

GLASGOW CITY COUNCIL
EDUCATION SERVICES

**THIS IS A FORMAL
CONSULTATIVE
DOCUMENT**

Proposal:

**THE PURPOSE OF THIS CONSULTATION IS TO REVIEW AND IMPROVE
THE PLACING REQUEST CRITERIA FOR MAINSTREAM SCHOOLS
(PRIMARY AND SECONDARY).**

School(s)	Ward(s)	Strategic Planning Area	Learning Communities
All Mainstream Primary and Secondary Schools	City-Wide	City-Wide	All Learning Communities

REPORT BY EXECUTIVE DIRECTOR OF EDUCATION

This document has been issued by Glasgow City Council for consultation in terms of the Schools (Consultation) (Scotland) Act 2010.

The Ordnance Survey map data included within this document is provided by Glasgow City Council under licence from Ordnance Survey in order to fulfil its public function in relation to this public consultation. Persons viewing this mapping should contact Ordnance Survey Copyright for advice where they wish to licence Ordnance Survey mapping/data for their own use.

1. Background / legislative requirements

1.1 Education Services promotes the advantages of 'local schools for local children', ie that children attend their local catchment-area school. Catchment-area schools are allocated in relation to the location of the permanent residence of the child/young person. However, Education Services also recognises the rights of parents¹ to make a placing request for their child/children to be educated in a school other than their local 'catchment-area' school.

1.2 Placing requests can be made to:

- Any **Mainstream School** managed by Glasgow City Council;
- Any **Additional Support for Learning School** managed by Glasgow City Council and
- Any **Independent Special School**.

The current Glasgow City Council Management Circular contains the current placing request criteria and priorities. These are detailed in Appendix 1. Parents submit placing requests for a variety of reasons, for example, linked to childcare or the school requested is near their place of work.

1.3 Placing request criteria are used to determine the allocation of places for children - in situations where there are more children seeking places in a school than there are places available. The same placing request criteria are also used to allocate places in over-subscription situations (over-subscription occurs when the number of children who reside within the catchment-area exceeds the number of spaces available in the school).

1.4 School rolls in the city are steadily increasing after decades of reduction. This necessitates that Education Services effectively plans to ensure future capacity is met (see 2.1-2.2).

1.5 Placing requests are part of the entry requirements for schools, therefore, changes to placing request criteria are covered by the Schools Consultation (Scotland) Act 2010 and require statutory consultation in line with the Act.

1.6 The consultation process requires authorities to actively involve and consult with all stakeholders and other school users ('affected parties'). It is necessary to include an educational benefit statement, ie the authority must produce a statement setting out its assessment of the effects of any proposed changes on children and young people and other users of an affected establishment.

2 Proposal

¹ *Parents' refers to parent(s)/carer(s) and in particular circumstances young people acting on behalf of themselves in matters pertaining to placing requests.*

- 2.1 Over the last decade, there have been considerable changes to the education estate, the increasing number of pupils attending Glasgow City Council schools, and the nurturing approach to learning underpins many of the improvements achieved. Although these changes and improvements are welcomed, they present Education Services with a challenge in relation to effectively managing resources to ensure there are the right schools, of the right size, in the right place at the right time.
- 2.2 The placing request criteria have not been reviewed for more than a decade. Therefore, Education Services wish to consult on changes to the placing request criteria and procedures in order to make the process clearer, more transparent and to improve Education Services ability to effectively and efficiently manage resources through future-planning based on robust evidence and trends.
- 2.3 The current criteria are listed in Appendix 1. These they work well in most cases. However, informal feedback from parents and others suggests that they are not all perceived to be fair and/or clearly understood by all. For example, some parents have objected to the distance criterion being used as it favours those who live closer to a school without taking cognisance of available transport.
- 2.4 Education Services have reviewed the current criteria and developed, and propose, the following criteria for granting requests (in rank order of priority):
- (i) A child or young person residing within Glasgow City Council area who has additional support needs and requires the provision of support provided within the school requested. Supporting documentation evidencing the reasons for the request, signed by an appropriately qualified person with a proven expertise in the particular matter which has led to the additional support need, will be required. The Head of Service with responsibility for inclusion will assess all applications seeking to receive priority under this criterion.

