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## ADMISSIONS POLICY

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### 1 PURPOSE

- 1.1 This document replaces Scottish Borders Council's previous policy on admissions approved in October 2010.
- 1.2 This document details Scottish Borders Council's policy with regard to admissions to all schools (excluding Early Learning and Childcare) under the management of Scottish Borders Council's Children and Young People's Service.
- 1.3 There is a separate policy for Early Learning and Childcare.
- 1.4 An impact assessment, to ensure all aspects of equalities legislation and principles are upheld within this policy, has been undertaken.

### 2 CORPORATE CONTEXT

- 2.1 This policy supports Priority 3 of the Corporate Plan: **Provide high quality support, care and protection to children and young people.**

### 3 ACCESSIBILITY

- 3.1 This document can be made available in large print, on tape or in other languages on request.

### 4 IMPLEMENTATION

- 4.1 The Authority has a legal duty in respect of admissions to:-
  - 4.1.1 Provide suitable education opportunities for children and young people.
  - 4.1.2 Provide parents, children and young people information on their local schools. Details on all schools are included on Scottish Border's website ([www.scotborders.gov.uk](http://www.scotborders.gov.uk)) and more detailed information is available directly from individual schools.
  - 4.1.3 Provide parents information on admission arrangements for children to the Authorities' Early Learning and Childcare provision, primary and secondary schools.

- 4.1.4 Advise parents of their right to choose a school, for their child, which is not in their catchment area by making a placement request.
- 4.1.5 Accept placement requests except where the Council has the right to refuse the request and chooses to exercise this right.
- 4.1.6 Advise parents of their rights to appeal if a placement request is refused.

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## **6 LEGISLATIVE AND POLICY CONTEXT**

- 6.1 This policy responds to and sits within the context of the Education (Scotland) Act 1980, and the Education (Additional Support for Learning) (Scotland) Act 2004, along with the associated amendments and guidance for these Acts. The Curriculum for Excellence establishes health and wellbeing, including developing positive and healthy relationships, as a core part of the learning experience.
- 6.2 Under the Education (Scotland) Act 1980 as amended (which will be referred to as the Act throughout this document), it is the duty of the Children and Young People's Services to provide an adequate and efficient school education for all children living within the Scottish Borders Council area.

## **7 CONTENT**

### **7.1 Catchment Area**

The Council has identified a catchment area for each of its non-denominational primary schools and secondary schools. Each catchment area has a secondary school and a number of associated non-denominational primary schools. A catchment area can be changed to reflect movement in school rolls or to take into account significant new housing developments but before the change can be implemented a statutory consultation must be undertaken and any proposed change would need to be approved by the Authority. In certain circumstances approval of the Scottish Government may also be required.

## **7.2 Denominational Primary Schools**

The Council also has denominational primary schools . The catchment areas for these schools are the same as those of the High Schools in these towns. Where a denominational primary is oversubscribed, priority will be given to children of that denomination..

## **7.3 Enrolment**

### **7.3.1 School Age**

Under Section 30 of the Act, it is the duty of every parent who has a child of school age to provide that child with an education which is suitable to their age, aptitude and ability. Every parent must do this either by ensuring their child attends a public school regularly or by any other means for example by home education.

### **7.3.2 The Act States that:**

“A parent includes a guardian and any person who is liable to maintain or has parental responsibilities in relation to, or has care of, a child or young person”.

### **7.3.3 After Divorce or Separation**

Both parents will retain parental responsibilities, unless the court has specifically removed those responsibilities. In relation to placement requests, both parents will normally have equal rights. However, for purposes of making a placement request, the application form must be completed with the details of the parent with whom the child is ordinarily resident.

### **7.3.4 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 years.

## **7.4 Process for Admission to Primary One from an Early Years Setting**

**7.4.1** There is a legal requirement on parents to ensure that their child attends school from the start of the session in the August following the child's fifth birthday, unless suitable alternative arrangements for education have been made.

**7.4.2** Attendance at a private school or a decision to educate a child at home may replace registration at one of the Authorities' primary schools. Parents are requested to notify the Authority in advance of enrolling their child in a private school or of starting to educate their child at home.

**7.4.3** To be eligible for entry to Primary 1 at the start of the school year in August, a child must attain their fifth birthday between 1st March of that year and the last day in February of the following year, both dates inclusive. Each year the Authority will advertise details of the enrolment process for parents considering enrolment for their child for the following August. Enrolment week will be the last full week in November.

