

Education, Children and Families Committee

10am, Tuesday, 15 December 2020

School Admissions and Appeals Policy

Executive/routine
Wards
Council Commitments

1. Recommendations

1.1 The Education, Children and Families Committee is asked to:

1.1.1 Approve the updated policy and procedures.

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Andrew Kerr

Chief Executive

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Schools Admissions and Appeals Policy

2. Executive Summary

- 2.1 Under the [Education \(Scotland\) Act 1980](#), the provision and delivery of education at a local level is the statutory responsibility of Local Authorities. Under Section 1 of the Act, it is the Council's duty to provide adequate and efficient school education for all school age children. The current admissions policy for the City of Edinburgh Council (the Council) was approved by the Education, Children and Families Committee in March 2016. The Council delegates the responsibility for managing the provision of school places to Communities and Families; with day to day administration performed by the Customer Assessment and Finance Transactions Team. Head teachers are then responsible for all admissions after the start of term in August.
- 2.2 Internal Audit carried out an audit on School admissions, appeals, and capacity planning and this work was concluded on the 22 November 2019 with a final draft report circulated on the 31 January 2020, and their findings and opinion are based on the conclusion of the work as of the 22 November 2019.

3. Background

- 3.1 The [Education \(Lower Primary Class Sizes\) \(Scotland\) Regulations 1999](#) (as amended) sets out the legislative requirements for maximum class sizes. These requirements are included within the Council's admissions policy and used when considering placing requests.
- 3.2 Children and young people are admitted to schools in the areas where they stay; known as the catchment areas for the school. Each catchment area has both a Roman Catholic and non-denominational school at both primary and secondary level. There is also a Gaelic provision citywide catchment for the Gaelic Primary, Bun-sgoil Taobh na Pàirce, and Secondary at James Gillespie's High School.
- 3.3 The Council aims to provide places for P1 and S1 pupils at their chosen catchment school by the end of February each year. If there are places available after catchment demand is met, placing requests for non-catchment pupils at P1, S1 will be allocated by the Customer Assessment and Finance Transactions Team. Non-annual placement requests for all years are managed by schools themselves and decisions made by headteachers.
- 3.4 A template letter which should be used to set out the grounds for refusing a request is available via the Orb, the Council's intranet. The letter must include the reasons for turning down the request; the child's place on the waiting list at that time; the allocated school; and the right of appeal against the decision. Head teachers are also responsible for maintaining waiting lists in line with the Council's procedures.

4. Main report

- 4.1 The objective of this internal audit review was to assess the adequacy of design and operating effectiveness of the key controls established to manage the school's admission, appeals and capacity planning processes. This included processes undertaken prior to the beginning of term; and processes for maintaining school rolls during the year.
- 4.2 This audit did not review the decisions made by the Placing Appeals Committees as these are independent committees and did not consider the process for managing second stage appeals heard by the Sheriff Court.
- 4.3 The review identified a number of significant and moderate weaknesses in both the design and operating effectiveness of key governance and operational controls supporting the school admissions, appeals, and capacity planning processes. Consequently, only limited assurance can be provided that the risks associated with these processes are being managed and that the Council's objective of delivering efficient and effective processes that are aligned with applicable legislation and regulations, statutory requirements and Council policies is being achieved.
- 4.4 It was established that the Council policies, procedures and guidance published on both the Council's external website and intranet (the Orb) and standard forms and letters used by schools require to be reviewed, refreshed and updated to confirm that they are aligned with applicable legislative, regulatory requirements.
- 4.5 It was also noted that annual training on the registration, appeals and capacity planning processes is no longer available, and that this is likely to have an impact on the understanding of all teams and divisions involved in delivery, and may also be contributing to the inconsistencies in application of the processes highlighted in our review.
- 4.6 The [Admission to Mainstream Schools Policy](#) published on the Council website has not been reviewed since March 2016, and does not detail key topics such as exceptional circumstance categories or shared care arrangements. A lack of reference to exceptional circumstance the policy was also highlighted in a Sheriff Court Placing Appeal judgement in August 2019. Additionally, the Senior Responsible Officer for the policy is no longer employed by the Council.
- 4.7 Prior to the audit, the new Senior Education Officers (Primary and Secondary) had created a review group for this policy and procedure. This consists of:
- Senior Education Officers – Primary and Secondary 3
 - Devolved Finance & Resources Officer
 - School Estate Planning Manager
 - Customer Manager
 - Transactions Team Manager
 - Senior Transactions Officers
 - Senior Solicitor
 - Committee Officer
 - Operations Manager