Education Services believes this is better as it makes use of the term 'additional support needs' which includes medical condition but also includes a range of other needs. It is also a term which parents will be more familiar with in an educational context.

- (ii) Children who face on-going family circumstances, requiring support that placement in the requested school would help to address. The Head of Service with responsibility for inclusion will assess all applications seeking to receive priority under this criteria.

For example, this would support children who were, for example, subject to joint parental care through a court order and therefore residing at different addresses during the week.

- (iii) Children living in the catchment area of, but not attending, a primary school of the same denomination as the requested secondary school.

It has always been the case, in Glasgow, that when a child is registered in either a denominational or a non-denominational school and subsequently wishes to change sector that a placing request is required. This criteria gives priority when children in the catchment area of the school they wish to move to.

- (iv) Children who will have siblings at the school during the next academic year. Priority will be given to children who have a sibling in the year group closest to P1 or S1.

This supports families with more than one child by prioritising siblings when seeking a placing request. Those with children who will attend school for the longest period of time are further prioritised by stage within the school.

- (v) A child or young person who requires the particular teaching methods provided by that school to progress a particular aspect of learning. Examples are: the child requires to be taught in a school that specifically delivers education using the Gaelic medium; the family has an affiliation to the religious ethos of the school. Documentation showing the affiliation to the teaching method or the religious ethos must be produced, for example the child's baptismal certificate for the denomination of the school.

This supports families who can evidence their commitment to the unique identity of both denominational and Gaelic medium schools. It does not include the School of Sport or the Dance School of Scotland both of which have their own criteria for entry.

The criteria will be applied in the order shown above. If, for any category, the number of requests exceeds the number of places available the next succeeding criteria will be used to prioritise those requests, and so on, until all priority criteria have been exhausted. If, after this process, two or more requests cannot be distinguished as having priority, then a ballot will be held to allocate the places available. This ballot will be organised by a senior officer of Education Services.

3 Educational Benefit Statement for the Proposal

As well as the points noted in italics in section 4, the following contribute to the educational benefit of the proposal.

3.1 The Children

The consultation aims to improve the criteria used for placing requests. Children would benefit as the criteria would be applied fairly and consistently. The consultation also aims to provide greater clarity for stakeholders, including children.

3.2 Parents, Carers and Local Community

As with the benefit for children, parents and carers would benefit from the criteria being applied fairly and consistently. The consultation also aims to provide greater clarity for stakeholders, including parents and carers.

3.3 Other users

There would be no change.

3.4 Future users of the provision

As with children, parents and carers, future users would benefit from the criteria being applied fairly and consistently.

3.5 Other schools/establishments in our authority

All mainstream schools would be applying the same criteria.

3.6 Our assessment of any other likely effects of the proposal (if implemented)

There may be children whose relative 'position' is altered due to the changes. However, overall, we believe that reviewing the criteria would lead to greater benefits which would outweigh any disadvantage caused.

3.7 How we would intend to minimise or avoid any adverse effects that may arise from the proposal (if implemented)

Equitable application of the policy would ensure fairness and transparency.

3.8 The benefits, which we believe, would result from implementation of this proposal

There would be greater clarity around the criteria used to allocate places, supporting families who wished to use the process to apply for a place in another school.

4. Equality Statement

- 4.1 An Equality Impact assessment will be undertaken as part of the consultation exercise to assess if the proposal discriminates against anyone on the basis of:

- Age
- Gender
- Religion
- Racial Group
- Disability
- Sexual Orientation

In carrying out the equality impact assessment we will take account of (and address) any equality issues raised in written or oral representation made as part of the consultation process. The result of the equality impact assessment will be included in the consultation response document and will also be available on the Glasgow City Council website.

4.2 We shall ensure the appropriate Data Protection policies are applied to information collected.

5. Proposed Date For The Implementation Of The Proposal

If approved, we would apply the placing request criteria from 1 April 2019.

6. The Consultation Process

- Parent Councils
- Parents/carers/children
- Staff
- Trade Unions
- Community Councils
- Area Partnerships
- Groups formed under Part 2 of the Local Government in Scotland Act (2003)
- Archdiocese of Glasgow and Motherwell
- Other neighbouring education authorities
- Other users of the school premises

Notices advising of the consultation arrangements have been placed in the press and a dedicated page has been set up on the Council website for both information and to enable interested parties to respond to the proposals.

