



# Education Services Placing Requests

## INFORMATION FOR PARENTS

Dear Parents

You should note that due to the current situation with COVID-19 the Council has taken the decision to cancel all meetings and Committees. This year the Scottish Government has extended the timescales for appeals as explained later in this document. Given that the timescales being suggested by Government for restrictions are stretching into June it is unlikely that the Appeal Committee will hear appeals in June this year, the month appeals are usually heard.

If you do choose to appeal after reading this advice Committee Services will inform you of the appeals process. Although you can appeal in writing, due to the current restrictions in place in relation to contact an appeal by email to [servicesc@ced.glasgow.gov.uk](mailto:servicesc@ced.glasgow.gov.uk) would help Committee Services to process appeals more efficiently. Please provide your name and address, the name of your child for whom the appeal is being made, the name and address of the school of your choice, the date of the letter of refusal from Education Services and a statement indicating why you wish to appeal against this decision. Where an e-mail address is provided acknowledgement will be by e-mail.

Yours sincerely

Maureen McKenna  
Executive Director of Education

## WHEN A PLACING REQUEST HAS BEEN REFUSED

When the Council is not able to grant your child a place in the school you want, you are provided with the reason/s for this by letter.

The 'reason' is one or more of those explained below and allowed by law. There is an extract from both the Education (Scotland) Act 1980 and Education (Additional Support for Learning) (Scotland) Act 2004 included at the end of this guidance. However, the following is a summary of the legal reasons of refusal.

The Council **does not** have to admit your child to the school of your choice if any of the following apply:-

- **Pupil numbers in the school would exceed the capacity agreed for the school by the council.**
  - If accepting the request would mean that there would be too many children for the size of the school.
- **The authority would require to employ another teacher.**
  - If accepting the placing request means the Council would have to employ an additional teacher. This is usually related to class size maximums.

- **The accommodation at the school would need to be altered or significant money spent**
  - If accepting the request means the Council would have to spend a lot of money on the school making alterations to accommodate more children
- **At a later stage in the school another class would have to be created or another teacher employed.**
  - If accepting the request would mean that the Council will have to employ an additional teacher at a future stage of your child's education. This is usually related to class size maximums.
- **The child does not have the additional support needs requiring education or special facilities normally provided at a special school.**
  - If the school you want has been provided especially for children with special needs, and the Council thinks that your child does not need the special equipment or specially trained staff they have provided in that school
- **Likely to be detrimental to order and discipline in the school.**
  - There may be reasons why the placement of your child would result in this reason for refusal; usually this relates to issues in the community that would then subsequently be brought into the school environment.
  - Please note it is **not** always the case that the Council refuse to provide a place on this basis because they think that your child has been badly behaved or disruptive.
- **Likely to be seriously detrimental to the education and wellbeing of pupils attending the school.**
  - The Council can refuse if they think that the impact of granting additional placing requests would remove or restrict access to facilities within the school; e.g. a Music Room.
  - The Council can refuse if they think your child's education would suffer from moving school. This is usually when staff from school/s and headquarters agree that it is not in your child's best interests.
  - The Council can refuse if they think for some reason the wellbeing of children attending the school will be affected
  - Please note it is **not** the case that the Council refuse to provide a place on this basis because they think that your child has been badly behaved or disruptive.
- **The education normally provided at the specified school is not suited to the age, ability or aptitude of the child.**

- This might apply if you want your child to be admitted to a stage of education for which the child is not yet ready, or to a school which cannot meet your child's needs.
- **Placing the child in this school would prevent the education authority from retaining reserved places for catchment children**
  - If accepting the request would prevent the Council reserving a place at the school for a child likely to move into the catchment area of the school during school year
- **The specified school is a single sex school (within the meaning of paragraph 1(2) of Part 1 of Schedule 11 to the Equality Act 2010) and the child is not of the sex admitted or taken (under that section) to be admitted to the school.**
  - If you want your daughter to go to a boys' school or your son to go to a girls' school

### **GLASGOW CITY COUNCIL COMMITTEE SERVICES MAKING AN APPEAL AGAINST REFUSAL TO PLACE YOUR CHILD IN THE SCHOOL OF YOUR CHOICE**

Under Section 28C(1) of the Education (Scotland) Act 1980 parents whose placing request has been refused are entitled to appeal against this decision to an appeal committee set up by the City Council. This advice outlines in general terms how to lodge an appeal and gives background information on how an appeal should be handled.

