

# choosing a school

a guide for parents

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CHOICE



FLEXIBILITY

OPTIONS

DECISIONS



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### Who is this for?:

Parents who are choosing a local authority school for their child.

### What is it?:

A guide for parents on choosing a school and the placing request system.

# choosing a school

a guide for parents 2007-08

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ISBN: 978-0-7559-5551-0

The Scottish Government  
St Andrew's House  
Edinburgh  
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Produced for the Scottish Government by RR Donnelley B53326 10/07

Published by the Scottish Government, October, 2007

Further copies are available from  
Blackwell's Bookshop  
53 South Bridge  
Edinburgh  
EH1 1YS

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# introduction

Parents have the right to express a preference for a particular school that they want their children to attend. This booklet gives information for parents in Scotland about choosing a local Council school. It gives a general explanation of the law relating to these *placing requests* and sets out the procedures that parents and local Councils have to follow.

If your child has additional support needs you will find advice including information about choosing a school and your appeal rights in **The Parents' Guide to Additional Support for Learning** published by Enquire (Enquire details on page 28).

**This booklet cannot give a definitive interpretation of the law. That is a matter for the Courts.**

Information in this booklet should answer most of your questions. If you want more information or have queries, you may wish to contact your local Council (see addresses and telephone numbers in the back of the booklet), the headteacher of your local school, School Board or Parent Council.

This booklet is provided to assist parents who are choosing a school run by a local Council. However, parents do not have to send their children to a Council school. Some parents choose to send their children to an independent school and others choose to educate their children at home.

If you wish to send your child to an independent school please contact the Scottish Council for Independent Schools (SCIS). SCIS represents almost all the Scotland's independent schools. Their Directory of Independent Schools gives useful information on all aspects of choosing an independent school and allows you to search for a school's details by specific categories or by location.

SCIS website: [www.scis.org.uk](http://www.scis.org.uk)

Telephone 0131 220 2106

If you would like information on home education, please see the relevant section on the Parentzone website.

Parentzone website: [www.parentzonescotland.gov.uk](http://www.parentzonescotland.gov.uk)



## section 1: choosing a school

### Deciding which school you would prefer your child to go to

Councils usually divide cities, towns and country areas into catchment areas. Children living in a catchment area usually go to the same local school.

Denominational schools can have large catchment areas that overlap those of non-denominational schools. Denominational schools are open to pupils of all denominations but the way each Council manages pupil intake for these schools can vary. Your Council should be able to give you more information about any denominational schools in your area.

If you have a child who is due to start primary school or who will be transferring to secondary school soon, your Council will probably suggest that you should use the local school designated by them. Of course you may be happy to do so, but the Council must also tell you of your right to choose a different school. It can give you a contact address where you can get information to help in making up your mind. If you write to a Council and request a place in a particular school, this is known as a Placing request. The Council has a duty to grant such a request wherever possible.

**However, the size of the school, the current roll and number of children who already live in the catchment area and other factors will affect the Council's ability to grant a placing request.**

If your child has additional support needs the Council has a duty to grant your request for a place in a specified school, subject to certain circumstances that must be explained to you in writing. You can make a request for a special school (public or independent) or a mainstream school. If the specified school is an independent special school, in Scotland or elsewhere in the United Kingdom, the Council must meet the fees and other costs.

The law relating to placing requests also applies if you want your child to change school, as well as when he or she starts primary or secondary school – see page 5.

When deciding on the school you prefer, here are some important things to keep in mind.

- Find out all that you can about the school your Council suggests that you should use. If you can, arrange to visit the school and speak to the headteacher. Schools make special arrangements to welcome visitors and it is advisable to find out what these arrangements are. A telephone call to make an appointment always helps.
- Look out for advertisements in your local paper telling you about enrolling new pupils in the school.
- If you decide you want to know about other schools before you make up your mind, telephone or call at the address the Council gave you to ask about other schools; or the headteacher of the school your Council suggests can help to put you in touch with other schools. Try to arrange a visit, by telephone or by letter, to the schools you are considering. (Addresses of schools are usually listed in your local telephone directory under the name of the Council.)
- Councils are required to publish specific information about each school under their management. This information is available free of charge to parents who request it and you should always ask about it.
- Further information of all schools in Scotland, including local authority and independent schools can be found on the Scottish Schools Online website. It provides contact details, links to school websites where available, and statistical and other information for every school. Scottish Schools Online website: [www.scottishschoolsonline.gov.uk](http://www.scottishschoolsonline.gov.uk)
- You may also wish to take into account when choosing a school the environmental impact of how your child would travel there each day if not eligible for free school transport. This may include exploring what options there are for travelling to the school in a sustainable way such as walking or cycling.



If you are happy to send your child to the school designated by your Council, you usually only need to enrol him or her on the advertised date. Some Councils ask parents to let them know if their children will be attending the school designated by them, or to enrol by a certain date. Make sure you know what your Council expects you to do.