Web site address: www.glasgow.gov.uk/schoolconsultations

E-mail address: schoolconsultations@glasgow.gov.uk

Due to the extensive nature of the consultation, consultation responses will be gathered via a Survey Monkey questionnaire which will be on the web-site and placed in press adverts. Schools will also be asked to include the link in their newsletters to parents and carers. In addition, full use will be made of social media to ensure as wide a reach as possible to stakeholders.

The link is <https://www.surveymonkey.co.uk/r/GDVPN3B>

Stakeholders who do not have access to IT can use local libraries where the consultation will be advertised. Schools will also be encouraged to support parents as they did successfully when on-line school registration was introduced.

The indicative timetable for the consultation is:

Date	Action	Location
3 rd May 2018	City Administration Committee	
14 th May 2018	Start of Public Consultation Period	
	Public meetings 7pm	5 June 2018 Drumchapel HS 12 June 2018 Springburn Acad 19 June 2018 St Paul's HS 16 August 2018 St Thomas Aquinas SS 21 August 2018 Whitehill SS 4 September 2018 St Margaret Mary's SS (Addresses below)
24 th September 2018	End of Public Consultation Period	
1 October 2018	Education Scotland involvement	
To be confirmed	Consultation response report published at least 3 weeks prior to City Administration Committee	
To be confirmed	Report to City Administration Committee	

Drumchapel High School

340 Kinfauns Drive, Glasgow , G15 7SQ

Springburn Academy

151 Edgefauld Road, Glasgow, G21 4JL

St Paul's High School

36 Damshot Road, Glasgow, G53 5HW

St Thomas Aquinas Secondary School

112 Mitre Road, Glasgow, G14 9PP

Whitehill Secondary School

280 Onslow Drive, Glasgow, G31 2QF

St Margaret Mary's Secondary School

9 Birgidale Road, Glasgow, G45 9NJ

7. Involvement of Education Scotland (HMI)

- 7.1 This consultation is within the Schools (Consultation) (Scotland) Act 2010. Education Scotland will be informed of the consultation through the Area Lead Officer.
- 7.2 A copy of the consultation proposal will be sent to Education Scotland by Education Services. They will also receive a copy of any written representations that are received by Education Services from any person during the consultation period or, if Education Scotland agree, a summary of them. They will also receive a summary of any oral representation made to Education Services at the public meeting and a copy of any other relevant documentation.
- 7.3 Education Scotland will then prepare a report on the educational aspects of the proposals no later than three weeks after Education Services has sent them all representations and documents as mentioned above.
- 7.4 In preparing their report, they may visit the affected establishments and make such reasonable enquiries of such people there, as they consider appropriate, and may make such reasonable enquiries of such other people as they consider appropriate.

8. Preparation of Consultation Report

- 8.1 Education Services will review the proposals having regard to the Education Scotland report, responses to the consultation and oral representations made at the public meeting. Education Services will then prepare a consultation response report for consideration by the Council's City Administration Committee.
- 8.2 This consultation response report will be published in electronic and printed formats and will be available on the Glasgow City Council website, Education Services, City Chambers East Building, 40 John Street, Glasgow G1 1JL and at the affected schools free of charge. All those who received direct notification of the consultation will be sent either a full or summary response document.
- 8.3 The response report will include a record of the total number of written representations made during the consultation period, a summary of the oral representations made at the public meeting, the council's response to the Education Scotland report and any other relevant information, including details of any alleged inaccuracies and how these have been handled. The

report will also contain a statement explaining how it complied with the requirements to review the proposal in light of the Education Scotland report and representations (both oral and written) that are received. The Consultation Response Report will be published at least three weeks prior to the City Administration Committee making a decision.

- 8.4 Reasonable requests for alternative forms of consultation papers or response documents will be accommodated wherever possible eg audio or by interpreted support. Should you wish a copy of this consultation paper or response documents in any other format please contact Education Services:

- Online at schoolconsultations@glasgow.gov.uk
- At Education Services, City Chambers East Building, 40 John Street, Glasgow G1 1JL
- Or by calling 0141 287 4327

9. Note on Corrections

- 9.1 If any inaccuracy or omission is discovered in this proposal document and/or during the consultation either by Education Services or any person, Education Services will determine if relevant information has been omitted or, if there has been an inaccuracy. Education Services will then take appropriate action, which may include the issue of a correction or the reissuing of the proposal document or the revision of the timescale for the consultation period as appropriate. In that event, relevant consultees and Education Scotland will be advised.