**7.4.4** Parents will be asked to visit their catchment primary school during enrolment week and complete an enrolment form. This ensures that a place is allocated to their child.

**7.4.5** Parents who wish to make a placement request will be asked to fill out an enrolment form at their catchment primary school to ensure a place is 'available' for their child. They should then visit their preferred choice of school and complete a placement request form.

## **7.5 Prioritising requests for enrolment to a catchment school**

**7.5.1** Where there are insufficient places for children living in a catchment area to

attend their catchment school then the following priority order will be used to allocate places:

- (a) Children identified as being in need of educational provision available at a particular school.
- (b) Children with brothers or sisters already attending the school.
- (c) Children living furthest from their nearest alternative school with an available place. Distances will be determined by the School Transport Team.

If all other factors are equal a ballot will be used to determine places.

**7.5.2** Some children, based on the above criteria, will be required to attend the nearest alternative school that has places. In this case they will then be given a higher priority than a pupil making a placing request to the alternative school. The child can transfer back to their catchment school as soon as a place becomes available, if they wish.

**7.5.3** Transport costs will be met if the child is distance entitled. If a place subsequently becomes available at the child's catchment school, parents will be responsible for school transport costs if they decide to retain their child at the alternative school. This will commence from the beginning of the subsequent school session.

**7.5.4** If parents choose to send siblings to the same alternative school then a placement request will be required and they will be responsible for transport costs.

## **7.6 Admissions throughout the School Year**

**7.6.1** Children moving into the catchment area may be admitted at any time of the school year if there are places available. If no places are available the same process described in section 7.5 applies.

## **7.7 Transfer from P7 to S1**

**7.7.1** Most children will attend the catchment secondary school for their home address and will transfer there once they have completed their primary school education.

**7.7.2** Parents of a child who is to transfer from primary education to secondary education in August will receive from their primary Head Teacher the name of the relevant secondary school. Each school will also arrange a transition programme to assist pupils through the transfer from primary to secondary education.

**7.7.3** Where there are insufficient places for children living in a catchment area to attend their catchment school then the process detailed in section 7.5 will be applied.

**7.7.4** Where a child attends a primary school as a result of a successful placement request to a non-catchment school, that child will not automatically transfer to the associated secondary school, for that primary school, unless they also live within the catchment area for that secondary school. If they do not live within the catchment area, a further placement request will have to be made.

## **7.8 Placement Requests: Primary and Secondary Schools**

- 7.8.1** The Authority has a duty to accept placement requests from parents to facilitate parental choice where and when this is possible. Where a placement request is received by Children and Young People's Services prior to 15th March in any year relating to a request to start a school in the following August, then the Authority will provide parents with a written decision by 30th April.
- 7.8.2** In any other case, the Authority has a period of two months from the date of receipt of the request to provide parents with a written decision about the placing request.
- 7.8.3** If the Council refuses to grant the request, reasons will be given in the written decision.
- 7.8.4** When a placement request is being made, parents must be informed that they must also register their child with their catchment school. This ensures that should the placement request be refused the child will have an allocated place at their catchment school.
- 7.8.5** If during the course of a school session, a family moves house to another catchment area a placement request must be made if they wish their child to remain at the original school. The parents would be liable for any transport costs.
- 7.8.6** Once a pupil has been offered a placement, it will not be withdrawn unless the Council becomes aware that granting the placement was based on false information.

7.8.7. It should be noted that, **where a child or young person has additional support needs, any placing request made should be made and will be responded to under the Education (Additional Support for Learning (S) Act 2004.**

## **7.9 Prioritising Placement Requests: Primary and Secondary Schools**

### **7.9.1 Prioritising Placement Requests: Primary and Secondary Schools**

The priority order which will be considered is:

- (a) Pupils having been refused a place at their local catchment schools because it is at capacity and the placement request is the nearest alternative school.
- (b) Recommendations from Children and Young People's Services or for certified medical, social or emotional reasons.
- (c) Children with siblings already attending the school.
- (d) Children living furthest from their nearest alternative school.

## **7.11. Admission of pupils from out with Scottish Borders Council**

### **7.11.1** There are three categories of pupils potentially involved:

- (a) Children living with their parents or carers who are permanently resident out with Scottish Borders Council.
- (b) Children who are looked after and accommodated.
- (c) Children who are resident within Scottish Borders Council as a result of arrangements made by parents or carers but whose parents or carers are permanently resident out with Scottish Borders.

