



Community Services

Policy and Procedure on Deferred Entry, Retaining at Stage and School Leaving Dates

1. Introduction

This policy states Argyll and Bute Council's position on deferred entry, retaining children and young people at stage and educating young people beyond the age of 16.

2. Setting the context

There is a strong tradition in Argyll and Bute Council of promoting inclusion. This is clear through the Corporate Plan and the Single Outcome Agreement. The council's values are: we involve and listen to our customers and communities; we take pride in delivery best value services; we are open, honest, fair and inclusive; we respect and value everyone.

The council's key principles are that

- no one is disadvantaged because of their race or ethnic origin, disability, gender, age, sexual orientation, or religion or belief
- the differences between people are valued and good relations between groups are promoted
- people are treated fairly and with equal respect
- informed assessments are made on the impact of policies and services
- people are involved in the decisions that affect them and encouraged to participate in public life.

3. Background

A range of local and national guidance along with key legislation was considered before agreeing a policy on a school leaving age for all pupils.

3.1 The Education (Scotland) Act 1980 provides

- the definition of a 'young person'. In terms of Section 135 this means a person over school age (16 years of age) who is not yet 18 years of age
- the two leaving dates for young persons leaving school in terms of section 33. For the summer term it is 31st May, for pupils reaching the age of 16 before 1st October of the same year; for the winter term it is the first day of the Christmas holidays for pupils reaching 16 before 1st March of the following year

- the right of a parent or young person to make a Placing Request and to appeal the decision to the relevant appeals committee
- the power of a school to exclude a child or young person; and the right of a parent or young person to appeal the decision to the relevant appeals committee.

3.2 The Education (Additional Support for Learning) (Scotland) Acts of 2004 and 2009 provide the following, (it should be noted that this is not an exhaustive list):

- a framework based on the idea of additional support needs (ASN) for supporting children and young people in their school education, and their families;
- a duty on Councils to make adequate and efficient provision for each child or young person with additional support needs, for such additional support as is required;
- a statutory planning document called a Coordinated Support Plan (CSP);
- a responsibility to request information and take advice from agencies involved with supporting a young person on leaving school to ensure there is adequate support in the period up to leaving school;
- a responsibility to ensure that transition planning is embedded within the education authority's policies and practice;
- a mechanism for resolving disputes for children and young persons with additional support needs through the **Health and Education Chamber of the First-tier Tribunal for Scotland**.

Please note, the Tribunal does not hear cases where the young person is beyond the age of 18 unless the reference was raised at an earlier stage.

3.3 The Standards in Scotland's Schools etc Act 2000, states in section 1:

- that it shall be the right of any child of school age, (deemed to be between the ages of five and sixteen years of age in terms of section 31 of the 1980 Act) to be provided with school education.

3.4 The Disability Act 1995 and the Equality Act 2010, stipulate:

- "that a person has a disability for the purposes of this Act if he has a physical or mental impairment which has substantial and long term effect on his ability to carry out normal day-to-day activities."

3.5 Argyll and Bute Information for Parents considering a deferred entry pre-school place for their child outlines the following:

- **Parents of children with a birthday in January or February, have an automatic right to defer school entry and are automatically entitled to another year of funded Early Learning and Childcare (ELC). For children with a birthday between the school commencement date in August and December, parents have an automatic right to school deferral for their child and local authorities have the power to use their discretion to provide them with an additional year of funded ELC. As set out in the ELC statutory guidance that accompanied the Children and Young People**

(Scotland) Act 2014, these decisions should be made on an assessment of the child's wellbeing.

3.6 Delayed entry to primary school / delay within school stage

- In exceptional circumstances, **a child who does not fall in to the age ranges detailed above** may be granted an additional year of funded ELC as a result of identified additional support needs which have a bearing on their ability to benefit from school education. In these circumstances a decision on delayed school entry will be made by the appropriate Education Manager and the early years team in consultation with parents / carers, the **Education Support Officer** and where necessary the Educational Psychology Service;
- All pupils will normally progress through school spending an academic year at each stage of schooling;
- In exceptional circumstances, where pupils have missed a significant portion of an academic year due to medical or other factors, and would benefit from remaining at the same stage in schooling for another year, consideration may be given to such a request;
- The recommendation for the retention of a pupil at the same stage for an additional year will be referred by the Head Teacher to the appropriate Education Manager following discussion at a Child's Planning Meeting in consultation with the parents / carers. **Decisions on whether a pupil is retained at stage will be taken by the Education Management Team.**

3.7 Further Education

A young person nearing school leaving age may transfer to an appropriate full time further education course in advance of his/her normal leaving date. In all cases this will require the prior approval of an Education Manager having considered all aspects of the situation (e.g. transport, free meals, etc.) and provided that:-

- (i) the young person has completed four years of secondary education;
- (ii) the course is a full-time one providing subjects approved by Education Services; and
- (iii) in the view of the authority, the young person, because of his/her circumstances, could benefit from such a placement.

4. Conclusions

From the review of the main legislation and the acknowledgement of existing practice operating in Scotland, the following points can be concluded:

- there is a statutory duty to educate all children between the ages of five and sixteen; thereafter, the national policy is to educate for **up to** a further two years, thereby providing up to thirteen years of education, of which six are spent in the secondary sector;
- there is no legal duty on Local Authorities to provide school education beyond the age of 18. The expectation is therefore that no young person will remain in school beyond the end of their sixth year of secondary school;
- there is no requirement, in the case of pupils with additional support needs, to continue a coordinated support plan beyond the point at which the young person reaches the age of 18;

- there is a duty to ensure all pupils identified as requiring support and who are making the transition from school to the world of young adulthood have in place effective transition arrangements and planning, in line with Argyll and Bute GIRFEC Post School Transition guidance;
- all young people should have support to consider their next steps through Opportunities for All processes.

5. Summary

Within Argyll and Bute schools it will be assumed that pupils will remain in schooling at a minimum until their statutory leaving age of 16 years, and not beyond the age of 18 years, **after which young people will be supported to move into a positive destination beyond school**. This means that pupils will either:

- (i) leave school at the statutory leaving age (normally sixteen); or
- (ii) stay on for a fifth year or
- (iii) stay until the end of their sixth year of secondary school.

Only in exceptional circumstances can a young person return to school for a 7th year or seek to access courses in our secondary schools as adult learners. In all cases, this will require Heads of Education approval. Access to education through Argyll College should always be explored in the first instance.