This group is reviewing the process, policy and procedure of School Admissions. Many of the changes have already been implemented and the approval of this new updated Policy and Procedure will allow for the final changes to be put in place.

- The training for Headteachers was reinstated in the 2019/20 session as an annual event. New and Acting Headteachers also receive training upon appointment.
- A review of documentation on the council websites has been undertaken.
- The School Handbook master has been reviewed and updated.

4.8 The key changes from August 2021 onwards are:

4.8.1 Applications for Catchment should be received by 24 December each year - this brings it in line with Non catchment applications and will allow for applications to be dealt with quicker, allowing our more vulnerable pupils to receive places earlier than they currently do, as we have to wait for 28 February currently before allocating places. It also allows another 2 months for planning if any additional resource is required in a school/building.

4.8.2 In secondary schools one reserved place for every 40 incoming catchment pupils will be kept at each year stage where possible. – It is currently for every 60 catchment pupils – by changing it to 40 pupils, this will give families moving into the area more opportunity to gain a place in their catchment school. It may though be harder to gain a non catchment place moving from P7 – S1.

4.9 Appendices 1 and 2 are the updated Admission to Schools Policy and the Admission to Schools Procedure.

5. Next Steps

5.1 If the report is approved by the Education, Children and Families Committee we will:

5.5.1 Share the updated Policy and Procedure with Headteachers in January 2021.

5.5.2 Share the updated Policy and Procedure with parents and add it to the council website in August 2021. Current policy and procedure will remain in place for the admissions for August 2021.

6. Financial impact

6.1 There is no financial impacts arising from this report.

7. Stakeholder/Community Impact

7.1 The following have been involved in reshaping the policy. We have also considered feedback from parents/carers and young people regarding the current timing and stress which families feel whilst waiting to know if their child has a place.

- Senior Education Officers – Primary and Secondary
- Devolved Finance & Resources Officer
- School Estate Planning Manager
- Customer Manager
- Transactions Team Manager
- Senior Transactions Officers
- Senior Solicitor
- Committee Officer
- Operations Manager

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8. Background reading/external references

8.1 n/a

9. Appendices

9.1 Appendix 1 Admission to Schools Policy

9.2 Appendix 2 Admission to Schools Procedure

Policy Title - Admissions in Mainstream Schools

Management Information	
Lead Officer	Name: Arran Finlay
	Designation: Senior Education Officer
	Tel: 0131 469 3063
Lead Service Area	Schools & Lifelong Learning, Communities and Families
Last Review Date	December 2017
Implementation Date	December 2020
Review Date	August 2022
Date Agreed	tbc
Agreed by	tbc
Has Screening for Equality Impact been undertaken for this procedure	Yes/No: tbc <i>(please specify)</i> Date tbc
Has Implementation and Monitoring been considered for this procedure	Yes/No: tbc <i>(please specify)</i> Date tbc
If appropriate has Health and Safety section had oversight of this procedure Name of Health and Safety contact	N/A

Definition: Policy – A course of action or set of standards adopted by the City of Edinburgh Council.

This document may be out of date if printed, the latest version is available on the Council Intranet.

1. PURPOSE

The policy document provides a formal framework for the admissions to mainstream schools.

The policy and associated procedure document will ensure consistency across all schools.