10. Conclusions from the Consultation Exercise

- 10.1 The conclusions and outcomes of the Consultation exercise will be presented to the Council's City Administration Committee.

11. Scottish Ministers' Call-In

- 11.1 The Schools (Consultation) (Scotland) Act 2010 does not require referral to Scottish Ministers in cases other than closure of schools.

12. Appendix 1

Management Circular 70a



Management CIRCULAR No.

70a

September 2013
Management Circular No. 70a

Glasgow City Council
Education Services
City Chambers
40 John Street
Merchant City
GLASGOW
G1 1JL

To **Heads of all Educational Establishments**

Making a Placing Request to a Mainstream Establishment

For the purposes of this document the term “parent”¹ also applies to a young person as defined under the Education (Scotland) Act 1980 as a person over school age, normally 16 years of age (with capacity) who has not attained the age of eighteen years.

Every primary and secondary school has a catchment area. Children and young people living in this area are given priority for places in the school. Entitlement to a place in a school is based on home address and not on attendance at primary or early years establishment unless the associated secondary school is delineated (see page 2 for delineated secondary schools).

All schools should have up to date handbooks which are available to parents/carers giving information about the school and can be found at www.glasgow.gov.uk/index.aspx?articleid=8632 and catchment information can be found on find my nearest by using the following link:

www.glasgow.gov.uk/index.aspx?articleid=2894

Where there are more applications than places available, preference will be given to children and young people living in the catchment area. No placing requests will be granted for schools that hold a catchment waiting list.

Parents/Carers of a child have a statutory right to make a placing request for any educational establishment. A parent/carer can apply for a placing request for their child under 16 years of age on their behalf. A young person who is 16 years of age (with capacity) must apply for a placing request on their own behalf.

The right to make a placing request can be exercised throughout a child's/young person's education and not just when the child is starting primary or secondary school. However, there are good educational reasons for trying to ensure that the transfer or admission of children and young people takes place at the start of a school session.

A PLACING REQUEST CAN BE MADE TO:

- Any Mainstream School managed by Glasgow City Council;
- Any Additional Support for Learning School managed by Glasgow City Council; and
- Any Independent Special School.

¹ In addition, throughout this document the term “parents” should be taken to include foster carers, residential care staff and carers who are relatives or friends.

Placing request applications to an additional support for learning school/unit or an independent school should refer to Management Circular No. 70b for further guidance.

All requests, along with supporting evidence, will be considered by Glasgow City Council. It is therefore very important that parents/carers provide **all** relevant information in support of their request. This may include medical evidence and reports from any other services or agencies that may have been involved with the child/young person.

Although a placing request can be made for more than one educational establishment, Glasgow City Council is only required to make a decision on the applicant's first choice of educational establishment. Only after a decision to refuse the placing request on the first choice has been made will other establishments then be considered.

It is important to note that the granting of a placing request for one child/young person does not guarantee that a placing request for the same school for a younger sibling will be granted in any future year.

A child/young person moving into a catchment area cannot take a place from a non-catchment child/young person already admitted to the school.

Applicants must reside in the United Kingdom for a placing request to be considered for a placing request.

All placing request applications for Foreign Nationals will be subject to completion of all paperwork relevant to enrolment of Foreign Nationals. For more information visit www.glasgow.gov.uk

The child/young person must enrol in the local catchment school prior to submitting a placing request application to ensure a space is available if the placing request is refused. The parent/carer should also advise the Headteacher of their local catchment school that they are submitting a placing request.

If a placing request application is granted the allocated space at the catchment school will be withdrawn.

When a child/young person moves home address to outwith the catchment area a placing request should be submitted to request to remain in the current school. If a placing request is successful the authority will not meet transport costs. If transport is already in place then this will be withdrawn and travel passes should be returned to the school. Schools should then return all passes to Children and Young People Support team.

