

REPORT TO: Education Committee

MEETING DATE: 24 March 2015

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Pupil Placement Policy

1 PURPOSE

- 1.1 The purpose of the report is to ask the Committee to approve the updated Pupil Placement Policy

2 RECOMMENDATIONS

- 2.1 The Committee is asked to approve the updated Pupil Placement Policy (Appendix 1) which delegates the responsibility of considering placing requests to the Head of Education in the case of entry to primary one and secondary one.

3 BACKGROUND

- 3.1 The policy clarifies the Council's commitment to enrol all pupils within its area in schools, in a fair and consistent manner, following Scottish Government legislation, Education (Scotland) Act 1980, Education (Additional Support for Learning) (Scotland) Act 2004 and 2009 and Scottish Government guidelines.
- 3.2 A review of the Council's Standing Orders in 2014 delegated more functions to Head Of Service to provide a more efficient governance structure for the Council. Standing Orders now give authority to the Head of Education to make decisions previously taken by the Pupil Placement Sub Committee and this Sub Committee has been removed from the Council's Scheme of Administration. This policy has been amended to reflect this change. No other changes have been made to the Pupil Placement Policy or processes.

4 POLICY IMPLICATIONS

- 4.1 The Pupil Placement policy and guidelines will be updated as and when legislation and/or guidelines change.

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 An Equalities Impact Assessment on the Pupil Placement Policy will be completed.

6 RESOURCE IMPLICATIONS

- 6.1 Financial - None
6.2 Personnel - None
6.3 Other - None

7 BACKGROUND PAPERS

- 7.1 Pupil Placement Policy (Appendix 1)

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**EAST LoTHIAN COUNCIL
RESOURCES AND PEOPLE SERVICES (EDUCATION)**

PUPIL PLACEMENT POLICY AND PROCEDURE

East Lothian Council is committed to enrolling all pupils within its area in schools, in a fair and consistent manner, following Scottish Government legislation Education (Scotland) Act 1980 and Education (Additional Support for Learning) (Scotland) Act 2004 and 2009 and Scottish Government guidelines. This policy will be updated as and when legislation and/or guidelines change.

The Council also has an Inclusion Policy, with the expectation that children with additional support needs will be educated wherever possible in their local school, as required by the 2000 Standards in Scotland's Schools etc. Act.

1. GENERAL INFORMATION

The admission of pupils to both primary and secondary schools is defined in legislation. Key points to note are:

- Children living in the catchment area of their school will have priority for a place in their catchment primary or secondary school.
- Parents/carers have the right to request admission to the school of their choice outwith their catchment area.
- Such a request must be in writing and is known as a placing request.
- The Council has a duty to accede to this request, except in certain circumstances as specified in the Act.
- The Council has a duty to inform parents/carers of their right to make a placing request and to provide certain prescribed information in order to assist parents/carers in making their choice of school.

Entry into the new Primary one (P1) and Secondary (S1) classes is administered by the Education Business Unit, which is part of Resources and People Services.

Children are of P1 age if they reach five years of age before the 1 March in their first year of primary school. The school year starts each August. There is no general intake of P1 children at any other time during the session.

If a child has not reached the age of 5 by the last day in February they do not fall within the definition of a 'qualifying child'. Parents/carers cannot make a formal placing request for a child to start school early. However, under Section 38 of the Education (Scotland) Act 1980 parental wishes should be considered if the Authority deems that early entry to school would be appropriate to the child's aptitude and ability.

Children normally transfer to secondary school after completing seven years of primary education.

Information will be published in the local press and online in November of the year prior to the August intake to inform parents/carers on how to enrol their child in their catchment school or apply for a non-catchment school placement. In addition information is issued to all known parents/carers of children eligible to commence primary or S1 in October/November.

2. CATCHMENT AREAS

Catchment areas have been designated for all East Lothian Council's 35 primary and 6 secondary schools. Each home address will have a catchment school for both primary and secondary education. Although the Council aims to provide enough places for all children in the catchment area, living within a catchment area does not guarantee a child a place at the catchment school.

In some areas there are separate Catholic primary schools available for parents/carers wishing their child to be educated in a Catholic School. Baptised Catholic catchment children will be given priority for admission to those schools.

3. RESERVED PLACES

Legislation allows the Council to reserve places in schools in anticipation of children moving into the catchment area of a school. The Council endeavours to reserve places in some schools for pupils moving into the catchment area throughout the academic year. However, it should be noted that some classes will become full so there can be no guarantee that there will be places available for all new pupils moving into a catchment area. The Education Business Unit will work with an affected family to identify a suitable alternative.

4. APPLICATION PROCEDURE FOR CATCHMENT SCHOOL (before the school year starts)

P1

Parents/carers of children due to start school, and who attend an East Lothian nursery class or partnership provider nursery, will receive information in October about starting school. To enrol a child in a catchment school parents/carers should register the child with the school. Birth certificate, Council Tax Assessment letter plus a recent utility bill must be produced. Enrolment normally takes place in November in the year prior to the August intake (specific day/time should be checked with the school concerned). This will allow for all the children living in the catchment area to be given priority for places.