2. SCOPE

This policy covers the admission of pupils to all stages in mainstream schools and in particular to those pupils in P1 and S1 in August of any school year.

3. DEFINITIONS

Reserved places: Places reserved for children and young people moving into the school catchment through the year.

R.C. school: Roman Catholic school.

School Catchment: An area from which children and young people are eligible to attend a local school. This area is based on the child's home address.

Composite Class: A class in which there are pupils at more than one stage of the primary school

Team Teaching: Team Teaching is where two teachers teach a class that has more than the maximum number of pupils for that particular stage, for example if the Council place more than 25 children in a P1 class there will be two teachers

Mainstream Schools: Schools which meet the needs of the majority of pupils and are non specialist provisions

Placing Request: A request for a placement in a school

Non Catchment Placing Request: A Request for a placement in a school which is not the catchment school for the address of the individual

Department: Communities and Families Department

Exceptional: a pupil whose circumstances are deemed exceptional by the Committee on Pupil/Student Support

Intake Limit: the number of pupils to be admitted into a year group as decided by the Department

In time Catchment Application/Non-Catchment Placing Request – applications received by 24th December each year (from 2021)

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4. POLICY STATEMENT & CONTENT

4.1 Statement

There are duties, under Section 1 of the Education Act 1980 (“the Act”), on local authorities to provide appropriate school education for all school age children, living in their area.

The Act describes who a person of school age is - that is a child or young person who has reached the age of five years, but has not yet reached the age of sixteen

All admissions must comply with class size legislation and national agreements

4.2 Content

Allocation of Placements

Key principles applied by the Council to the provision of school places:

- Children and young people are admitted to schools in the areas where they stay. These are known as the catchment areas for the school. There are separate catchment boundaries for RC and non-denominational schools at both primary and secondary level and pupils have the option of attending either of their catchment schools, subject to availability of places;
- In areas of the City, *for example new building developments*, which currently fall outside existing catchment areas, the Council will identify an ‘appropriate school’ for pupils living in those areas. This is normally based on distance and geography;
- Pupils living in the City of Edinburgh Council area have priority for places over pupils living in other local authority areas;
- **The Council aims to provide places for P1 and S1 pupils at their catchment school if they are living in a property in the catchment area and register with the school by 24th December of the year preceding that in which they will start in P1 and S1.**
- If there are places available after catchment demand is met placing requests for non-catchment pupils will be allocated,
- Entitlement to a place in a school is based upon home address and not on attendance at early years or primary establishments.

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4.3 Class Sizes and Organisation

The council meets the legislation on class sizes, in line with the Education (Lower Primary Class Sizes) (Scotland) Regulations 1999 and through national agreement.

This means a class size maximum of:

P1	25 pupils
P2/P3	30 pupils
P4 – P7	33 pupils

In secondary schools practical class sizes are a maximum of 20, non practical class are a maximum of 33 in S1 and S2 and 30 in S3 – S6.

The most efficient arrangement of class size and provision of teaching staff in P1 and S1 for each new session is sought for each school after taking account of demand for catchment places in non denominational schools and of demand from pupils who are baptised Roman Catholic in RC schools;

P1 intake limits, classroom size restrictions and limits on the overall pupil numbers will be applied where necessary to assist in managing school provision;

Additional classes are not normally created specifically to cater for non-catchment placing requests. This includes situations where granting requests in one year would result in the need for additional classes at other year stages.

4.4 Oversubscribed Roman Catholic Schools

Where catchment applications for denominational schools exceed the available school capacity, or would cause accommodation issues at a future stage, priority will be given to baptised Roman Catholic pupils. Additional staff will not normally be employed to support a P1 intake greater than that required to meet the RC baptised catchment demand unless by doing so resolves potential accommodation issues at another school.