### **7.11.2 Children in Category (a)**

Parents or carers living out with Scottish Borders may ask for a placement request for their child to attend a Scottish Borders school. Such placement requests will be treated in the same way as other placement requests.

There is no payment of out with fees between Authorities for primary and secondary education. Charges will be made only for any additional provision required to meet the child's additional support needs. If additional support is required Head Teachers must notify the SLEO (ASN) in order that the home authority agrees to pay for the additional support. Enrolment must not take place until an agreement has taken place.

#### **Children in Category (b)**

Where a child is in the care of a foster parent, the child should be enrolled at the catchment school for the address of the foster parent. The home authority is responsible for the costs of any additional support required. Enrolment at any outwith catchment school should be made through a placement request.

Head Teachers should

- (a) Record the pupil on SEEMIS as Looked After Away From Home.
- (b) Contact the Quality Improvement Officer (QIO) (Inclusion) and give the child's details.
- (c) Contact the Group Manager, Resources, Children & Families Social Work.

#### **Children in Category (c)**

Such pupils may only be enrolled on production of clear proof of address within Scottish Borders. The school QIO should be informed of the situation.

### **7.12 Refusal of a Placing Request**

**7.12.1** The Authority is entitled to refuse a placement request under the Act only where one or more of the grounds of refusal summarised below applies:

- (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 or
  - (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 create either an additional class at the school.
  - (vii) If as a consequence of acceptance the capacity of the school would be exceeded in terms of pupil numbers.
- (b) If the education normally provided at the school is not suited to the age, ability or aptitude of the child.
- (c) If the Authority has already required the child to discontinue his attendance at the specified school.
- (d) If the child in question is resident out with the school's catchment area, and the acceptance of that child would entail using one of the places reserved for pupils moving into the catchment area on a permanent basis (secondary schools only)

### **7.13 Standing List**

**7.13.1** The Standing List is a list of refused placement requests made during the normal round of placement requests.

**7.13.2** A child whose placement request is refused during the normal round of requests from 1 December to 15 March will be entered on a list. This will be held from 30 April or the date of decision, if earlier, to the last day of the academic year applied for. This list will be called the Standing List. Any places which become available between 30 April and the last day of the new academic year will be offered to those children on the Standing List in priority order. See Section 7.5.

### **7.14 Transport for Placement Requests**

**7.14.1** Under the Act, an education authority has a discretionary power rather than a duty to provide school transport for pupils attending schools as a result of a successful placement request. Accordingly, Scottish Borders Council does not normally provide school transport in such circumstances.

**7.14.2** Placement requests made in circumstances where Children and Young People's Services agree that a change of school is necessary to protect the emotional, physical or educational wellbeing of the child may be considered for transport costs at the discretion of the Service Director.

**7.14.3** In considering whether or not to provide transport, Scottish Borders Council will take safety issues into account.

### **7.15 Appealing the Refusal of a placement request**

**7.15.1** Under section 28C(1) of the Act parents whose placement request has been refused are entitled to appeal the Children and Young People's Services decision.

**7.15.2** This right of appeal only applies to placement requests made to Primary and Secondary schools. It does not, however, apply to Early Learning and Childcare settings.

**7.15.3** In the first instance the parent should make an appeal to the Clerk to the Council. The appeal should take the form of a letter stating that a placement request has been refused and that the parent wishes to appeal the decision stating their grounds of appeal.

**7.15.4** An appeal must be made within 28 days of receipt of the refusal, or, in the case of a deemed refusal, within 28 days of either 30 April for requests made during the normal round of placing requests, or the expiry of two months following the date of the request, as the case may be.

**7.15.5** A parent may request an informal meeting with an officer of Children and Young People's Services at any time, either before or after a placing request is refused. At this meeting the officer will explain the position of Children and Young People's Services to the parent. This is entirely without prejudice to the parent's statutory rights of appeal.

**7.15.6** Only one appeal, in respect of any child, will be considered in any twelve month period, although more than one placing request can be made in that period.

**7.15.7** Where an appeal has been submitted to the Education Appeals Committee or the Sheriff Court, available places at school will continue to be allocated based on the criteria in sections 7.5.