When a child/young person is on a catchment school waiting list and a space becomes available at that school the child/young person should be offered the place. If they do not wish to transfer to the catchment school a placing request application form must be completed for the child/young person to remain in the current school. The place should be granted but the authority will not meet transport costs. If transport is already in place then this will be withdrawn and travel passes should be returned to the school. Schools should then return all passes to Children and Young People Support team.

Transport will not normally be provided for children/young people attending school as a result of a placing request.

In addition to the above there are specific situations where a placing request must be made, these are when a parent/carer wishes a child/young person to transfer from an educational establishment in one sector, e.g. denominational, to the non-denominational sector or vice versa, within the Glasgow City Council area even if they reside in the catchment area for the requested school.

Placing request applications made from outwith the Glasgow City Council area do not fall into the above category and children/young people who move from a denominational/non-denominational establishment of another authority and who reside in the area will be treated as a catchment enrolment.

If a child/young person attends a primary school associated with any of the undernoted delineated secondary schools and, does not live in the catchment area of that secondary school, a placing request must be submitted. These delineated schools are:

Bannerman High School,	Bellahouston Academy,
Eastbank Academy,	Hillhead High School,
Hillpark Secondary School,	Holyrood Secondary School,
Hyndland Secondary School,	John Paul Academy,
King's Park Secondary School,	Knightswood Secondary School,
Rosshall Academy,	St Andrew's Secondary School.

Glasgow City Council provides education through the medium of Gaelic and children/young people are placed in the school on request. The placing request procedure is applied for entry to the Gaelic school.

The Glasgow City boundary is used as the "*catchment area*" for the Glasgow Gaelic provision and priority will be given to Glasgow City residents. If there are more applications than places available the placing request criteria is applied to prioritise applications.

Glasgow City Council will continue to respond positively to parental demand for Gaelic medium primary education and have plans to enhance the Gaelic medium education available to local families. It is expected that such extended primary provision would be delivered in both the existing school and the planned new facility in the south side of the city and the home address will determine the zoned school to attend. This will be the subject of a public consultation during 2013.

All requests for Gaelic provision should be made by submitting a placing request application to the Headteacher, Sgoil Ghàidhlig Ghlaschu, 147 Berkley Street, Glasgow G3 7HP.

PLACING REQUESTS FOR P1 AND S1 AUGUST ENTRY

If the parental/carer choice is not to send the child/young person to the catchment school parents/carers should be encouraged to submit a placing request at the time of registration. Applications for P1 or S1 placing requests should be made by **15th November** for children and young people due to commence P1 or S1 the next August. Applications received after this date will be considered, but to ensure if you apply after 15th March, it is possible that any places in the chosen school may have been allocated.

The legal deadline date for placing requests for the August session is **15th March**. A decision letter needs to be received by the parent/carer no later than **30th April**.

Placing requests received after the 15th March will be processed after all other applications have been considered, however a decision will be notified within two months of receiving the placing request.

P1 ENTRY The number of places available for placing requests will depend on how many places remain after catchment children have registered for P1. In addition to this, consideration must be given to the agreed intake figure for that school.

If a child is due to start Primary 1 in August they must be registered at the catchment primary school even if the parent/carer intends to make a placing request. Failure to do so may result in a delay in processing the request. Where there are more placing requests than places for an establishment please see section on '*Criteria for the allocation of places*'.

S1 ENTRY In a delineated secondary school children/young people who live in the catchment area are entitled to a place regardless of whether or not they have attended the associated primary. This only applies if they have attended a Glasgow City Council primary school in the same denominational/non-denominational sector. Where the child does not reside in the catchment area but is attending the associated primary, a placing request is required. The list of delineated secondary schools are detailed in the previous section. See '*A placing request can be made to*'.

Children/Young people who live in the catchment area but have previously been educated elsewhere will be considered for enrolment as a new entrant.

In the case of secondary schools that are not delineated children/young people who have attended an associated primary school are entitled to a place in the secondary school (places permitting), even if they do not reside in the school catchment area. The number of places that will be available for children/young people who have submitted a placing request is determined after the total number of children/young people registered in the catchment area has been accommodated.

If places are available for all requests the placing requests will be granted and communicated by letter. Where there are more placing requests than places available for an establishment please see section below on '*Criteria for the allocation of places*'.

MID-TERM PLACING REQUESTS

Mid-term placing requests will be processed in the order in which they are received, i.e. **by date** for children/young people to move school during the school term.