Where a Roman Catholic school is oversubscribed the following actions will be taken:

- Priority will be given to catchment Baptised Roman Catholics (BRC) in allocating places;

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- in the event that there are insufficient places for all catchment BRC then BRC may be prioritised into other RC schools;
- Non BRC, or BRC who do not obtain a place at their catchment RC school and who choose not to be prioritised into another RC school, would be given places at their non-denominational catchment school.

4.5 Oversubscribed Non Denominational Schools

At times when there are oversubscribed non denominational schools the decision may be made to prioritise placing requests out of the school.

4.6 Reserved Places

- One place per class will be reserved for pupils moving into a school catchment in each class in primary school and two places reserved for each team teaching class where possible.
- **In secondary schools one reserved place for every 40 incoming catchment pupils** will be kept at each year stage where possible. In some areas of the city new housing developments mean that there is the potential for higher than normal movement into particular catchment areas. Where it is possible to do so, in these areas additional places may be reserved in each class in order to try and ensure that pupils moving into the area can obtain a place at their catchment school.
- Where possible a reserved place shall be maintained until a child moves into the catchment. Where this happens the reserved place is given to the child, and is no longer available. If placing requests appeals are granted either by the Appeal Committee or a Sheriff this may result in fewer reserved places being available due to the increased class size.

4.7 Team Teaching and Composite Classes

Team teaching and composite class are part of the organisation in many primary schools.

Arrangements in primary schools may be implemented where catchment numbers are expected to exceed capacity based on P1 class sizes of 25. This normally involves

raising the P1 intake to multiples of 30 to meet the class size 30 at P2 and P3. Team teaching classes may be organised at other stages in primary schools.

Regardless of the type of class, the same selection criteria must be used for all classes in a given school. Head Teachers will use a range of criteria. The selection criteria include:

- Meeting learners needs
- Age (stage appropriate)
- Friendships
- Gender balance
- Exceptional circumstances

Not all the above criteria need to be used but more than one criterion must be used. The specific criteria chosen will vary across schools, and professional judgment will be used to best meet the needs of learners in individual schools. More information held in the “Class Organisation in Primary Schools” procedure.

4.8 Implementation

The implementation of this policy will be 2021 – 2023.

5. RESPONSIBILITIES

The City of Edinburgh Council’s Chief Education Officer has overall responsibility for this policy.

The P1/S1 Intakes Advisory Group is formed from relevant council teams annually to determine intake limits for each school and advise the Committee on Pupil/Student Support

The City of Edinburgh Council’s Transactions Team are responsible for the day to day administration of the procedure for P1 and S1 and advising parents of policy. The responsibility will transfer to Headteachers at the start of session

Headteachers are responsible for collecting information on catchment children, registering P1 children, advising parents of the policy and the administration of other stages

6. LEGISLATIVE CONTEXT

The Council delegates to Communities and Families the function of managing the provision of school places using principles and practices that are in line with the [Education \(Scotland\) Act 1980](#) and other relevant legislation.

7. ASSOCIATED DOCUMENTS

[Education \[Scotland\] Act 1980](#)

[The Education\[Appeal Committee Procedures\] \[Scotland\] Amendment Regulations 2006](#)

[The Education\[Lower Primary Class Sizes\] \[Scotland\] Regulations 1999](#)

[The Education \(Lower Primary Class Sizes\) \(Scotland\) Amendment Regulations 2010](#)

Organising Classes in Primary Schools <https://www.edinburgh.gov.uk/compositeclassprocedure>

Procedure Title - Admissions in Mainstream Schools

Management Information	
Lead Officer	Name: Arran Finlay
	Designation: Senior Education Officer
	Tel: 0131 469 3063
Lead Service Area	Schools & Lifelong Learning, Communities and Families
Last Review Date	December 2017
Implementation Date	December 2020
Review Date	August 2022
Date Agreed	tbc
Agreed by	tbc
Has Screening for Equality Impact been undertaken for this procedure	Yes/No: tbc <i>(please specify)</i> Date tbc
Has Implementation and Monitoring been considered for this procedure	Yes/No: tbc <i>(please specify)</i> Date tbc
If appropriate has Health and Safety section had oversight of this procedure Name of Health and Safety contact	N/A

Definition: Procedure – An agreed method or approach to comply with Policy, Legislation and Departmental Decisions.