**7.15.8** In cases where a placing request has been made under the Education (Additional Support for Learning) (S) Act 2004, appeals against refusal will, in some cases, be made to Education Appeals Committee and

in other cases be made to the Health and Education Chamber of the First-tier Tribunal for Scotland (formerly the Additional Support Needs Tribunal for Scotland). Advice should be sought on the appropriate body to deal with such appeal. In either case the appeal must be lodged within 28 days of the refusal. In the case of an appeal to the tribunal, an appeal from that body can be made to the Upper Tribunal rather than to the Sheriff Court.

## **7.16 Class Sizes and Composition**

**7.16.1** Teachers are allocated to each school according to the total number of children on the school roll and not on the number of children in any one year group.

### **7.16.2 The National Agreement on maximum class sizes is: Primary Schools**

P1	25 children
P2&P3	30 children
P4-P7	33 children
Composite Class	25 children
Single Stage Primary School	25 children but may be lower at the discretion of the Service Director

### **Secondary Schools**

Practical Classes	20 pupils
S1&S2	33 pupils
S3-S6	30 pupils

In Primary Schools class compositions will be fixed for the academic year on the Monday of the week of the Scottish Executive Census in September.

### **7.16.3 Exceptions To Class Sizes**

The regulations allow for exceptions to the number of pupils in an individual P1, P2 or P3 class to be more than 25/30 up to a maximum of 33 where an 'ordinary teaching session' is conducted by a single qualified teacher. Pupils who are treated as 'excepted pupils', for the purpose of the regulations, do not count towards the limit of 25/30.

### **7.16.4 Excepted Pupils**

A child may only be treated as an 'excepted pupil' if:

- (a) He/she cannot be educated at the school in a class in which the class size limit is not exceeded without measures being taken which would prejudice efficient education or the efficient use of resources, and
- (b) He/she falls into one of the five categories below.

**7.16.5** The five categories of 'excepted pupils' fall into two groupings. Those who are placed outside a 'normal placing round' and those who have additional support needs but receive part of their education in a mainstream school.

**7.16.6** For the purposes of the regulations a child is placed in a school, whether by request or otherwise, outside the normal placing arrangements if the decision to place him/her is taken after 30 April in the year in which he/she is to start attending school.

**7.16.7 Excepted Pupils-** Those who are placed outside the 'normal placing round'

- (a) Children whose Co-ordinated Support Plan specifies that they should be educated at the school concerned or children for whom the Authority has recommended this school as an alternative placement.
- (b) Children initially refused a place at the school, but

subsequently on appeal offered a place outside a normal placing round or because the Authority recognise that an error was made in implementing their placing arrangements for the school.

- (c) Children who cannot gain a place at any other suitable school within a reasonable distance of their home when they first move into the area.
- (d) Children initially refused a place at the school, but subsequently on appeal offered a place outside a normal placing round or because the Authority recognise that an error was made in implementing their placing arrangements for the school.
- (e) Children who cannot gain a place at any other suitable school within a reasonable distance of their home when they first move into the area.

## **7.17 Composite Classes**

**7.17.1** A composite class is a class which includes children from more than one year group.

**7.17.2** When it is necessary to make changes to the way classes are normally arranged (eg if composite classes are required when this would not normally be the case) the Head Teacher will ensure that parents/carers are provided with information and/or opportunities to discuss the likely arrangement of classes before decisions are taken, in order that parents are clear about the reasons for compositing and what the criteria will be, before class allocations are announced.

**7.17.3** Where possible, whole year groups will be included in the same class. In small schools it may be possible to include more than 2 whole year groups within one composite class eg P4/P5/P6.

**7.17.4** When it is necessary to divide a year group to make one or more composite classes, the first consideration will be to allocating places based on age. For example if a school had 40 children in P4 and 45 children in P5 then one possible way to split the classes would be to put the oldest 11 children from P4 in a composite class with the youngest 13 children from P5. This would give:

a P4 class of 29

a P4/5 class of 24

a P5 class of 32

There are other minor variations on the above class allocations but they all involve a composite P4/5

**7.17.5** The reasons for using age are

- It allows the Head Teacher to create classes which most closely resemble those of single year groups
- It is a clear and transparent criteria which is easily understood
- It is objective.

**7.17.6** The placement of siblings within the year group will be discussed with parents and their views will be taken into account where possible. In smaller schools in particular, it may be necessary for siblings to be in the same composite class.

**7.17.7** Schools will be expected to provide opportunities for children to develop

relationships with their year group as well as with their composite class.