This differs from the process of allocating places for P1 and S1 at the start of a new session as above. The **Headteacher** may ascertain the number of places available by stage and arrange a meeting/contact with the placing request applicant.

CONSIDERING THE APPLICATION

The Equality Act 2010 protects certain characteristics. In the delivery of education the characteristics that are protected are disability, gender reassignment, race, religion or belief, sex or sexual orientation, pregnancy and maternity. When making decisions in relation to admissions the school has a duty to have due regard to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Equality Act 2010;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Placing requests must be acknowledged in writing within five working days as a legal requirement however, if a place is offered before that, only the decision letters need to be sent out.

It is expected that for all but exceptional cases the decision will be made and parents/carers are notified by letter within two weeks of receipt of the request.

Every attempt will be made to place children/young people and if there are no statutory grounds for refusing a placing request, it will be granted.

If there is a place available, the placing request should be granted and the parent/carers contacted by the school to enrol.

Exceptional cases may be when a place is expected to become available in the next few weeks, during school holidays where an answer may not be possible or when more specialist advice is required e.g. Additional Support Needs indicated which require to be explored may delay the two week timescale. In all cases, parents/carers or the young person themselves should be kept informed of progress by the school.

The Headteacher should decide the outcome of the placing request in conjunction with the Children and Young People Support team. A transition planning discussion should be arranged with the current school, with advice from the Quality Improvement Officer, if required. However, this should not delay the decision being made. Schools may wish to arrange a meeting with the parent/carer but again this should not delay the decision.

Parents/Carers should receive notification of the Education Authority's decision within two months from the date of submission of the placing request application. If the parent/carer does not receive this notification within that period then in terms of the Section 28A (5) of the Education (Scotland) Act 1980 it will be deemed that the placing request has been refused.

As soon as a decision has been made the parent/carer will be notified of the result in writing. If the placing request application is successful the parent/carer will receive information on how to enrol the child/young person in the chosen school.

CRITERIA FOR THE ALLOCATION OF PLACES FOR PLACING REQUEST APPLICATIONS

Where there are more placing request applications made than places available, the criteria set by Glasgow City Council will be applied when allocating places, in the following rank order:

1. A child/young person who has a medical condition who requires facilities or support available only in the requested school. All applications seeking to receive recognition under this category should be supported by documentary evidence from your family doctor and a local health practitioner. **Please note:** All medical documentation should be submitted to the Headteacher of the catchment school where presented to enrol.
2. In relation only to denominational schools, those children/young people whose parents/carer can demonstrate or have declared an affinity with the religious ethos of the school. For example, baptismal certificate from the Roman Catholic (RC) Church.
3. If the child/young person has a sibling already in the chosen school and that a brother or sister will be attending the same school for the session the application is being made.
4. The child/young person is from a single adult household and for example, the proximity of a school to the parent's/carer's place of work would be advantageous for the care and wellbeing of the child or young person. You will be asked to support this by suitable documentation.
5. The distance between home and the requested school by a safe walking route. In most cases this can be calculated on Google Maps and Yell.com however there will be some instances where consulting a map or walking the route may be necessary.
6. The suitability in the parents'/carers' choice of school of particular teaching methods to meet the child's/young person's needs or the availability of subjects which he/she was previously studying.

Where all criteria have been exhausted and there are still limited places available, the method of allocating any further places is by ballot. Once all places have been allocated as above and there are remaining placing request applications it will then be necessary to refuse these requests. Please see section on placing request refusals.

All requests, along with supporting evidence, will be considered by Glasgow City Council. It is therefore very important that parents/carers provide **all** relevant information in support of their request. All supporting evidence will be checked for accuracy. Only the above criteria will be used. Reasons such as childcare, transport to school, etc. will not be considered.

PLACING REQUESTS REFUSALS

Glasgow City Council will make every effort to place a child/young person at the requested school but where there are more placing requests than places or there are no places available the Council may need to refuse a placing request.

Before a placing request is refused the reason for refusal must be verified by Children and Young People Support team to ensure it meets with the statutory grounds for refusal.

Requests to refuse a placing request should be submitted to Children and Young People Support team, including a full explanation for the reasons to refuse. All supporting documentation must be provided with the request to refuse form prior to any refusal being made by the school.