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1. PURPOSE

This procedure aims to provide clear guidance for all staff in the management of admissions to mainstream schools. It accompanies the Admissions to Mainstream Schools Policy.

2. SCOPE

This procedure covers the admission of pupils to all stages in mainstream schools and in particular to those pupils in P1 and S1 in August of any school year.

3. DEFINITIONS

Reserved places: Places reserved for children and young people moving into the school catchment through the year.

Proofs of residence: A copy of council tax and a utility bill.

R.C. school: Roman Catholic school.

School Catchment: An area from which children and young people are eligible to attend a local school. This area is based on the child's home address.

Composite Class: A class in which there are pupils at more than one stage of the primary school

Team teaching: Team Teaching is where two teachers teach a class that has more than the maximum number of pupils for that particular stage, for example if the Council place more than 25 children in a P1 class there will be two teachers

Mainstream schools: Schools which meet the needs of the majority of pupils and are non specialist provisions

Placing Requests: A request for a placement in a school

Non Catchment Placing Request: A request for a placement in a school which is not the catchment school for the address of the individual

Department: Communities and Families Department

Exceptional: a pupil whose circumstances are deemed exceptional by the Committee on Pupil/Student Support

Shared Care: a pupil who lives for an equal amount of time with each parent

Intake Limit: the number of pupils to be admitted into a year group as decided by the Department

In time Catchment Application/Non-Catchment Placing Request; applications received by 24th December each year

4. ACTIONS

Catchment Registration and Placing Requests for P1 and S1

- 4.1 Catchment registration and the handling of placing requests across the city is a major but routine organisational procedure undertaken by the Department on an annual basis. This process commences in November with schools being asked to register their catchment children, and parents being asked to make their placing requests by mid-December. Head Teachers are involved throughout the process and are asked to consult with parents in early February, where necessary, to share with them plans for P1 intakes and class organisations for August. Schools are made aware that class organisations can change between now and the start of the session. The Committee on Pupil Student Support meets in February each year to agree exceptionality and to prioritise pupils the waiting list – this does not guarantee them a place at the school.
- 4.2 It is important to note that numbers of pupils do change, sometimes on a daily basis, as a result of parents making late registrations often requiring changes to class organisations. The initial figures are analysed during January to establish class organisations and identify any accommodation issues and identify where catchment pupil numbers might exceed school capacity. Proposed intakes are based on these figures. The process continues to be managed by the Department through to the start of session in August when the waiting list is returned to the school to manage. However, consideration will be given to whether in the future this process would also be best managed by the department centrally rather than by schools.
- 4.3 The process is characterised by complex patterns of pupil flow across the city and a constantly evolving picture as late applications are made and pupils are withdrawn. Nearly all schools experience a drop between the number of catchment P1 pupils registered in January and the number taking up a place in August. In many schools this drop can be significant and is explained by parents successfully making a placing request to another school, deciding to defer entry, choosing the private sector or moving house within the intervening period.

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Original Issue: []

Lead Officer: []

Current Version: []

Review Date: []

- 4.4 These changes make it difficult not to over-plan for placements and many schools which initially appear to have more catchment pupils than can be accommodated are likely to have no difficulty in ultimately accommodating their catchment intake in August it also means that some placing requests refused in April will be successful by August. There can, however, be no guarantees and some schools require careful monitoring of their numbers throughout the process. For some schools the final organisation of the classes may not be known until late in the process because of complex cross catchment movement of pupils.
- 4.5 Communities and Families publish a timeline outlining the process involved in P1 and S1 placements on an annual basis. See attached Appendix One.
- 4.6 If a placing request is refused a parent has the right to appeal in the first instance to an independent committee and if that is unsuccessful to the Sheriff Court.