### **Small Numbers in a Composite Class**

**7.17.8** At times it may be necessary for a small group of children from one year group to be separated from their year group and join a composite class. When this is necessary it is essential that the Head Teacher ensures that each stage being created in the composite class has, where possible, a minimum of 4 pupils and that there is a gender balance. No fewer than 2 boys and 2 girls from a single year group will be put into a composite class, unless there is only 1 girl or 1 boy in the year group.

### **Continuing Composite Class**

**7.17.9** Where it is necessary to continue a composite class from one year to another, there will be a general presumption that the same cohort of children will continue in the composite because these children will have built a class identity and working relationships. However, the Head Teacher has the discretion to make different arrangements depending on the specific local circumstances. In these circumstances the Head Teacher will:

- Publish the criteria for class formation in the school handbook.
- Keep parents/carers informed throughout the process for annual class structuring.
- Consider any factors which parents put forward as specific needs for their own child.
- If changes are to be made, be clear about the criteria used unless this would breach an individual child's confidentiality.

### **Information Sharing With Parents**

**7.17.10** Composite class arrangements work most smoothly in schools where parents/carers understand the reasons why the composite classes are required, the rationale for their formation and the way in which children will be taught within the composite class.

**7.17.11** Head Teachers will provide parents with information about composite classes, how they work and how children are taught in a composite setting, prior to the time when class arrangements are being made. It is likely that this will be in the form of parental leaflets and through the school handbook.

**7.17.12** Once teacher allocations have been received, class structures should be published as early as possible to allow time for discussion with parents/carers.

**7.17.13** Plans for the management of classes such as the location of the classes, the allocation of teachers to classes and planned opportunities for year group activities will be shared with parents/carers as part of the process.

**7.17.14** In certain circumstances class restructuring may have to take place during the summer break or shortly after the new school session has started. This could be caused by more children enrolling or leaving the school. If this happens, Head Teachers will:

- Inform parents/carers as quickly as possible that changes have become necessary
- Provide an opportunity for parents/carers to discuss the implications of any such changes.

**7.17.15** It will only be in exceptional circumstances that a school will be asked to restructure their classes after the census in September of the new school year. For Example a parent/carer tries to enrol her/his child at the catchment school but the appropriate class is full and there is no capacity in the surrounding primary schools. Or in the event of an extraordinary incident which results in the medium term closure of a school building

resulting in children from another school being temporarily located within a neighbouring school.

### **Dealing with Disagreements**

- 7.17.16** If a parent/carer wishes to discuss the class arrangements made for their child, they should be directed to speak to the Head Teacher in the first instance. The Head Teacher will provide them with the rationale for her/his decision.
- 7.17.17** If a parent/carer believes that their child has specific needs which have not been taken into account, they should discuss these with the Head Teacher. If the Head Teacher agrees with the parent/carer's views, she/he will discuss how these specific needs can be addressed in the class to which the child has been allocated. The Head Teacher would not necessarily be expected to move the child to another class.
- 7.17.18** If a parent/carer believes a Head Teacher has not adhered to this policy in allocating his/her child to a particular class, they should raise this concern with the Head Teacher in the first instance, who will provide them with the rationale for her/his decision.
- 7.17.19** If a parent/carer is still not satisfied following discussion with the Head Teacher, they should raise their concerns with the appropriate QIO. The QIO will consider whether the Head Teacher's rationale meets the principles of this policy, and whether any actions are required to address the parent/carer's concern. The QIO will not necessarily seek to have the child moved to another class.
- 7.16.20** If the parent/carer remains unhappy with the class arrangements made for their child and any adjustments made to address their concerns, they may follow the official Scottish Borders Council complaints procedure.

## **8 EQUALITIES**

- 8.1** The Council is committed to the principles of equality of opportunity that underpin the Equality Act 2010, both in the provision of services and in its role as an employer. In pursuing these commitments the Council acknowledges its statutory duties under the Act, which specifically protects people who may experience discrimination, whether direct or indirect; harassment or victimisation in the workplace.
- 8.2** The protected characteristics as defined by the Equality Act 2010 are: Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or belief, Gender and Sexual Orientation

## **9 VERSION CONTROL**

<b>Name of Document:</b> Admissions Policy (2017)		<b>Version Number:</b>
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<b>Name of officer responsible for the review:</b> Jim Marshall		
<b>Changes to the policy</b>		
<i>Paragraph No:</i>	<i>Change made and reason for change</i>	

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