



# Guidance on educating children with an EHC Plan out of year group

## Introduction

The Local Authority view is that children with Education, Health and Care (EHC) Plans should be educated in their chronological year group. This is supported by the research into repeating a year which in general shows a negative effect of retention in terms of both academic and emotional outcomes. 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.

Such requests require agreement of the Local Authority because this is a change to section F (provision) of the EHCP. As such, each request will be considered on the individual circumstances.

Where children do not have an EHCP, settings should refer to the policy guidance document 'Placement of pupils out of their chronological age group including

Summer Born children starting school', which is held by the WCF admissions service.

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.

## General Principles

- a) Placement outside the child's chronological year group is exceptional.
- b) No decision will be considered or taken without involvement of parents/carers and taking into account the views of the child.
- c) The implications of offsetting have been discussed with the child's parents/carers.
- d) The decision must be in the long term interests of the child/young person.
- e) 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
- f) The views of any professionals involved with the child or young person will be sought and taken into account before making the decision.

- g) 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 about the research findings are included in Appendix 1.
- 2) Placing the child/young person in another year group could be incompatible with the efficient education of others, or the efficient use of resources.
- 3) The child may begin puberty at a different time from their classmates, which could be confusing for them. They will be celebrating different birthdays to their peers, e.g. turning 16 when their peers turn 15.
- 4) The young person may be eligible to leave school prior to completion of a course/ before sitting examinations.
- 5) Leaving secondary school at an older age may have implications for enrolment on a Further Education placement (aged 16-19).
- 6) 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.
- 7) Where children are educated out of year group, discussion about transition to middle or secondary school should be an agenda item in their annual review a year before their transition annual review. For example, where a child is chronologically Year 5 but placed in Year 4, transition should be discussed in their Year 4 annual review so that planning for transition can begin if the secondary school does not agree to continue the deferment.
- 8) 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.
- 9) Requests to offset in Year 6 or 11 are unlikely except in exceptional circumstances

## Decision Making

- 1) Gathering the information to inform decision making
  - a. 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

**b. 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.
- If a specialist teacher is involved (e.g. CCN, LST, Sensory), then it is expected that they provide a view and discuss this with an Educational Psychologist. Their report for the annual review will include explicit information about their view and evidence for it, and should be signed by the specialist teacher and the Educational Psychologist with whom they have discussed the case with, as a joint report.
- If a specialist teacher is not involved then the LA will require a written report from an Educational Psychologist to support the decision making process sent in with the annual review paperwork from the school/setting. Educational Psychologist time can be purchased for this purpose from the WCF e-store.
- Schools/education settings should be careful not to raise parental expectations that the decision to educate out of year group will be automatically agreed.

## **Making the Decision**

- Although the decision is the responsibility of the Local Authority, it will be informed by the views of the young person, parents and professionals.
- Decisions will be discussed at a multi-agency panel meeting chaired by SEND services.
- 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.

## **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 –Research on Being Educated Out of Year Group**

### **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.

### **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. Negative effects tend to increase with time and repeating more than one year significantly increases the risk of students dropping out of school.

## **References**

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Repeating a Year: Education Endowment Foundation

<https://educationendowmentfoundation.org.uk/evidence-summaries/teaching-learning-toolkit/repeating-a-year/>

## 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.

Checklist item	Done
School, parents, child and involved professionals all consider that this placement would substantially increase the probability of the child’s successful inclusion in mainstream school. Any evidence for this is outlined in the paperwork.	
It would be suitable for the age, ability, aptitude or SEN of the child or young person.	
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.	
Placing the child/young person in another year group is compatible with the efficient education of others, or the efficient use of resources.	
Consideration has been given to the long-term emotional and social impact of this decision.	
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.	
Parents and the school are aware of the research evidence as outlined in this document. There has been a discussion with parents about potential 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.	
The request is supported by psychological evidence from an Educational Psychologist.	