Placement in a school is based on the **home address** and pupils who attend the nursery school/class attached to a particular school **are not** guaranteed a place in that school. Most pupils enrol in their catchment schools.

In the event of the primary school being oversubscribed the Council's Education Business Unit will contact parents/carers direct.

S1

For the new S1 intake, the parents/carers with whom the child lives will automatically receive written confirmation of the catchment secondary school, serving their **home address**, in mid November prior to the August intake, provided the child attends an East Lothian primary school. No further action is normally required for a child to attend their catchment secondary school.

In the event of the catchment secondary school being over-subscribed, the Council's Education Business Unit will contact parents/carers.

5. APPLICATION PROCEDURE FOR CATCHMENT SCHOOL P1 AND S1 AFTER SCHOOL YEAR STARTS, AND AT ALL OTHER STAGES (YEAR GROUPS)

In the first instance parents/carers should make contact with the school directly (preferably in writing) to enquire if they have space for their child in the relevant year group. In the letter the parent should include the name and home address of the pupil, date of birth and a contact telephone number.

When requesting a place in a secondary school parents/carers should also include the subjects the pupil is currently taking.

If the school are unable to accommodate the child/young person in their school the Education Business Unit will advise parents/carers of alternative provision.

If a pupil has enrolled in a school and the family move out of catchment area, the pupil can remain in the school, parents will be responsible for all transport arrangements and costs to and from the school if that happens. If the child is currently in primary education and moves to a new address which changes the catchment secondary school, a placing request will have to be made to the Education Business Unit to allow the child to attend the new feeder secondary school associated with that primary.

6. APPLYING FOR A PLACE IN P1 OR S1 IN A NON-CATCHMENT SCHOOL (PLACING REQUEST)

Parents/carers should complete a placing request form which will be available from schools, on ELC website or from the Education Business Unit, John Muir House, Haddington, EH41 3HA.

Parents/carers are advised to provide all the information that they feel is important in the application form and not wait until they find out that they have been refused their first choice school before providing this. All information disclosed is treated confidentially.

The completed form should be returned to the Education Business Unit by 31 December.

For both new P1 and S1 intake parents/carers can make only one placing request at a time per pupil. If two or more schools are entered on the form, only the first will be considered. If the initial request is refused the opportunity will be offered to make a second request for an alternative school.

All placing requests will be acknowledged within 14 days of receipt of the request.

7. ALLOCATION OF SCHOOL PLACES

- (a) Pupils living in a school's catchment area have priority over those from outside. Catholic children living in the catchment area of a Catholic school have priority over non-Catholics.
- (b) If there are no grounds for refusing a placing request, it will be granted. Applicants will be informed after the 15 March and before the end of April prior to the start of school in August.
- (c) If the school requested has more requests than places, those living within a school's catchment area will have priority. However, a pupil who has been properly admitted to a school will not have to transfer against the parent's wishes to accommodate a pupil who has subsequently moved into the catchment area. A "proper" admission is one made

under the Committee's policy on the basis of correct information from the primary parent/carer.

- (d) In the case of Catholic schools, where applications from those living within the catchment area exceed the number of places available, priority will be given to those applicants who declare an affinity with the religious beliefs of the school. In such cases, it must be established that the pupils concerned have been baptised in the Catholic Church.
- (e) Where there are more placing requests than places in a school, the agreed factors will be taken into account in allocating places, according to the particular circumstances of each individual case. While the factors will be taken into account, it is not guaranteed that a request will thereby be given priority, or agreed.
- (f) The Education Committee has decided that the following factors may be taken into account:
- pupil living in East Lothian
 - brother or sister continuing to attend the school requested
 - nearness of home to school
 - attendance at the district primary school (for a secondary school request)
 - certified medical reasons for wanting a particular school
 - access for the disabled
 - educational course available only at the school requested
 - parents'/carers' kind of work or place of work
 - behavioural problems
 - road safety
 - ease of travel
 - parents'/carers' affinity with the religious beliefs of the school
 - having suffered or likely to suffer bullying or racial harassment
 - parents'/carers' affinity with the aims and philosophy of the school

It should be noted that these factors are not exhaustive. Mention of any of these factors does not guarantee a place.

- (g) Before a placing request is refused, it will be considered, under delegated powers, by the Head of Education, in the case of entry to primary school (P1) or secondary school (S1), and by the Head Teacher in all other cases. The Head of Education or the Head Teacher will consider written information supplied by parents/carers when making their request. Parents will not be interviewed. If a request is refused, parents/carers will be informed of the reasons.
- (h) In considering placing requests, the Head of Education or Head Teacher will take into account the following factors and will consider their influence in relation to the order, discipline and educational well being of the pupils attending the school requested.
- (i) the design capacity of, and physical education space in the school requested, in terms of:
- The School Premises (General Requirements and Standards) (Scotland) Regulations 1967.
 - Legislation on Health and Safety, Building Control and Fire Precautions.
 - Other relevant safety standards relating to school accommodation.

