that the child is educated out of year group, the rationale for the request and if there was anyone present at the Annual Review Meeting with a dissenting view.
* Schools/education settings should be careful not to raise parental expectations that the decision to educate out of year group will be automatically agreed
	+ - 1. **Making the Decision**
* Although the decision is the responsibility of the Local Authority, it will be informed by discussion at the Multi Agency Panel (MAP), involving Local Authority officers, schools and representatives of Social Care and Health.
* Where the Local Authority agrees that a child should be educated out of year group, this will be recorded as special educational provision in Section F of the EHC Plan.
	+ - 1. **Reviewing the Decision**

When a child is educated out of year group, the appropriateness of arrangements must be considered at each Annual Review with a clear recommendation about whether to keep the child out of their usual year group or to return them to their chronological age group.

**Challenging the Decision**

When the Local Authority does not agree to the request to educate out of year group, the challenge to the decision is via appeal to the First-Tier Special Educational Needs and Disability Tribunal (SENDIST).

**Appendix 1 – Some Research on Being Educated Out of Year Group**

1. **Delaying Entry to School**

Research suggests that children who start school a year late tend to show the same difficulties that they had in the first place. Over time, many children who remain in a younger class show poorer emotional health and some report being bullied because of the decision. Problems with attention or social communication are not improved by having child/young person repeat a year.

1. **Repeating a Year: how effective is it?**

Research suggests that, in general, repeating a year is harmful to a child’s chances of academic success. In addition, studies consistently show greater negative effects for students from disadvantaged backgrounds, indicating that the practice is likely to increase educational inequality. Repeating a year is likely to lead to greater negative effects when used in the early years of primary school, for students from ethnic minorities, or for pupils who are relatively young in their year group.

Pupils who repeat a year make an average of four months’ less academic progress over the course of a year than pupils who ‘move on’. In addition, studies suggest that children who repeat a year are unlikely to catch up with peers of a similar level even after completing an additional year’s schooling. Research indicates that children who repeat a year are more likely to ‘drop out’ of school prior to completion.

Although the overall impact of this practice is negative, there are studies that suggest that in some cases children can benefit, particularly in the short term. However, it does not appear to be easy to identify which pupils will benefit, and on balance the evidence suggests that repeating a year is a significant risk. Negative effects are rare for educational interventions, and so the finding that children who repeat a year make less progress is unusual and notable.

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**Appendix 2 – Decision Making Support Checklist**

The Local Authority will use the following checklist to support decision making; ticking every box does not in itself indicate that out of year placement is in the best interests of the child

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| School, parents, child and involved professionals all feel that this placement would substantially increase the probability of the child’s successful inclusion in mainstream school. |  |
| This decision is not being made in order to delay other interventions, such as placement into a different school.  |  |
| This decision is not being made due to difficulties in making appropriately differentiated provision in the class to which the child should normally transfer.  |  |
| The placement would not breach infant class size regulations. |  |
| Consideration has been given to the long-term emotional and social impact of this placement.  |  |
| Consideration has been given to the likely future placements for the child, e.g. returning to their own year group or remaining with the new year group. |  |
| There has been a discussion with parents about likely future issues, e.g. leaving school without completing Key Stage 4. |  |
| All involved feel that the child will be able to learn more from the children in the proposed year group than by being around children of their own age group. |  |
| The child will have a peer group in their new class, which is likely to continue to be somewhere that the child can ‘fit in’ as the cohort matures.  |  |
| The plan for the child includes interventions to address their particular needs, in addition to placement with a different year group.  |  |