If you want to send your child to a **different school** run by your Council:

- ▶ **You must tell your Council.** There may be a time limit for doing this – check whether the Council has asked you to contact them by a particular date. You can still ask after that date, but if the Council receives more requests for a particular school than there are places, your child is unlikely to get in if you did not ask in time. Most Councils have placing request application forms that you will be asked to complete.
- ▶ **You must put your request in writing.** All the law requires you to do is write your name and address, your child's name, and the name of the school you would prefer. It would be helpful to the Council, however, if you also give your child's age and (if already at school) the name of his or her present school and stage of education.

If you wish to apply for more than one school **you must indicate your first choice**. This is important because the Council is only obliged to consider your first preference.

You do not have to give reasons for your choice. However, Councils may give priority to requests made on certain specific grounds – for example, that your other children already attend the school you have chosen – and it may be helpful to give the Council relevant information where these factors apply.

The Council will consider your written request. It will provide a place for your child in the school of your choice **unless** all the places are already filled, or there are other special circumstances (the circumstances in which a request can be refused are explained more fully on pages 10 and 11).

## When to make your request

If your child is due to start primary school in August (normally he or she will be between 4<sup>1</sup>/<sub>2</sub> and 5<sup>1</sup>/<sub>2</sub> years of age by then) or due to transfer to secondary school, your Council will provide information in the previous December, January or February on choosing a particular school.

If you do not get a letter from them or see an advertisement about this by the end of February, then you should telephone or write to your Council. The headteacher of the local school, or of the school you are interested in, will also tell you whether there is a date by which your request must be in.

If you are already sure by February which school you would prefer your child to go to, then simply write to the Council's education office to tell them. You should do this as soon as possible to allow the Council to consider your request.

## Choice of school for children under the age of 5

Some parents may wish their child to start primary school before they have reached school age. School age children are those who are 5 years old when they start school in August, or who will turn 5 before the following March. If you would like your child to start school early, before they reach school age, you should contact your Council. If the Council agrees that it would be appropriate to your child's ability and aptitude for them to start school early, they will provide a Primary 1 place for him or her in one of their schools. Parents do not have a statutory right to make a placing request for a child who will be under school age when they start primary school. However, if you have a particular school in mind, the Council may be able to give your child a place there – but you cannot appeal if they do not.



## Changing schools

The right of parents to express a preference for a particular school applies at any time until the child reaches school leaving age (see page 6 for choice of school by young people over 16). If for some reason you feel that your child should attend a school other than the one he or she is attending, you should discuss the matter with your child's present headteacher or class/guidance teacher. If you decide that the best course would be a change of school, then you can ask for a place in a different school. You can do this at any time. You do not have to wait until the beginning of the next school year. Changing schools can be unsettling for children and can damage their education, so your decision requires careful thought. A Council can refuse a request if they think a child has already moved schools too much and another move would be seriously damaging (see pages 10 and 11 for more details).

## Children's views

All parents naturally want the best for their children. That natural desire is underpinned by the Children (Scotland) Act 1995, which sets out parental responsibility to safeguard and promote their child's health, development and welfare, in their child's best interests. Like the United Nations Convention on the Rights of the Child (to which the United Kingdom is a signatory), it also recognises the rights of children to have their views taken into consideration when any major decisions are being made that affect their development and welfare. Choosing a school is clearly a very important decision, and children may have views that their parents should consider, taking into account their relative age and maturity.



## Young people over 16

In addition to the rights described above, once a pupil has reached the school leaving age **the pupil – not the pupil's parents** – may choose which school to go to. The time at which pupils are old enough by law to leave school depends on when their 16th birthday falls in the year.

- ▶ Pupils who have their 16th birthday on or between 1 March and 30 September can leave school or decide for themselves whether they want to ask for another school from 31 May that year.
- ▶ Pupils who have their 16th birthday on or between 1 October and the last day of February can leave school or decide for themselves whether they want to ask for another school at Christmas in between those two dates.

If the pupil wants to change schools, then he or she should write to their local Council to say so.

## Schools run by another Council

You can ask for a place for your child at a school run by another Council. You might want to do so, for example, if you live near the boundary of your Council's area and think that a school just across the boundary would be best for your child. In such a case you must write to the Council which manages that school, and not to your own Council.

## Right to send your child to your local designated school

Many parents will still prefer their child to go to the school their Council suggests. Some of them may be worried in case there is no longer room for him or her there. There should normally be no difficulty about children starting their local designated primary school or transferring to their designated secondary school.



If you move house in the middle of your child's schooling into an area where the local school is very popular, you may find that the school is already full. In those circumstances, you may have to wait until someone else moves out and there is a place for your child. The Council will arrange for him or her to attend a different school in the meantime.