The grounds for refusal will be justified at this stage in preparation for any appeal that the parent/carer may lodge (see Appendix 2). Please note:

- No refusal to be issued unless authorisation to refuse has been granted by Children and Young People Support team.
- All refusal letters must have Section 28 Duty (Appendix 4) information enclosed which gives details of the legislation and Information for parents/carers who may wish to appeal.
- Not being able to offer the subjects requested does not constitute grounds for refusal.

The Council must give a reason for the refusal as these are prescribed by law under the Education (Scotland) Act 1980 Section 28A for most cases however, for refusals for additional support need will be as these prescribed by law under the Education (Additional Support for Learning) (Scotland) Act 2004 Section 22 and Schedule 2.

Some reasons may require third party evidence to support the refusal i.e. Police or Social Work Services evidence etc. as outlined below.

Legal Duty

Section 28A. — Duty to comply with parents requests as to schools.

- (1) Where the parent of a [qualifying child] makes a written request to an education authority to place his child in the school (other than a nursery school or a nursery class in a school) specified in the request, being a school under their management, it shall be the duty of the authority, subject to subsections (2), (3), (3A) and (3F) below, to place the child accordingly. Such a request so made is referred to in this Act as a “*placing request*” and the school specified in it is referred to in this Act as the “*specified school*”.
- (2) Where a placing request relates to two or more schools under the management of the education authority to whom it was made, the duty imposed by subsection (1) above shall apply in relation to the first mentioned such school, which shall be treated for the purposes of this Act as the specified school.
- (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 [additional support 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 Equality act 2010) and the child is not of the sex admitted or taken (under that section) to be admitted to the school.

If the placing request has been refused the letter to the parent/carer will outline the grounds for refusal and the right to appeal within 28 days of receipt of the letter.

WHAT HAPPENS IF THE APPLICATION IS REFUSED

- If a placing request is refused the application is not held on a waiting list.
- The parent/carer must confirm attendance at the catchment school.

Several choices are available to the parent/carer who may:

- submit a placing request for another school;
- submit another placing request for the same school at a later date;
- lodge an appeal against the refusal of the placing request

Appeal Process

A parent/carer can appeal the decision to refuse. A young person over school leaving age normally 16 years (with capacity) must appeal on their own behalf the decision to refuse.

If a parent/young person wishes to appeal they are required to lodge an appeal within 28 days of the date on which the request was deemed to be refused.

A letter of appeal must submit in writing to Committee Services, Glasgow City Council, Room 4.03, City Chambers, George Square, Glasgow G2 1DU. The parent/young person should include their name and address, the name of the child/young person for whom the appeal is being made, the name and address of the school of choice, the date and reference of the letter of refusal and statement indicating the reasons for appeal against the decision.

Please note: The Scottish Government's Choosing a School: A Guide for Parents 2010 advises parents/carers about appeals as follows: *"You may be very disappointed that your child cannot go to the school you want, but there is not much point in appealing simply because you are disappointed. You must have a good reason for asking the appeal committee to look at your request again."*

Before you decide to appeal, you should consider: *whether you agree with what the council has said; whether what the council has said is allowable (see pages 11 and 12 for reasons allowable in the law); and whether the council's guidelines have been followed (see page 13 for notes of guidelines)."*

Education Services will try to provide you with as much information as possible as to why the placing request has been refused.

See Appendix 4b for full details and if the appeal is refused then an appeal can be made to the Sheriff Court within 28 days of any decision letter from the Appeal Committee.

For those children/young people who have a Co-ordinated Support Plan (CSP) or one is about to be opened the appeal should be to the Additional Support Needs Tribunal and parents/carers should refer to Management Circular No. 70b (Appeals section) for more information. Please note an appeal to the tribunal must be made within two months.

Please note: By law where an appeal for a placing request is refused by the Education Appeal Committee, another appeal cannot be lodged within a calendar year by the same parent/carer.

Placing request application forms are available from all educational establishments, as well as from Education Services, Glasgow City Council, City Chambers, 40 John Street, Glasgow G1 1JL or download from the Glasgow City Council website <http://www.glasgow.gov.uk/index.aspx?articleid=8629>

Maureen McKenna
Executive Director of Education