- (ii) The appropriate normal maximum class size – P1 maximum of 25, primary two and three maximum of 30 and primary four to seven maximum of 33. East Lothian Council follows legislation re maximum class sizes.
 - (iii) The desirability of not re-organising class structure in school to avoid disrupting the education of existing pupils.
 - (iv) The retention of places for pupils moving into the district during the academic year, The Education (Scotland) Act 1980 as amended and The Standards in Scotland's Schools etc. Act 2000.
- (i) Generally priority is allocated in the following order, to pupils living closest to the school, on the basis of the shortest, safest walking or driving distance from home to school:
- Pupils who have brothers/sisters continuing in attendance at the requested school
 - Pupils who are resident within the East Lothian area and who **do not** have brother/sisters continuing in attendance at the requested school
 - Pupils not resident within the East Lothian area and who **do not** have brother/sister continuing in attendance at the requested school

The shortest safest walking distance from the pupil's home address to the nearest school gate will be measured using East Lothian Council's electronic mapping system. This measurement is a factor used to determine allocation of places or the order on the waiting list. Distance measured is based upon all geographical information that the Council has at its disposal at the time of measurement. If the distance is more than two miles the shortest driving route will be used.

For the purposes of this route measurement process it is impossible to give a definition of a 'safe route' as there is no such thing as absolute safety. Relative safety will be influenced by a wide range of factors such as the age and experience of the child using it, and volume of traffic. Road safety is a major consideration when undertaking measurements and the routes taken are considered suitable for a child accompanied by a responsible adult following the Highway Code guidance

- (j) If the placing request is granted then the previously allocated place at the catchment school will be withdrawn. Once a pupil has been offered a place, the place will not be withdrawn unless the place was either obtained on false information or the family move out of the school catchment area before the commencement of the school year.

7. Grounds for Refusal

The Council can only refuse a request in accordance with the Education (Scotland) Act 1980 Section 28 (A)(3):

- (3) The Duty imposed by subsection (1) above does not apply –
 - (a) if placing the child in the specified school would –
 - (i) make it necessary for the authority to take an additional teacher into employment;
 - (ii) give rise to significant expenditure on extending or otherwise altering the accommodation at or facilities provided in connection with the school;
 - (iii) be seriously detrimental to the continuity of the child's education;
 - (iv) be likely to be seriously detrimental to order and discipline in the school;

- (v) be likely to be seriously detrimental to the educational well-being of pupils attending the school;
 - (vi) assuming that pupil numbers remain constant, make it necessary, at the commencement of a future stage of the child's primary education, for the authority to elect either to create an additional class (or an additional composite class) in the specified school or to take an additional teacher into employment at that school; or
 - (vii) though neither of the tests set out in sub-paragraphs (i) and (ii) above is satisfied, have the consequence that the capacity of the school would be exceeded in terms of pupil numbers;
- (b) if the education normally provided at the specified school is not suited to the age, ability or aptitude of the child;
 - (c) if the education authority have already required the child to discontinue his attendance at the specified school;
 - (d) if, where the specified school is a special school, the child does not have special educational needs requiring the education or special facilities normally provided at that school; or
 - (e) if the specified school is a single sex school (within the meaning given to that expression by section 26 of the Sex Discrimination Act 1975) and the child is not of the sex admitted or taken (under that section) to be admitted to the school.

8. WAITING LISTS

A waiting list will be formed for each primary or secondary school for P1 or S1 where applications have been refused and all children refused will be placed on the waiting list. All waiting lists are prioritised in line with the placing in school guidelines and decisions made by the Head of Education. A child's position on the waiting can change either up or down, for example if someone on the list moves address or someone with a higher priority applies for a place in the school. The length of time a child has been on a waiting list does not give any priority.

The Education Business Unit manages the waiting lists for P1 and S1 for the school year. The Education Business Unit will contact the parent if a place becomes available. The waiting list will fall at the end of that school year and parents will have to contact the school if they wish to be considered for a place in the next school year.

9. CHILDREN WITH ADDITIONAL SUPPORT NEEDS

East Lothian Council has an Inclusion Policy, with the expectation that children with additional support needs will be educated wherever possible in their local school.

The Education (Additional Support for Learning) (Scotland) Act 2004 and 2009 gives parents/carers the right to make a placing request for their child in a school out with their catchment area.

If a parent wishes to request a place in a school within East Lothian they should follow the procedures outlined above.

For a school in another local authority area parents/carers should contact the local authority direct.

If parents/carers wish to make a placing request for an independent school for a child with additional support needs, they must have written confirmation that the management of the school is of the view that the school is suitable for the needs of their child and is offering their child a place, before the placing request can be considered by the authority.

10. APPEALS

As required by law, the Authority has set up an Independent Appeal Committee to consider appeals from parents/carers against the Authority's decision to refuse a placing request. Parents/carers can present their cases to the Appeal Committee in person, or with the help of a representative or friend. Details of the appeals procedure will be available to parents/carers if the Authority refuses their request.

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