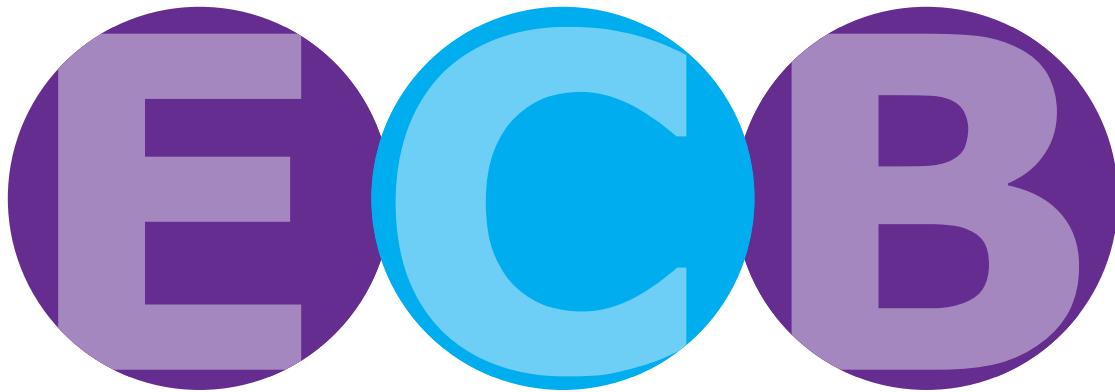


Post-Primary Admissions
EXCEPTIONAL CIRCUMSTANCES



**EXCEPTIONAL
CIRCUMSTANCES
BODY**

**INFORMATION ABOUT
THE EXCEPTIONAL CIRCUMSTANCES PROCESS
AND HOW TO MAKE AN APPLICATION TO
THE EXCEPTIONAL CIRCUMSTANCES BODY**

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Section 1

THE EXCEPTIONAL CIRCUMSTANCES PROCESS AND BODY

What is the Exceptional Circumstances Body?

1.1 The Exceptional Circumstances Body (ECB) is a Body established by the Department of Education to process, from 1 June 2010, applications from parents which relate to admissions to post-primary school (Years 8 to 12 only). The exceptional circumstances process will:

- Consider parents' claims that their child has exceptional circumstances which mean that he/she must attend a specific post-primary school;
- Decide for each application whether exceptional circumstances exist; and
- Direct the necessary admission if an application is successful.

The Exceptional Circumstances process is only for children who are not in receipt of a Statement of Special Educational Need.

The Body **cannot** consider cases that relate to pre-school, primary or Sixth Form admissions.

1.2 An application to the Exceptional Circumstances Body cannot be successful unless the child has already, and through the normal admissions processes, applied to the relevant post-primary school:

- If you think that your child has an exceptional need for admission at a particular post-primary school,
- then the Exceptional Circumstances process can only help you with this if you can demonstrate that you have already applied to that post-primary school for admission, and your child was not admitted.
- Your ELB Transfer Officer can advise you on how to apply to a post-primary school. Their details are at the end of this leaflet.

Who will make decisions on exceptional circumstances applications?

- 1.3 The members of the Exceptional Circumstances Body have been appointed by the Department of Education but are not employees of the Department. The Body operates independently of the Department of Education, supported by a secretariat. The Department has no input to, or influence over, the decisions of the Body.

What are “exceptional circumstances”?

- 1.4 When it considers exceptional circumstances applications, the Body will focus on the following three questions:

i. Are the circumstances that are claimed exceptional?

The Body may not consider the following to be exceptional circumstances:

- Circumstances related wholly or mainly to the kind of education provided at a school;
- Circumstances related to a child’s academic ability;
- Circumstances related wholly or mainly to the availability of transport to that school.

Examples of circumstances that may be considered as exceptional by the Exceptional Circumstances Body are:

- Circumstances where in the opinion of a registered medical practitioner the child has been subjected to sexual abuse;
- Circumstances where a child is looked after by an authority (as defined in Article 25 of the Children (Northern Ireland) Order 1995).