**So, if you know that you are going to be moving into a school's area you should let the Council responsible for the school know as soon as possible.**

Councils can reserve places in schools in anticipation of children who may move into the catchment area of the school during the school year. They must consider the overall demand for places at the school, and can only keep empty the number of places that they consider are reasonably required for pupils likely to move into the catchment area in the period up to and including the forthcoming year.

However, it is not always possible for a Council to keep places in a school empty for incomers.

## Travelling to school

If the Council has suggested a school for your child, the Council must make arrangements to get them there **IF**:

- ▶ he or she is under 8 years of age and lives more than 3.2 kilometres (2 miles) from school; or
- ▶ he or she is 8 years of age or over and lives more than 4.8 kilometres (3 miles) from school.

If you decide that you do not want your child to go to the school suggested by the Council and instead ask that he or she goes to another school, the Council does not have to provide a school bus or any help with transport.

The Council may be willing to help with transport although they do not have to by law. It may be worth asking if you would get any help before you decide to ask for a place in the school you prefer.

If the Council decides not to help with transport, you will have to consider carefully how your child is going to get to the school you prefer. You will have to make sure that your child attends regularly.



## section 2: considering your request

When the Council gets your placing request letter, they must:

- ▶ **either** let you know within a few days that there will be a place for your child in the school of your choice or must tell you who will decide whether there is a place for your child;
- ▶ tell you whether you will have a chance to talk about your wishes to the person who will make the decision, or whether you should write to them;
- ▶ give you the name of the person you should telephone or write to if you have any questions about how your request is being handled;
- ▶ give you a note of what the law says about the reasons why your request may have to be refused (these reasons are given on pages 10 and 11);
- ▶ tell you when your request will be treated as having been turned down; and
- ▶ tell you about your right to appeal against refusal.

### How quickly does the Council have to reply?

**If you want your child to start at the school of your choice at the beginning of the school year in August**, and if your letter reaches the Council by 15 March that year, you must be given an answer by 30 April.

You can of course ask earlier if you wish, but the Council will probably not give you an answer any sooner.

If you do not get a written answer from the Council by 30 April, your request is treated as if the Council had turned it down, and you may appeal. (How to do so is described on page 15.)

Do not delay your request beyond 15 March if you can help it. If you do ask for a place after 15 March, the Council has 2 months from receipt of your letter of request in which to make a decision, but all the places at the school you want may have been filled.

**If you want your child to go to a different school in the middle of a school year**, the Council has 2 months to decide, but of course they may be able to give an answer much more quickly.

If your letter reached the Council after 15 March, or if you want a place for your child mid-year, and you do not get a written answer from the Council within 2 months, your request is treated as if the Council had turned it down, and you may appeal. (How to do so is described on page 15.)

## When can a Council refuse a place in a school?

Once you have told the Council, in writing, that you want your child to go to a particular school, the Council can only refuse your request for certain reasons set out by law.

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

- ▶ If to do so they would have to employ an additional teacher or spend a lot of money, for example, where they would have to provide an additional classroom.
- ▶ If your child's education would suffer from a change of school.
- ▶ If education in the school you want would not be suitable to the age, ability or aptitude of your child. This might apply if parents want their child to be admitted to a stage of education for which the child is not yet ready, or to a school which cannot meet the child's needs.



- If they think that your child can only be provided for in the school you want at the expense of the other pupils' education.
- If the school you want has been provided for children with additional support needs, and the Council thinks that your child does not need the special equipment or specially trained staff they have provided in that school.
- If your child has been very troublesome at school. If a child is excluded from a school, the Council is not bound to re-admit him or her. If a child has been in constant trouble, and his or her parents ask for them to be moved to another school, the Council can refuse to provide a place if they think that he or she would be likely to disturb the order and discipline in that school, or the educational well-being of pupils attending the school. They may indeed suggest another school better able to cope with the child.
- If you want your daughter to go to a boys' school, or your son to a girls' school.
- If accepting the request would prevent the Council reserving a place at the school for a child likely to move into the area of the school in-year.
- If accepting the request would make it necessary for the Council to create an additional class or employ an additional teacher at a future stage of your child's primary education.
- If accepting the request would mean that the capacity of the school would be exceeded in terms of pupil numbers.

You may wish to know the exact words used to describe the circumstances in which a Council may refuse your request. These are set out in the Annex on page 25.



The Scottish Government has issued guidance to Councils on how to decide a school's capacity. This information is available on the Scottish Executive website [www.scotland.gov.uk](http://www.scotland.gov.uk)

## What if there are more requests for a school than there are places?

A school may not have enough places to satisfy all the requests they have received. Each Council must produce guidelines to be followed in deciding who should be accepted in these circumstances. The guidelines should normally give the first places to children living within the catchment area of the school. Preference may be given to children who already have brothers or sisters at the school. Guidelines may also cover schools where a child can study a subject or take a course that is not available at his or her local school. Guidelines may apply to all the schools run by a Council, or only to certain schools.

