Starting school: a child's rights

For parents/carers of children with SEND

This guidance sheet tells you:

- When your child is entitled to start school
- What is meant by statutory school age
- What you can do if your child is not offered a school place
- What you can do if you want your child to start school later

Children usually start school in the year that they turn four years old, in Reception class. Local authorities (LAs) should ensure that all children in this age group have access to a school place. However, children do not legally have to go to school until they are statutory school age, which is not until the term after they turn 5. So, most children starting school in Reception classes are in fact below statutory school age.

Sometimes a school is not able to offer a place to a four-year-old child who has SEND.
Or sometimes parents want their child with SEND to start school later.
This document will help you to understand your options if this is your situation.

What is 'statutory school age'?

Under the Education Act 1996, all children are entitled to a suitable, full time-equivalent education as soon as they are statutory school age.

Statutory school age means the age when a child must go to school.

A child becomes statutory school age the term after they turn five.

- Child turns five between 1 September and 31 December → statutory school age is January
- Child turns five between 1 January and 31 March→ statutory school age is after the Easter holidays (usually April)
- Child turns five between 1 April and 31 August → statutory school age is September (this would be the September of Year 1)

Reading Borough Council, as the local authority, has a responsibility to ensure that your child is in education at this point. Likewise, parents have a duty to ensure that your child is receiving education from this point. Most parents choose to do this by sending their child to school, but some parents decide to educate their child at home (this is known as elective home education).

The government summarises your rights here:
https://www.gov.uk/schools-admissions/school-starting-age

My child has SEND and does not have a school place

What can I do?

Being statutory school age strengthens a child's right to education. But children who are below statutory school age are also entitled to education. The School Admissions Code 2021 is statutory guidance that LAs should follow (unless they have a very good reason not to).
It says that:

- Authorities must provide for the admission of all children in the September following their fourth birthday.
- Children are entitled to a full-time place in the September following their fourth birthday.

See https://www.gov.uk/government/publications/school-admissions-code--2

If your child is Reception age but does not have a school place, you should discuss this with Reading Borough Council's School Admissions team. It may be that your child's local school is unable to meet their needs, but your child could go to a school elsewhere in the borough. There is no absolute right for your child to attend your local school.

If you are told that your child cannot be admitted because of their SEND, and that the LA does not have to find a place for them because they are below statutory school age, you may wish to discuss the points above with the admissions team. You could point out that you wish your child to access education alongside their peers of the same age who do not have SEND.

School admissions appeal

If you have applied for a school place and your application is unsuccessful because of your child's SEND (or any other reason), you would have a right to appeal the decision.
Information can be found on the BFfC school admissions web pages:
https://brighterfuturesforchildren.org/for-parents-carers/schools/primary-admissions/

The 2026-27 guide is here and has details of school appeals on p30:
https://brighterfuturesforchildren.org/wp-content/uploads/2024/08/Primary-School-Admissions-Guide-2026-27-FOR-WEB.pdf

What if my child is going through EHC needs assessment (for an EHCP)?

If your child has been identified as having SEND and the LA is carrying out, or has agreed to carry out, an education, health and care (EHC) needs assessment, this will in time lead to clarity over the support that your child needs in school. It may result in an education, health and care plan (EHCP), if your child needs support that goes beyond the scope of an ordinary maintained school to provide.

Once your child has an EHCP, they have a right to the support that the EHCP specifies. The process for admitting your child to a school will be different. You will have a right to state a preference for a school(s), mainstream or specialist. The LA SEND team will then consult your preferred school(s), giving them an opportunity to review the EHCP and consider whether they can meet needs. The school may ask for additional funding from the LA to support your child. The LA may also talk to other schools that it considers may be able to meet your child's needs.

If there are no positive responses to consultation, and your child remains unplaced, you would have a right to appeal to SEND tribunal. (You also have a right to appeal if the LA names a school which is not your preference.) You may also have a right to complain about non-delivery of your child's EHCP provisions. Do talk to us if this is your situation. An appeal to SEND tribunal is different, longer and more complex than an ordinary school admissions appeal. Reading IASS can help to guide you.

Do I have to wait for the EHCP for my child to go to school?

Your child still has a right to education, even before an EHCP is in place. The School Admissions Code states that all children should be provided for and does not make any exception for children with SEND. It states:

3.13 Admission authorities must not refuse to admit a child thought to be potentially disruptive, or likely to exhibit challenging behaviour, on the grounds that the child is first to be assessed for special educational needs.

It will be important to discuss the matter with the LA admissions team and school (if possible) to understand the specific reasons why it has not been possible to provide a place to your child and to ensure that all options have been considered.

What about part-time attendance?

If your child has SEND, you may wish for them to attend part time when they first start school. Or, school may suggest that this would be a good way to introduce them gradually to formal education. You should discuss this with the school. Remember that your child has a right under the Education Act 1996 to full time education when they reach statutory school age.

What if I want my child to start school later?

You may request to defer or offset your child's school place.
Offsetting and deferral are different processes: offsetting is changing your child's year group, whereas deferral is simply delaying their start date.

Offsetting

Offsetting is when you hold back your child's school admission for a year. If offset is agreed for your child, they would start school in Reception class, even though they should actually be in

Year 1 (according to their age). Parents may wish to offset if their child is very young for their year, or has had challenging early life experiences, such as ill health.

Deferral

Deferral is when you delay your child's start to education, but you do not offset them. They may start at a later point during their Reception year, or they may enter education at the start of Year 1. When they do start school, they join their chronological year group. If you are interested in deferral, you should discuss this with the school. You do not need to involve the admissions authority.

My child has SEND. Is it a good idea for them to start school later?

Some parents of children with SEND wish to offset them, which means delaying when they start school. However, there are some important considerations. Offsetting a child with SEND could mask the learning differences a child has, and this could lead to delays in those differences being identified and assessed, and appropriate support being put in place. Other factors to think about might be establishing friendships and getting a child used to school routines.

The general view of Reading Borough Council is that educating a child outside of their chronological age group may not be in the child's best educational, social or emotional interests. They usually consider that it is important for children to stay with their peer group.

Every case is different and should be considered on its own merit.

The government has prepared some guidance for parents who are considering offset or deferral: https://www.gov.uk/government/publications/summer-born-children-school-admission

I want to offset: what is the process?

The request must be made to the relevant admissions authority for the school. This may be the local authority or, if the school is an academy, the school itself. The decision should take account of the views and evidence provided by parents as well as any relevant evidence from educational settings, health, social care, educational psychologists, speech and language therapists, occupational therapists or other professionals.

Please refer to Reading guidance here:
https://brighterfuturesforchildren.org/wp-content/uploads/2022/08/Guidance-for-parents-carers-requesting-a-child-be-educated-outside-their-chronological-age-group-below-statutory-school-age-updated-2025-.pdf

Please also refer to the government's guidance around the process:
https://www.gov.uk/government/publications/summer-born-children-school-admission/making-a-request-for-admission-out-of-the-normal-age-group

How do I contact the school admissions team?

- Call the team: 0118 937 3777 (option 1)
- Or email: schooladmissions@reading.gov.uk
- Visit the School Admissions pages online: https://brighterfuturesforchildren.org/for-parents-carers/schools/admissions/