It is important to note that as these are only examples they are not the only circumstances that will be considered, nor will circumstances of this type automatically be considered to be exceptional circumstances in every case. Every application will be examined on its own merits by the Body and a decision taken accordingly.

- ii. **Are the circumstances that are claimed personal to the child?**
- iii. **Do the circumstances that are claimed require admission to only one specific school?**

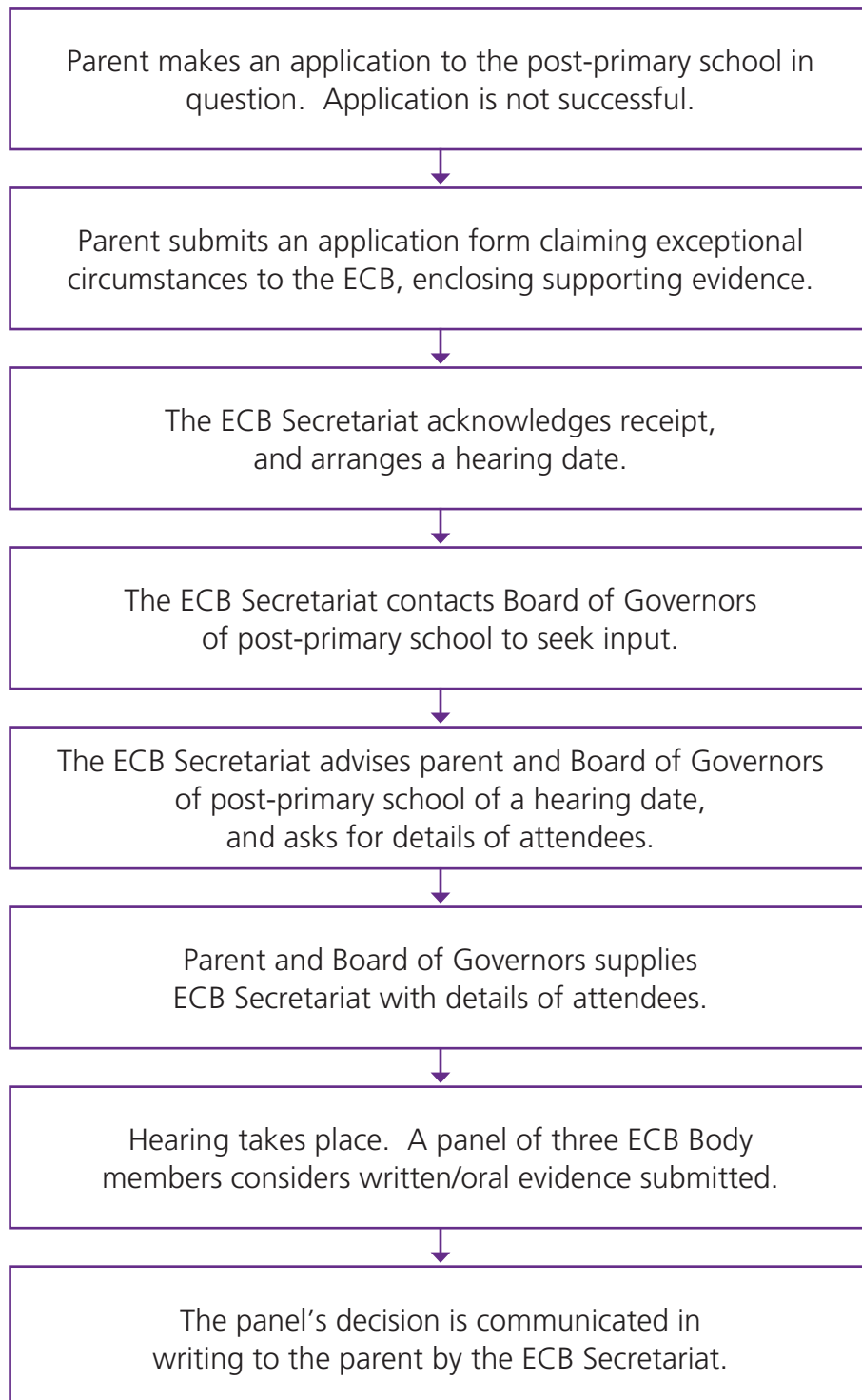
Addressing this question may involve the panel considering all other schools in your local area and whether the particular circumstances detailed could be addressed at another school with places available. The application can only be successful if it is proved that the specified school is the only school that can address the circumstances detailed.