You can ask for information about the guidelines your Council has drawn up for allocating places – telephone or write to the Council's education office for further information.

Councils must advertise any proposed changes in their guidelines so that parents and other interested people can let them know their views.

## What if your request is turned down?

The Council may not be able to give your child a place in the school you want. If this happens, they must tell you (in writing) **why** they cannot do so. The reason they give must be one of those allowed by the law (see pages 10 and 11). If you do not accept or understand their reason, ask the person who wrote to you to tell you more.

If the Council tells you that your child cannot go to the school you want, you should consider the following.



- Did they tell you which school they suggest your child should go to instead? If they have not suggested a school before or after refusing your request **ask them now**.
- Do you agree that your child should go to the school the Council suggests? If so, tell them. If not, is there another school which would be your second choice? If there is, you can ask the Council to give your child a place there. Ask them **in writing** as you did with your first choice. (If you told the Council about your second choice earlier on they may be able to tell you straight away if there is room there.)

If, however, you feel very strongly that the Council should have given you your first choice, you may want to appeal against their refusal.



## section 3: how to appeal

### Appeal committees

If you wish to challenge the Council's refusal of your placing request, you may appeal against it. In that case, your Council must set up an appeal committee to consider your request for a place in a school.

Each appeal committee is made up of no more than seven people. They may be Councillors or local people such as teachers and parents. Nobody who has considered your request before can be a member of the appeal committee. Nobody can be a member if he or she is a parent of a pupil at the school of your choice, or the school the Council has suggested, or if he or she is a teacher at either school.

The appeal committee must say:

- whether it agrees that there is a good reason for refusing your choice of school (one of the reasons allowed by the law); **AND**
- whether the Council are right to refuse your request.

If they do not think one of the reasons applies, or think that even if it does your child should get a place in the school you want, the committee must tell the Council to give your child a place at that school, and the Council must do so.

### Deciding whether to appeal

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**).

## How often can parents appeal?

As a general rule, you can only appeal **once each year** for each of your children. So if you have a second choice of school in mind, decide whether to appeal when your first choice is turned down, or whether you have a better chance of getting a place in your second choice of school. You may feel that it would be better to ask for your second choice of school.

Exceptionally, you may make a second appeal if a decision of an appeal committee or of the Sheriff in another identical case is inconsistent with the decision to refuse your child a place. In these circumstances, the Council must review the decision on your child and must tell you in writing the outcome of that review. If the Council decides not to reverse the decision concerning your child, you may appeal whether or not you appealed against the original decision.

## Can any refusal be appealed?

**You cannot appeal against a refusal of a place in a nursery school** (unless your child has additional support needs – see page 28). If the Council has said they cannot give your child a place in a particular nursery school, their decision is final. This is also the case if you have asked for a place in a primary school for your child and they are under school age (see page 10 for information on under age school entry).

Where your child has additional support needs, you have the same right of appeal on a placing request as any other parent. Where a child or young person has a co-ordinated support plan, appeals regarding placing requests will be referred to the Additional Support Needs Tribunals rather than to an education authority appeal committee. Where an appeal on a refused placing request has been made to the appeal committee or the Sheriff it may be referred to a Tribunal when:

- a child or young person has a co-ordinated support plan; or
- it has been established that the child or young person requires a co-ordinated support plan but one has not been prepared; or
- the education authority have decided that the child or young person does not require a co-ordinated support plan and that decision has been referred to a Tribunal.

## When to appeal

If you want to appeal against a decision not to allow you the school of your choice, you must inform the appeal committee **no later than 28 days from the date on which:**

- your request is treated as if the Council had turned it down (see pages 10 and 11); or
- you receive the Council's letter of refusal (if the letter is received before the date on which your request would be treated as turned down).

It is important that you decide quickly whether you want to appeal or not. If you do not tell the appeal committee within the time allowed by the law, you may lose your chance to appeal.



## How to appeal

The letter from the Council will explain your right to appeal and where to write if you decide to do so.

Your letter should include:

- › your name and address;
- › the name of your child;
- › the name of the school of your choice;
- › the date of the Council's letter of refusal; and
- › a statement that you wish to refer the Council's decision to the appeal committee.

There is no need to say why the Council refused your request, unless you want to, because the Council will tell the appeal committee this.

## Deciding how to make your case

The appeal committee will arrange a day, time, and place at which they will consider your appeal. This is called a **hearing**. Before the hearing takes place, you have to decide how you want to tell them about your reasons for appealing.

- › You can go to the hearing and speak to the appeal committee yourself.
- › You can take up to 3 people with you and if you wish, you can ask one of those people to speak for you, instead of speaking yourself.
- › If you cannot go yourself, you can ask somebody else to go in your place and speak for you.