1. This year the education authority must provide you with its decision on your request by 31 May if the placing request was for entry to a school at the start of the new school session, provided your request was received before 15 March. In other cases, the authority has a period of three months from receipt of your request to reach its decision. In all cases where a request is refused, reasons will be given.

If the authority for some reason has not sent you its decision in writing within these time limits, the request will be deemed to be refused. Every effort will be made to ensure this situation does not occur.

2. If you wish to appeal, you are required, in all normal situations, to lodge your appeal either within 28 days of receipt of the written notice of refusal or within 28 days of the date on which your request was deemed to have been refused.

It should be noted that there is no right of appeal for a refusal to place a child in nursery school.

3. In most cases an appeal cannot be made on behalf of a child or by a young person who has already had an appeal made on his/her behalf within the preceding 12 months other than where the authority has reconsidered the request after a review and has refused the request a second time.
4. Although a parent or young person can appeal in writing, due to the current restrictions in place in relation to contact an appeal by email to [servicesc@ced.glasgow.gov.uk](mailto:servicesc@ced.glasgow.gov.uk) would help Committee Services to process appeals more efficiently. Where an e-mail address is provided acknowledgement will be by e-mail.

**Your refusal letter will also provide the specific details on where you should send your appeal:-**

email – [servicesc@ced.glasgow.gov.uk](mailto:servicesc@ced.glasgow.gov.uk)

Glasgow City Council  
Committee Services

City Chambers  
George Square  
Glasgow G2 1DU

**Tel:- 0141 287 4372/0074/4530/4682/4272 (please note the above telephone numbers are only for enquiries in regard to the committee administration process associated with the Education Appeals Committee)**

You should note that the role of Committee Services is to deal with the committee administration process associated with the Education Appeals Committee, which includes acknowledging letters of appeal, setting meeting dates, issuing agenda papers and letters informing appellants of the committee's decision. Therefore Committee Services can only provide advice in relation to the committee process.

Any other enquiries in regard to Education Placing Requests should be directed to Education Services on 0141 287 8000 or by sending an email to [cbshub@glasgow.gov.uk](mailto:cbshub@glasgow.gov.uk)

Your appeal email/letter should give your name and address, the name of your child for whom the appeal is being made, the name and address of the school of your choice, the date and reference of the letter of refusal and a statement indicating why you wish to appeal against this decision. Where you provide an e-mail address acknowledgement of the appeal will be by e-mail.

5. The appeal committee procedures are likely to change this year. The Scottish Government recently issued the Education (Miscellaneous Amendments) (Coronavirus) (Scotland) Regulations 2020 which will temporarily allow a change in the procedures. While social distancing restrictions are in force the Education Appeal Committees cannot meet in their usual format. If you appeal Committee Services will provide a copy of the procedures that will be in place for placing request appeals this year.
6. If you lodge an appeal you will receive an acknowledgement within 28 days of receipt. A hearing on a reference shall be held by an appeal committee within the period of three months of the date of receipt by them of the reference or in the event of the committee being unable owing to circumstances beyond their control to convene within that period, as soon as reasonably practicable after the expiry of that period
7. In some cases appeals may be held together as combined hearings. They shall be held as soon as reasonably practicable within the period of three months immediately after the date of the receipt by the committee of the reference last received by the committee of all the references to be dealt with at the combined hearing or in the event of a committee being unable owing to circumstances beyond their control to convene within that period, as soon as reasonably practicable after the expiry of that period.