Catchment Registration and Placing Requests for Other Stages

- 4.7 Placing requests at other stages follow the same procedures as for P1 and S1. These requests are managed by Headteachers. If there are no available places the Headteacher will refuse the place and add the names to the waiting list and will issue the formal refusal letter.
- 4.8 School staff involved in the placement process must ensure that there is not a conflict of interest where a child joining a waiting list is known to them, in such cases the Business Manager or Head Teacher must be informed (or the transactions team if the conflict lies with the HT). If a child is known to a member of staff e.g. their own child or a child of a family member, friend or colleague, this must be declared to ensure the waiting list remains fair and impartial for all. Details can be found here : <https://orb.edinburgh.gov.uk/conduct-behaviour/conflicts-interest?documentId=2337&categoryId=201111>
- 4.9 At all stages in primary and secondary schools if a placing request is refused a parent has the right to appeal in the first instance to an independent committee and if that is unsuccessful to the Sheriff Court.

Waiting lists

- 4.10 Those children who are refused a place will be placed on a waiting list. The priority order for the waiting list in P1 and S1 is determined by the Committee on Pupil Student Support comprising representatives of Education Children and Families Committee who meet in February each year. The usual priority order is:
- Exceptional Children
 - Siblings;
 - Edinburgh children;
 - Out of Edinburgh Children.
- 4.11 Within each category (other than exceptional) distance [to the school from the home] is then used to determine the place on the waiting list; the shorter the distance the higher the place on the waiting list.

Key considerations for Parents

- 4.12 There are six key points for parents to consider when applying for school places:
- Places are allocated to children based on their residence and all parents must provide proof of residence for a catchment place when they register their child for school;
 - All pupils have two catchment schools, non-denominational and Roman Catholic. Parents must choose which of these is their preferred school;
 - Children attending a nursery class in a primary school are only entitled to a place in the primary school if they live in the catchment area of the primary school;
 - In a non denominational school catchment places for P1 and S1 will only be allocated automatically to children living in the school catchment by the 24th December in the year before they begin primary or secondary school. After that date, they will be treated as late catchment requests.
 - If a denominational Roman Catholic school is oversubscribed with catchment children, priority will be given to catchment baptised Roman Catholics, where proof is provided.

- If a placing request is successful for one child, it does not guarantee that requests for younger siblings will be successful. This could mean that siblings would attend different schools.

Fraud Prevention

- 4.13 The Council is obliged to make random spot checks of addresses as part of fraud prevention, and parents may be asked to provide proof of residence at any time before the school session begins. The Corporate Fraud team will investigate all claims of false addresses being used to gain a school place and, if established, the place will be withdrawn.

5. RESPONSIBILITIES

The Senior Education Officers have overall responsibility for the maintenance of this procedure

Head Teachers are responsible for ensuring their staff follow this procedure

6. POLICY BASE

The procedure has been developed to implement the Admissions to Mainstream Schools Policy

7. ASSOCIATED DOCUMENTS

Admissions To Mainstream Schools Policy – [link to be added once both documents approved and online](#)

8. RECORD KEEPING

When a procedure has been followed there are often outputs such as decisions made or events occurred that need to be recorded. These outputs are considered Council records. Please list all Records, including completed forms, generated by this procedure. For each record, list its title, location, responsible officer and minimum retention period.

Procedure Title - Admissions in Mainstream Schools**Procedure Number -**

Record Title	Location	Responsible Officer	Minimum Retention Period
Education Records	Education Establishments	Head Teachers	As per records retention schedule
Placing Requests	Transactions Team, Waverley Court BC C.3	Transactions Team Manager/Customer Manager	As per records retention schedule
Placing Appeal Paperwork	Committee Services	Corporate Governance Manager	As per records retention schedule

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