- You can put your arguments in writing beforehand.
- You can put your arguments in writing even if you also want to go and speak, or ask someone else to speak for you.

It is not essential that you do any of these things. If the appeal committee does not get written arguments from you, and if no one goes to the hearing for you, the committee will consider the information given to them by the Council and reach their decision.

## Making your case in writing

When deciding whether to put your arguments in writing, **it is important** to think about whether there is anything you want to say **that you have not told the Council before**. If there is, it is best to write it down for the committee and send a copy to the Council. If you say something to the committee that the Council has not heard before, they would have to give the Council time to think about the new information. This might delay the committee's decision.

It is best to start thinking about whether you should put your arguments in writing as soon as you have told the appeal committee that you want to refer the Council's decision to them. This is because you must send any written arguments to the appeal committee and to the Council **at least 10 days before the hearing**. So do not wait until you know the date of the hearing before thinking about this.

Any written information the Council gives to the committee must also be copied to you at least 10 days before the hearing.

### DO NOT FORGET

- to **copy to the Council** any letter or other paper you send to the appeal committee before the hearing; **AND**



- › to do this at least 10 days before the hearing.

The Council can complain to the committee if they do not get their copy or get it late, and this could delay the committee's decision.

## Arranging the hearing

You should get an acknowledgement of your appeal within about a week of sending your letter. It may take up to 2 weeks for the committee to inform you of the date, time, and place of the hearing. The hearing itself should take place about 2 weeks after that.

You may be asked to agree to a hearing at less than 2 weeks' notice in order to fit in with the committee's arrangements for other hearings. You do not have to agree if you want a full 2 weeks to get ready.

If you want to go to the hearing yourself but the date is not convenient, you can ask the committee to fix another date. They do not, however, have to do so if the date fixed is convenient for other parents or for other committee members themselves. If the hearing has to be held on a date when you cannot go, then you may want to ask someone else to speak for you.

## Hearing several appeals at once

A number of requests for places in a school may be refused for the same reason. If all these parents appeal, the appeal committee may want to hear them all together.

This may affect your hearing in 2 ways.

- › Normally your hearing must be held within 28 days after the committee receives your letter of appeal. If they want to hear your appeal with other parents, it may be longer than 28 days.



- If some parents appeal after the date of your hearing has been set, the committee may postpone your hearing and fix a later date to hear all the appeals together.

If the committee hears several appeals together, you have a right to ask the committee to let you speak to them without the other parents and their friends being there.

The chair of the appeal committee will ask you whether you want a chance to do this. If you do, he or she will ask the other parents to leave the room while you speak.

## What happens at the hearing?

When the hearing starts, the Chair of the appeal committee will say how the committee intends to conduct the proceedings. Normally:

- The person speaking for the Council will say why they refused your request. Other people may be asked to speak, in support of what the Council has said.
- You, or the person you have asked to speak for you, can ask them questions.
- You, or the person speaking for you, can tell the appeal committee why you think your child should get a place in the school you want, and why you think the Council should not have refused this. You can also ask people to speak in support of what you say. If you have written down your reasons, and sent them to the appeal committee and the Council beforehand, you can say, if you want, that you have nothing to add to your letter.
- The person speaking for the Council may ask questions of you, and any of your witnesses.



- › The person speaking for the Council will sum up their reasons.
- › You, or the person speaking for you, may sum up your reasons.

If you want to give the committee any paper at the hearing, the chair can say that the person speaking for the Council should see it too, and be able to copy it. If the Council gives the committee any new paper, you can ask to see it too.

If the Council says anything to the committee at the hearing which you did not know about before and which you think is so important that you want time to think about it before you go on with your appeal, you can ask the committee to adjourn the hearing and fix a later date for carrying on with the rest of the proceedings.

The committee does not, however, have to agree to this if it thinks the new information is not important.

The Council can also ask the committee to adjourn the hearing and fix a later date for resuming it if you say anything new which they did not know about before. To avoid delay, it is best to make sure that the Council knows all your reasons at least 10 days before the hearing.

Apart from the people speaking for you and for the Council, only a limited number of people may be at a hearing. These may, for example, be Councillors, or their officials in charge of schools, or people appointed to see that appeal committees operate fairly. Members of the public cannot go.



## How long will a decision take?

This depends upon whether the appeal committee decides that it will have to adjourn the hearing and carry on with it later because some new and important information has been produced or because the committee want you or the Council to give it more information. **The committee must give its decision within 14 days of the end of the hearing.** It must give its decision in writing to you and the Council, and must give their reasons for it. If the committee agrees with the Council, it must tell you about your right of appeal to the Sheriff.

If the committee disagree with the Council and says that they should not have refused your request, the Council must let your child have a place in the school you asked for.

