



# Management CIRCULAR No.

70a

**September 2013**  
**Management Circular No. 70a**

Glasgow City Council  
Education Services  
City Chambers  
40 John Street  
Merchant City  
GLASGOW  
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To **Heads of all Educational Establishments**

## **Making a Placing Request to a Mainstream Establishment**

For the purposes of this document the term “parent”<sup>1</sup> 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](http://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](http://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.

<sup>1</sup> 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](http://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>

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