

**DEFERRING COMPULSORY  
SCHOOL STARTING AGE IN  
EXCEPTIONAL  
CIRCUMSTANCES**

**CONSULTATION QUESTIONS  
BOOKLET**

# Deferring Compulsory School Starting Age in Exceptional Circumstances Consultation Questions Booklet

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## Introduction

The Minister for Education intends to introduce a policy to allow deferral of the compulsory school starting age for a small number of children in exceptional circumstances. This policy is not about changing school starting age. The decision to defer will relate to a child's achievement of developmental milestones. Deferral will only be granted where it is in the best interests of the child.

## Aim

The aim of this policy is, to enable children in exceptional circumstances, who are experiencing difficulties with developmental milestones, to defer their entry to primary school for one year.

Name: Northern Ireland Commissioner for Children and Young People (optional)

Please tick the box that best describes you as a respondent:

|              |                                     |                      |                          |
|--------------|-------------------------------------|----------------------|--------------------------|
| Pupil        | <input type="checkbox"/>            | Member of the public | <input type="checkbox"/> |
| Teacher      | <input type="checkbox"/>            | Parent / Guardian    | <input type="checkbox"/> |
| Organisation | <input checked="" type="checkbox"/> | Trade Union rep      | <input type="checkbox"/> |
| Other        | <input type="checkbox"/>            |                      |                          |

If Other please specify:

Name of School (if applicable):

School Reference Number (if applicable):

The Department may make responses available on the website [www.deni.gov.uk](http://www.deni.gov.uk), although contact names and addresses would be removed.

Please note that under the Freedom of Information Act (2000) (Annex A) your response may be made available, on request, to the public.

If you would prefer your response to remain confidential, please tick this box

Comments and responses should be submitted by **6 March 2015** to:

[de.curriculumdevelopmentteam@deni.gov.uk](mailto:de.curriculumdevelopmentteam@deni.gov.uk)

or

Curriculum Development Team  
Department of Education  
Rathgael House  
43 Balloo Road  
Rathgill  
BANGOR  
BT19 7PR

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### **Completing this Questionnaire**

This consultation contains a number of statements and questions. In relation to the statements contained in this document you are asked to indicate to what extent you agree or disagree. There are a series of comment boxes available to provide additional information if you feel this is necessary.

### **Application Process to Defer Starting Primary School**

**1: A parent<sup>1</sup> should be able to apply to defer his/her child's school starting age for one year**

| <b>Strongly agree</b> | <b>Agree</b> | <b>Neither agree nor disagree</b> | <b>Disagree</b> | <b>Strongly disagree</b> |
|-----------------------|--------------|-----------------------------------|-----------------|--------------------------|
| ✓                     |              |                                   |                 |                          |

**Please provide more information in support of your answer.**

Northern Ireland has the youngest school starting age in Europe, with children starting school at the age of 4. The Commissioner is aware of many cases in which a child was particularly young for their year, having only just turned four a few months before starting, and parents have reported the child being not ready for school, unable to participate fully, and struggling with learning from the start.

While clearly any education system must have general rules for the age of children attending each year, article 3 of the UN Convention on the Rights of the Child states that:

‘In all actions concerning children, (...) the best interests of the child shall be a primary consideration.’

In the case of ‘young for year’ children, ie those born in May, June or 1 July, the Commissioner believes that it is in their best interests for their parents to be permitted to defer their attendance at school for a year, if they believe their child is not yet ready.

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<sup>1</sup> Parent in this context means parent / guardian / carer.

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**Deferral Principles**

**2: The following principles should apply when establishing if a child can defer their school starting age by 1 year:**

| <b>Principles</b>  | <b>Strongly agree</b> | <b>Agree</b> | <b>Neither agree nor disagree</b> | <b>Disagree</b> | <b>Strongly disagree</b> |
|--|-----------------------|--------------|-----------------------------------|-----------------|--------------------------|
| <b>a) The needs of the child are paramount</b>   | ✓                     |              |                                   |                 |                          |
| <b>b) Deferral should be considered only in exceptional circumstances</b>                        |                       |              |                                   | ✓               |                          |
| <b>c) The parent should be required to provide evidence to support his/her case for deferral</b> |                       | ✓            |                                   |                 |                          |

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**Please provide more information in support of your answer**

As previously stated, the UNCRC states that the best interests of children must be given primary consideration in all decisions affecting them. The Commissioner is pleased to note that the new system proposed in the consultation document will focus on the best interests of the child in question, as well as the best interests of other children in the education system.

It is reasonable for the Department of Education to set criteria for deferment, in relation to month of birth, and to ask parents to explain why they believe it is in their child's best interests to be allowed to defer starting school. However, NICCY does not agree that parents should have to present evidence, provided from an early years setting, that a child is experiencing difficulty reaching developmental milestones.

This suggests an onerous process, and a high burden of proof required from parents. For parents with more resources and confidence in dealing with administrative systems, this may appear daunting. However, for other parents, particularly where children have not been attending early years settings, this is more likely to be an overwhelming hurdle.