### **Additional information for parents (Placing Request to a Mainstream School)**

#### **Education (Scotland) Act 1980**

There are circumstances when Glasgow City Council will require to refuse placing requests. For children who do not have additional support needs they are contained in the Education (Scotland) Act 1980 as follows:-

*(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*

(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 of paragraph 1(2) of Part 1 of Schedule 11 to the Equality Act 2010) and the child is not of the sex admitted or taken (under that section) to be admitted to the school.*

*Reserved Spaces - placing child in this school would prevent the education authority from retaining reserved places for catchment children.*

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

When a placing request is refused, or deemed to be refused, the applicant may choose to make an appeal to the Education Appeal Committee. Please note that in terms of the **Education (Scotland) Act 1980, only one appeal to the appeal committee can be made in any period of 12 months in respect of any one child**, other than where the authority reconsidered the request after a review and refuse it a second time.

#### **Education (Additional Support for Learning) (Scotland) Act 2004**

For children with Additional Support Needs, the statutory reasons for refusing a placing request are contained in the Education (Additional Support for Learning) (Scotland) Act 2004 (the 2004 Act):-

(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 the school, or*

(vii) *though neither of the tests set out in paragraphs (i) and (ii) 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 attendance at the specified school,*

(d) *if, where the specified school is a school mentioned in [paragraph 2\(2\)\(a\) or \(b\)](#), the child does not have additional support needs requiring the education or special facilities normally provided at that school,*

(e) if the specified school is a single sex school (within the meaning of [paragraph 1\(2\) of Part 1 of Schedule 11 to the Equality Act 2010](#))<sup>1</sup> and the child is not of the sex admitted or taken (under that [paragraph]<sup>2</sup>) to be admitted to the school,

(f) if all of the following conditions apply, namely –

(i) the specified school is not a public school,

(ii) the authority are able to make provision for the additional support needs of the child in a school (whether or not a school under their management) other than the specified school,

(iii) it is not reasonable, having regard both to the respective suitability and to the respective cost (including necessary incidental expenses) of the provision for the additional support needs of the child in the specified school and in the school referred to in paragraph (ii), to place the child in the specified school, and

(iv) the authority have offered to place the child in the school referred to in paragraph (ii), or

(g) if, where the specified school is a special school, placing the child in the school would breach the requirement in [section 15\(1\) of the 2000 Act](#).

*Reserved Spaces - placing child in this school would prevent the education authority from retaining reserved places for catchment children.*

If a placing request is refused the refusal letter specifies the reason for refusal, the appeal route and the timescales for appeal. Normally there would be a right to refer the decision to an appeal committee set up by the authority (see above guidance)

In certain circumstances the Health and Education Chamber First tier Tribunal for Scotland (The Tribunal) may be the correct appeal body.

Currently the Tribunal have asked anybody who wishes to correspond to do so by contacting the Tribunal by emailing [ASNTribunal@scotcourtribunals.gov.uk](mailto:ASNTribunal@scotcourtribunals.gov.uk).

If this is not possible they have asked that you call 0141 302 5860.

The Tribunal address is:-

Health and Education Chamber  
First Tier Tribunal for Scotland  
Glasgow Tribunals Centre  
20 York Street  
Glasgow  
G2 8GT

The Tribunal would be the correct jurisdiction if the following circumstances exist:-

The child has a co-ordinated support plan (CSP)  
or

It has been established that a CSP is required  
or

There has been a proposal to decide if a CSP is required  
or

There is a proposal to review a CSP  
or

A decision not to prepare a CSP has been referred to The Tribunal.

Please note that in terms of the **2004 Act**, usually the position is that **only one appeal to the appeal committee or The Tribunal can be made in any period of 12 months** in respect of any one child, other than where the authority reconsidered the request after a review and refuse it a second time. However, if a CSP has been reviewed, amended by The Tribunal or prepared for the child during that period a further reference could be made to the tribunal.