## What happens if the committee does not give a decision or does not arrange a hearing?

If the appeal committee:

- ▶ does not hold a hearing within 2 months of receiving your letter saying you want to appeal;
- ▶ does not fix a date for the hearing to continue within 14 days of adjourning a hearing; **OR**
- ▶ does not give their decision and their reasons for it within 14 days of ending a hearing,

the Council's decision to refuse your request remains in force, but you can appeal to the Sheriff in the same way as if the appeal committee had agreed with the Council's refusal.



## Appeal to the Sheriff

The appeal committee may tell you that it agrees that the Council was right to refuse your child a place in the school you want. If you still feel very strongly that the Council should have given your child a place, you can appeal to the Sheriff against the appeal committee's decision.

**If you want to appeal, you must lodge a summary application with the Sheriff Clerk.** For cases covered by the previous section headed 'What happens if the committee does not give a decision or does not arrange a hearing?', the application must be lodged **within 28 days** of the relevant deadline as set out in that section. If the deadlines in that section are complied with, the application must be lodged within 28 days of receiving the appeal committee's decision. A summary application must be in the prescribed form of an initial writ for which a **court fee would be payable**. Normal court procedures would be observed. You may particularly at this stage, but possibly also at any other stage in the process of making and following through a placing request – consider it desirable to seek legal advice on how the law affects your particular circumstances. A late appeal may be accepted if good reason is shown. The Sheriff Clerk's address and telephone number normally appear in the telephone directory under 'Sheriff Court'.

An appeal to the Sheriff will be dealt with in private. The Sheriff will decide first whether the Council refused your request for a reason that is allowed by the law. If not, he/she will overturn the Council's original decision and your child must be admitted to the school you asked for. However, even where he/she decides that the Council had good reason, the Sheriff will consider whether your request should still be accepted. The Sheriff's judgement may, in certain circumstances, be open to judicial review at the request of either the parents or the Council. If relevant, you may wish to seek legal advice to find out more about this.

## ANNEX

You may want to know exactly what the law says about the circumstances in which an authority can refuse a placing request. This is in section 28A(3) of the Education (Scotland) Act 1980, as inserted by section 1 of the Education (Scotland) Act 1981, and section 28A(3A) to (3E) of the 1980 Act, as inserted by section 33 of the Education (Scotland) Act 1996, as inserted by section 44 of the Standards in Scotland's Schools etc Act 2000. The circumstances set out in section 28A(3) are:

“(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; or
- 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 to create an additional class (or an additional composite class) in the specified school or take an additional teacher into employment at the 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
- (a)** if the specified school is a single sex school (within the meaning given to that expression by section 26 of the Sex Discrimination Act 1975) and the child is not of the sex admitted or taken (under that section) to be admitted to the school.”

Section 28A(3) goes on, however, to say that:

“an education authority may place a child in the specified school notwithstanding paragraphs (a) to (e) above,”

This means that the Council does not have to refuse a request just because one of the reasons set out in the law applies.

Section 28A(3A) to (3D) is worded as follows:

“(3A) The duty imposed by subsection (1) above does not apply where the acceptance of a placing request in respect of a child who is resident outside the catchment area of the specified school would prevent the education authority from retaining reserved places at the specified school or in relation to any particular stage of education at the school; but nothing in this subsection shall prevent an education authority from placing a child in the specified school.”

(Subsection 3(8) was removed by section 44 of the Standards in Scotland's Schools etc. Act 2000.)

“(3C) In subsection (3A) above, ‘reserved places’ means such number of places (not exceeding such number or, as the case may be, such percentage of places at the school or relating to the particular stage of education as may be prescribed by regulations) as are in the opinion of the education authority reasonably required to accommodate pupils likely to become resident in the catchment area of the school in the period from the time of consideration of the placing request up to and during the year from 1 August to which the placing request relates; and different numbers or, as the case may be, percentages may be prescribed under this subsection for the purpose of different cases or circumstances.

“(3D) In subsections (3A) and (3C) above, ‘catchment area’ means the area from which pupils resident therein will be admitted to the school in terms of any priority based on residence in accordance with the guidelines formulated by the authority under section 288(1)(c) of this Act.”



## section 4: further information

Further general information and additional copies of this booklet are available from:

The Scottish Government Education Department  
Victoria Quay  
EDINBURGH  
EH6 6QQ  
Tel: 0131 244 4485

If your child has additional support needs you will find advice including information about choosing a school and your appeal rights in **The Parents' Guide to Additional Support for Learning** published by Enquire at:

Enquire  
The Scottish Advice Service for Additional Support for Learning  
Princes House  
5 Shandwick Place  
Edinburgh  
EH2 4RG  
Tel: 0845 123 2303  
[www.enquire.org.uk](http://www.enquire.org.uk)

## Your local Council

Here are the addresses of the Councils' offices which deal with schools.