The Body will consider that a case for admission under exceptional circumstances may exist only where it can answer “yes” to all three questions.

Section 2

THE APPLICATION PROCESS

SUMMARY OF THE EXCEPTIONAL CIRCUMSTANCES PROCESS



Who can make an application to the Body?

- 2.1 An application to the Exceptional Circumstances Body may be made by a **parent on behalf of a child**. The term 'parent' is defined in the Education and Libraries Order 1986 as follows; "parent", in relation to a child or young person, includes a guardian and every person who has the actual custody of the child or young person'.

How do I make an application to the Exceptional Circumstances Body?

- 2.2 Applications to the Exceptional Circumstances Body must be made in writing using the application form which can be downloaded from the NI Direct website at **www.nidirect.gov.uk** and can also be accessed via a link from the Department of Education website at **www.deni.gov.uk** Alternatively, you can contact the Body by mail or email or telephone and ask for an application form to be sent to you.

The Exceptional Circumstances Body
Rathgael House
Balloo Road
Rathgill
BANGOR
Co Down
BT19 7PR

Email: ecbsecretariat@deni.gov.uk
Tel: 028 9127 9871

- 2.3. There is no deadline for making an application to the Exceptional Circumstances Body. Applications may be made at any point in the year as long as an application for admission has been made to the specified school and been turned down.
- 2.4 Completion of the application form will require you to produce evidence that supports your case.

What evidence will I need to complete my application?

- 2.5 This will depend on the particular circumstances being claimed on behalf of a child. Section 2 of the application form requires the applicant to set out in detail the compelling individual circumstances that apply, and relate these to the one and only school that it is asserted can meet these circumstances.

2.6 Section 3 of the application form focuses on supporting evidence to be attached to the form. It may be that an application should be supported by:

- Evidence from a medical professional about particular medical circumstances;
- Evidence from a social worker;
- Evidence from an educational psychologist;
- Evidence from an education welfare officer;
- Evidence from the Police Service of Northern Ireland; or
- Evidence from another expert/professional as appropriate to your child's particular circumstances.

2.7 This list, however, is not exhaustive and you must decide how best to explain your case and what evidence is most relevant to it. The important thing is that the evidence supports the circumstances you are claiming on behalf of your child. Good supporting evidence is likely to be provided by experts or office-holders who are qualified in the matters to which their evidence relates.

2.8 **The outcome of an application will depend on the quality of the evidence provided in support of it;** therefore it is vital that high quality, objective evidence that supports claims made in the application is provided with the application form.

2.9 **The evidence must be original** - copies will not be accepted, other than in the case of a Transfer Form, where the original will not be available to a parent. Where evidence is provided by a particular professional it should be on headed paper to include the address of the organisation that employs that professional, and signed and dated by the individual.

What happens once an application has been submitted to the Body?

2.10 When an application and been completed and returned to the Exceptional Circumstances Body along with any supporting evidence:

- i. **The application will be acknowledged by the Body's Secretariat.** If you have listed supporting evidence on the form but it appears to be missing, the Secretariat will contact you and ask you to provide it as soon as possible. An application cannot be treated as a completed application if any of the supporting evidence is missing. The application

cannot therefore be processed until it is complete and all the supporting documents have been received.

- ii. **Your case will be scheduled for a hearing before an Exceptional Circumstances Panel. The Secretariat will seek to have this hearing within 4 weeks of the receipt of your completed application.**

An Exceptional Circumstance Panel will comprise three members of the Exceptional Circumstances Body. All panels will consist of a mixture of members who have been appointed for their legal expertise and members appointed for their expertise in relation to the education and/or welfare of children.

