

Protocol for Resolving Disputed Ages for admissions from September 2011

This applies to:

All Devon County Council maintained schools at primary and secondary phase except for Special Schools.

All parents and carers seeking admission to school for a child in their care.

Policy updated:	September 2011
Review date:	November 2010 for 2012-13 and then annually unless a need to review earlier is identified

Description of Policy

This policy describes the procedure to be followed in the event that a child's age cannot be ascertained from a birth certificate or passport.

Linked Policies

The In-Year Co-ordinated Scheme, The Secondary Co-ordinated Scheme, The Primary Co-ordinated Scheme.

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Section	Contents	Page
Description of Policy		1
General Information and Contacts		3
Policy		
1	Equality Statement	4
2	Safeguarding Statement	4
3	Introduction	4
4	Purpose	4
Procedure		
5	Criteria	5
6	Procedure	5
Employee Guidance		
7	Guidance for Employees	7
Policy History		8

Appendix 1 – Equality Impact Needs Assessment is located at <http://www.devon.gov.uk/index/learningschools/schools/admissions/admissionarrangements/admissions-determined2011.htm>

General Information and Contacts

Date	September 2011
Review date	Annual
Approval	by Cabinet Members of Devon County Council
Key partners	Learning and Development Partnership Devon Association of Secondary Headteachers Devon Association of Primary Headteachers Devon Association of Governors Church of England Diocese of Exeter Roman Catholic Diocese of Plymouth School Admissions Team
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Useful links	Department for Education Office of the Schools Adjudicator School Admissions Code

POLICY

1 Equality Statement

- 1.1 Devon County Council will only commit to policies and practices which will eradicate discrimination and promote equality for all, regardless of age, gender, disability, religion and belief, race and ethnicity and sexual orientation.
- 1.2 This policy will be subject to an Equality Impact and Needs Assessment. This assessment will be integral to all future policy and guidance reviews.

2 Safeguarding Statement

- 2.1 Devon County Council and its partners recognise that safeguarding is everybody's responsibility. Whether their interest is in all young people 'staying safe' in all aspects of our services, or whether they are working in specific areas of vulnerability, all staff will have appropriate training and induction so that they understand their roles and responsibilities and are confident in carrying them out. Schools, settings, children, young people and their parents or carers, or any member of the community should feel secure that they could raise any issues or concerns about the safety or welfare of children and know that they will be listened to and taken seriously. This will be achieved by maintaining an ethos of commitment to safeguarding and promoting the welfare of children and young people. This is supported by a clear child protection policy, appropriate induction and training, briefings on and discussion of relevant factors and refreshed learning in line with current legislation and guidelines.
- 2.2 Devon County Council acts as a Corporate Parent for Children in Care. This means that the local authority has a legal and moral duty to provide the kind of support that any good parents would provide their own children. This policy has been written to comply with this principle.

3 Introduction

- 3.1 There may be occasions when school history is not known and a passport, birth certificate or other document is not available to establish the child's age. This may happen particularly, though not exclusively, where Children in Care are placed in Devon.

4 Purpose

- 4.1 This Protocol aims to identify a procedure for resolving queries and disputes with regard to a child's age in order to assist the LA and schools to place the child in an education setting appropriate for his or her age.

PROCEDURE

5 Criteria

5.1 It can be inappropriate to place a child in a school setting where there are children with a significant age difference. Normally:

- a young person aged 20 should not be accommodated in a school with an age range from 11.
- a child aged 13 should not be accommodated in a school with an age range from 4.
- a child aged 9 should not be accommodated in a school with an age range up to sixth form.

This does not affect the provision of education in an all-through school which admits children at primary and secondary age. Although within the same establishment, children will be educated in an age-appropriate setting.

5.2 It may be the view of education, health or social care professionals that a child is not of the age declared by him or her.

5.3 This protocol describes the process to resolve a dispute concerning the age and thereby admit or readmit the child to the appropriate education setting as quickly as possible.

6 Procedure

6.1 If there is no dispute concerning the child's age, the normal route for admissions will be followed under the co-ordinated admissions schemes by referral to the School Admissions Team.

6.2 If there is a dispute concerning the child's age, he or she will be referred to social care who will conduct an initial assessment to form a working assumption of age in order to inform a decision on placement by social care.

6.3 Social care will inform the Head of Education Other Than At School who will then put in place Link Education for a maximum of 20 days. Where the child is a Child in Care, there will be an entitlement to Link Education.

6.4 If the child is already on the roll of a school and is required not to attend pending assessment, that place will be held open during the period of assessment.

6.5 Social care will conduct a more detailed age assessment.

6.6 If the child is assessed to be of statutory school age, he or she will return to

the school if appropriate or the normal route for admissions will be followed under the co-ordinated admissions schemes by referral to the Admissions Team. A written request for a school place will include a statement that the child has been age assessed and the result of that assessment.

6.7 For those in Care:

- a. if the child is assessed to be above statutory school age, social care will make arrangement for Further Education provision as appropriate.
- b. if the child is assessed to be below statutory school age and not due to be admitted under Devon's arrangements for admission as a Rising 5, social care will make arrangement for Early Years provision as appropriate.

6.8 For those not in Care:

- a. if the child is assessed to be above statutory school age, advice will be given by the Admissions Team that there is no eligibility for a school place and that a place may be sought in a Further Education setting.
- b. if the child is assessed to be below statutory school age and not due to be admitted under Devon's arrangements for admission as a Rising 5, advice will be given by the Devon Early Years on appropriate provision.

EMPLOYEE GUIDANCE

7 Guidance for Employees

- 7.1 The Policy is operated by officers of the Schools Admissions Team in co-operation with management and staff in schools. The governing bodies and staff in all schools are requested to support the efficient operation of the Policy. Schools may assist by referring families to the School Admissions Team where support may be beneficial.
- 7.2 No advice should be given by school staff or management which a parent may interpret as an indication that a place will or will not be made available at a school.
- 7.3 Any queries regarding the operation of the Scheme should be referred to the School Admissions Team for advice and support.

Policy History

Date	Summary of change	Contact	Implementation date	Review date
11/2008	Policy formulated taking into account the requirements of the School Admissions Code of Practice.	Policy Unit	9/2010	12/2009
6/2009	Policy reviewed and formatted into a Directorate Policy shell	Policy Unit	9/2010	12/2009
12/2009	Policy reviewed for 2011/12	Policy Unit	9/2011	12/2010
3/2010	Policy amended by the insertion or amendment of section 2.2 (corporate parenting), sections 4.1 (purpose), 5.1 (all-through schools), 7 (employee guidance) and Appendix 1 (EINA)	Policy Unit		
4/2010	Policy determined by Cabinet Members for 2011/12	Policy Unit	9/2011	11/2010
10/2010	Policy amended: to reflect change of title for the Department for Education At 7.1 the following was deleted from the final sentence: <i>or to the Devon Choice Advice Service</i>	Policy Unit	9/2011	11/2010
9/2011	Policy amended with name of the Strategic Director EINA relocated onto Admission Arrangements website	Strategic Support and Policy officer	9/2011	2012 policy already in place