### **Aberdeen City Council**

Learning and Leisure Services  
Summerhill Centre  
Stronsay Drive  
ABERDEEN  
AB15 6JA  
Telephone 08456 080 09 10  
[www.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk)

Banff & Buchan Education Office  
Aberdeenshire Education and  
Recreation  
Second Floor, St Leonard's  
Sandyhill Road  
BANFF  
AB45 1BH

### **Aberdeenshire Council**

Aberdeenshire Education &  
Recreation  
Woodhill House  
Westburn Road  
ABERDEEN  
AB16 5GB  
Telephone 08456 08 12 05  
[www.aberdeenshire.gov.uk](http://www.aberdeenshire.gov.uk)

Formartine Education Office  
Aberdeenshire Education &  
Recreation  
Towie House  
Manse Road  
TURRIF

Buchan Education Office  
Aberdeenshire Education &  
Recreation  
Old Infant Building  
Prince Street  
PETERHEAD  
AB42 1PL

Garioch Education Office  
Aberdeenshire Education and  
Recreation  
Gordon House  
Blackhall Road  
INVERURIE  
AB51 3AW



Kincardine & Mearns and Marr  
Education Office  
Aberdeenshire Education and  
Recreation  
Queens Road  
STONEHAVEN  
AB39 2DQ

**Angus Council**

Education Department  
Orchard Bank Business Centre  
FORFAR  
DD8 1AE  
Telephone 08452 777 778  
[www.angus.gov.uk](http://www.angus.gov.uk)

**Argyll & Bute Council**

Communities Services Education  
Argyll House  
91 Alexandra Parade  
DUNOON  
PA23 8AJ  
Telephone 01546 602127  
[www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk)

**Clackmannanshire Council**

Clackmannanshire Council Services  
to People  
Education and Lifelong Learning  
Lime Tree House  
ALLOA  
FK10 1EX  
Telephone 01259 450 000  
[www.clacksweb.org.uk](http://www.clacksweb.org.uk)

**Comhairle Nan Eilean Siar**

Department of Education  
Sandwick Road  
STORNOWAY  
Isle of Lewis  
EH1 2BW  
Telephone 01851 709 430  
[www.cne-siar.gov.uk](http://www.cne-siar.gov.uk)

**Dumfries & Galloway Council**

Department of Education and  
Community Services Woodbank  
30 Edinburgh Road  
DUMFRIES  
DG1 1NW  
Telephone 01387 260 427  
[www.dumgal.gov.uk](http://www.dumgal.gov.uk)

**Dundee City Council**

Education Department  
 Floor 8  
 Tayside House  
 Crichton Street  
 DUNDEE  
 DD1 3RJ  
 Telephone 01382 433 111  
[www.dundeeccity.gov.uk](http://www.dundeeccity.gov.uk)

**East Ayrshire Council**

Department of Education  
 Council Headquarters  
 London Road  
 KILMARNOCK  
 KA3 7BU  
 Telephone 01563 576 000  
[www.east-ayrshire.gov.uk](http://www.east-ayrshire.gov.uk)

**East Dunbartonshire Council**

Community Directorate  
 Tom Johnston House  
 Civic Way  
 Kirkintilloch  
 GLASGOW  
 G66 4TS  
 Telephone 0845 045 4510  
[www.eastdunbarton.gov.uk](http://www.eastdunbarton.gov.uk)

**East Lothian Council**

Department of Education &  
 Community Services  
 John Muir House  
 HADDINGTON  
 EH41 3HA  
 Telephone 01620 827 827  
[www.eastlothian.gov.uk](http://www.eastlothian.gov.uk)

**East Renfrewshire Council**

Education Department  
 Council Offices  
 211 Main Road  
 Barrhead  
 GLASGOW  
 G78 1SY  
 Telephone 0141 577 3001  
[www.eastrenfrewshire.gov.uk](http://www.eastrenfrewshire.gov.uk)

**City of Edinburgh Council**

Education Department  
 Business Centre  
 Waverley Court  
 4 East Market Street  
 EDINBURGH  
 EH1 8DG  
 Telephone 0131 200 2323  
[www.edinburgh.gov.uk](http://www.edinburgh.gov.uk)



**Falkirk Council**

Education Services  
McLaren House  
Marchmont Avenue  
POLMONT  
FK2 0NZ  
Telephone 01324 506 061  
[www.falkirk.gov.uk](http://www.falkirk.gov.uk)

**Fife Council**

Education Service  
Rothesay House  
Rothesay Place  
GLENROTHES  
Fife  
KY7 5PL  
Telephone 08451 55 00 00  
[www.fife.gov.uk](http://www.fife.gov.uk)

**Glasgow City Council**

Education Department  
Wheatley House  
25 Cochrane Street  
Merchant City  
GLASGOW  
G1 1HL  
Telephone 0141 287 2000  
[www.glasgow.gov.uk](http://www.glasgow.gov.uk)