- iii. **You will then be contacted by the Secretariat who will advise you of the date, time and location of your hearing** and ask you to complete and return a form indicating whether you, your child or any representative intends to attend the hearing, and if so, if you require any special arrangements to be made to enable you to do so. If you are unable to attend the hearing on the date given it will only be possible to reschedule the hearing in very exceptional circumstances. Doing so will require the hearing to be adjourned to a later date.

Section 3

THE HEARING PROCESS

Who can attend the hearing?

- 3.1 You, your child and/or any representative that you may choose have a right to attend the hearing and to make representations to the panel in support of your application, but this is not essential. Other than those who are before a panel in order to make representations, hearings will be completely private.

Will anyone else present evidence to the panel?

- 3.2 The Board of Governors of the school you have specified will be afforded the opportunity to provide written or oral representation to the panel, but it is not obliged to do so. Hearings may proceed regardless of whether or not the Board of Governors comments on an application.

What will happen at the hearing?

- 3.3 The panel will consider the information provided in your application and any supporting documentary evidence in order to reach a decision. **The panel must be satisfied that on the basis of the evidence before it, it can answer "yes" to all three questions set out in paragraph 4 on pages 2 and 3 of this booklet before finding in favour of the applicant.**
- 3.4 Where the panel feels that there is insufficient information to reach a determination it may request further information from any of the relevant parties. **Decisions will not be reached or communicated at the hearing.**

How long will a hearing take?

- 3.5 This will depend on the complexity of the issues before the panel. A complex case may not be concluded in one day; other cases may be much more straightforward and take no more than an hour or two. The length of time taken to hear a case is not an indication of the relative merits of the case, simply the relative complexity.
- 3.6 As some hearings may need to be adjourned in order to seek further information, additional evidence or clarify some issues, the final date of the hearing will be the date on which the panel is satisfied that it has all the information it needs in order to make a determination.

Section 4

THE OUTCOME

When will I know the outcome of my application?

4.1 Decisions will not be delivered at the hearing. Once all the evidence is before the panel, including written evidence and any representations made at the hearing, the panel will consider the case and reach a decision in private. After consideration and discussion, decisions will be arrived at on the basis of a simple majority of the panel of 3 members. The panel will record its decision and notify the Secretariat who will write out to the applicant, the specified school and the relevant Education and Library Board to advise them of the decision. **The panel's decision will issue in this manner within three weeks of the final date of the hearing** or as soon as possible thereafter.

What will be the panel's decision on my application?

4.2 In respect of all of the applications that it hears, the panel will decide **either**:

- That the child who is the subject of an application does have exceptional circumstances that require his/her admission to the post-primary school that his/her parents have specified. If this is the case, the panel will direct the specified school to admit the child; **or**
- That that the child who is the subject of an application does **not** have exceptional circumstances that require his/her admission to the post-primary school that his/her parents have specified. If this is the case, the panel will not direct the specified school to admit the child.

Section 5

USEFUL ADDRESSES AND TELEPHONE NUMBERS

Belfast Education and Library Board
40 Academy Street
BELFAST
BT1 2NQ

Tel: 028 9056 4000

North-Eastern Education and Library Board
County Hall
182 Galgorm Road
BALLYMENA
Co Antrim
BT42 1HN

Tel: 028 2565 3333

South-Eastern Education and Library Board
Grahamsbridge Road
Dundonald
BELFAST
BT16 2HS

Tel: 028 9056 6200

Southern Education and Library Board
3 Charlemont Place
The Mall
ARMAGH
BT61 9AX

Tel: 028 3751 2200

Western Education and Library Board
Campsie House
1 Hospital Road
OMAGH
Co Tyrone
BT79 0AW

Tel: 028 8241 1411

Department of Education
Rathgael House
Balloo Road
BANGOR
Co Down
BT19 7PR

Tel: 028 9127 9279
Website: www.deni.gov.uk

The Exceptional Circumstances Body
Rathgael House
Balloo Road
Rathgill
BANGOR
Co Down
BT19 7PR

Email: ecbsecretariat@deni.gov.uk
Tel: 028 9127 9871

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