**Post Deferral Options for Deferred Children**

**3: If a deferral is granted, it is proposed that the following options will be available for deferred children:**

| Post deferral arrangements  | Please tick |          |
|---|-------------|----------|
|   | Agree       | Disagree |
| (a) The parent can opt <u>not</u> to apply for a pre-school place in the deferred year  | ✓           |          |
| (b) If the child has a current pre-school setting, the parent can opt for the child to remain in that pre-school setting in the deferred year   | ✓           |          |
| (c) If the child does not have a current pre-school setting or the parent would prefer an alternative pre-school setting, the parent must apply through the open enrolment process for a pre-school place | ✓           |          |

**4. In relation to Question 3c, please indicate what priority you consider a deferred child should have in the pre-school admission process**

| Priority to be given regarding Question 3(c)   | Please choose one only |
|--|------------------------|
| • No priority  |                        |
| • Priority over children in their penultimate pre-school year i.e. 2 year old children applying for a pre-school place   | ✓                      |
| • Priority over target age (3 year old) children applying for a pre-school place except those children who are socially disadvantaged and currently prioritised in legislation |                        |
| • Priority over every child applying for a pre-school place  |                        |

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|  |                               |
|--|-------------------------------|
| <b>Priority to be given regarding Question 3(c)</b>                                      | <b>Please choose one only</b> |
| <ul style="list-style-type: none"> <li>• <b>Other priority – please state</b></li> </ul> |                               |

**Please provide more information in support of your answers to question 3 and 4**

The Commissioner understands that preschool provision is designed for children aged 3, in the year before they start primary school and, as such, it is generally not appropriate for children aged 2.

The application for deferred child to attend pre-school should be considered on the same terms as other children who will be starting primary school the subsequent year.

| <b>5. A parent will be required to submit two applications one for a deferral and one for a primary school place (pending a decision on deferral)</b>  | <b>Please tick</b> |                 |
|--|--------------------|-----------------|
|  | <b>Agree</b>       | <b>Disagree</b> |
| <b>If deferral is approved:</b>  |                    |                 |
| <b>(a) The offer of a primary school place will be withdrawn as it will no longer be required</b>  |                    | ✓               |
| <b>(b) The Education Authority<sup>2</sup> will ask the parent to confirm, within a specified timeframe, that they accept the deferral before the offer of a primary school place is withdrawn</b>                       | ✓                  |                 |
| <b>(c) If a parent changes his/her mind about deferral after the panel has approved it and the primary school has reallocated his/her child's place, the parent's application for a primary school place can only be</b> | ✓                  |                 |

<sup>2</sup> Education Authority (EA) is the term given to the single education authority. The associated Bill completed its Final Stage on 17 November 2014 and the Department is currently awaiting Royal Assent.

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|  |  |  |
|--|--|--|
| <b>reconsidered in the event of a vacancy after the Open Enrolment procedure has concluded</b> |  |  |
|--|--|--|

**Please provide more information in support of your answer**

The Commissioner considers that, if deferral is approved, parents should be asked to confirm they accept the deferral before the offer of a primary school place is withdrawn.

**Applying for a Primary School Place (after the deferred year)**

**6: The current open enrolment policy for applications to year 1 of primary school will continue to apply to all children, including the deferred child**

| <b>Strongly agree</b> | <b>Agree</b> | <b>Neither agree nor disagree</b> | <b>Disagree</b> | <b>Strongly disagree</b> | <b>Don't know</b> |
|-----------------------|--------------|-----------------------------------|-----------------|--------------------------|-------------------|
| ✓                     |              |                                   |                 |                          |                   |

**Please provide more information in support of your answer**

Deferred children should be treated the same way as other children who will be starting primary education at the same time.

**Gauging the level of interest in deferring school starting age for a child enrolling in September 2016**

**7: This information will be helpful if the legislation is enacted in time for children who would otherwise enter Year 1 of primary school in September 2016 – this will be subject to the policy development and legislative processes**

|  | <b>Response (Y/N)</b> |
|--|-----------------------|
| <b>I consider my child / children would be eligible for deferral <u>and</u> is / are of eligible age <u>and</u> I would consider applying to defer their starting year of primary school for one year:</b> | NA                    |
| <b>Gender of child / children:</b>   | NA                    |
| <b>Date of birth of child / children:</b>  | NA                    |
| <b>Please indicate below, the exceptional circumstances which you consider would warrant deferral of your child / children</b>   |                       |
| NA   |                       |

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**Please provide any additional information you wish to make**

The Commissioner is pleased that the Department of Education is considering the best interests of 'young for year' children in this consultation process, and seeking to address these in a way that takes account of the interests of other children.

We hope that this response is useful. Please contact us if you require any further information.

**ANNEX A - FREEDOM OF INFORMATION ACT 2000 – CONFIDENTIALITY OF CONSULTATIONS**

The Department will publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of consultations and they will give you guidance on the legal position about any information given by you in response to this consultation.

The Freedom of Information Act gives the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity should be made public or be treated as confidential. This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that:

- the Department should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Department's functions and it would not otherwise be provided;
- the Department should not agree to hold information received from third parties "in confidence" which is not confidential in nature;
- acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

For further information about confidentiality of responses please contact the Information Commissioner's Office (or see web site at: <http://www.informationcommissioner.gov.uk/>).