**Highland Council**

Education, Culture and Sport Service  
Glenurquhart Road  
INVERNESS  
IV3 5NX  
Telephone 01463 702 000  
[www.highland.gov.uk](http://www.highland.gov.uk)

Caithness Area Education Office  
Rhind House  
West Banks Avenue  
WICK  
KW1 5LZ

Sutherland Area Education Office  
Johnstone Place  
BRORA  
KW9 6PG

Ross & Cromarty Area  
Education Office  
The Education Centre  
Castle Street  
DINGWALL  
IV15 9HU

Inverness Area Education Office  
13 Ardross Street  
INVERNESS  
IV3 5NS

Nairn/Badenoch & Strathspey  
Area Education Office  
King Street  
Kingussie  
INVERNESS-SHIRE  
PH21 1HP

Skye & Lochalsh Area Education  
Office  
Elgin Hostel  
PORTREE  
Isle of Skye  
IV51 9EE

Lochaber Area Education Office  
Camaghael Hostel  
Camaghael  
FORT WILLIAM  
PH33 6NA

### **Inverclyde Council**

Education Services  
Municipal Buildings  
GREENOCK  
PA15 1LX  
Telephone 01475 717 171  
[www.inverclyde.gov.uk](http://www.inverclyde.gov.uk)

### **Midlothian Council**

Education Division  
Fairfield House  
8 Lothian Road  
DALKEITH  
Midlothian  
EH22 3ZG  
Telephone 0131 270 7500  
[www.midlothian.gov.uk](http://www.midlothian.gov.uk)

### **Moray Council**

Education Services  
High Street  
ELGIN  
IV30 1BX  
Telephone 01343 563 339  
[www.moray.gov.uk](http://www.moray.gov.uk)

### **North Ayrshire Council**

Department of Education  
Cunninghame House  
Friars Croft  
IRVINE  
KA12 8EE  
Telephone 0845 603 0590  
[www.north-ayrshire.gov.uk](http://www.north-ayrshire.gov.uk)



**North Lanarkshire Council**

Department of Education  
Municipal Buildings  
Kildonan Street  
COATBRIDGE  
ML5 3BT  
Telephone 01698 403200  
[www.northlan.gov.uk](http://www.northlan.gov.uk)

**Orkney Islands Council**

Education Department  
Council Offices  
KIRKWALL  
KW15 1NY  
Telephone 01856 873 535  
[www.orkney.gov.uk](http://www.orkney.gov.uk)

**Perth & Kinross Council**

Education & Children's Services  
Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD  
Telephone 01738 476 200  
[www.pkc.gov.uk](http://www.pkc.gov.uk)

**Renfrewshire Council**

Education and Leisure Services  
Council Headquarters  
South Building  
Cotton Street  
PAISLEY  
PA1 1LE  
Telephone 0141 842 5000  
[www.renfrewshire.gov.uk](http://www.renfrewshire.gov.uk)

**Scottish Borders Council**

Education Department  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA  
Telephone 01835 824 000  
[www.scotborders.gov.uk](http://www.scotborders.gov.uk)

**Shetland Islands Council**

Community Services Department  
Education Service  
Hayfield House  
Hayfield Lane  
LERWICK  
ZE1 0QD  
Telephone 01595 744 000  
[www.shetland.gov.uk](http://www.shetland.gov.uk)

**South Ayrshire Council**

Education, Culture & Lifelong  
Learning  
County Buildings  
Wellington Square  
AYR  
KA7 1DR  
Telephone 0845 601 2020  
[www.south-ayrshire.gov.uk](http://www.south-ayrshire.gov.uk)

**South Lanarkshire Council**

Education Resources Council  
Offices  
Almada Street  
HAMILTON  
ML3 0AE  
Telephone 0845 740 6080  
[www.southlanarkshire.gov.uk](http://www.southlanarkshire.gov.uk)

**Stirling Council**

Childrens Services Viewforth  
STIRLING  
FK8 2ET  
Lo-call 0845 277 7000  
[www.stirling.gov.uk](http://www.stirling.gov.uk)

**West Dunbartonshire Council**

Education & Cultural Services  
Department  
Council Offices  
Garshake Road  
DUMBARTON  
G82 3PU  
Telephone 01389 737 000  
[www.wdcweb.info](http://www.wdcweb.info)

**West Lothian Council**

Education and Cultural Services  
West Lothian House  
Almondvale Boulevard  
LIVINGSTON  
EH54 6QG  
Telephone 01506 775 000  
[www.westlothian.gov.uk](http://www.westlothian.gov.uk)



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Aby otrzymać niniejszy dokument w innej wersji językowej, na kasecie lub w wersji z powiększonym drukiem, prosimy o kontakt:

☎ 0131 244 4485





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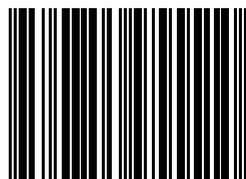
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ISBN 978-0-7559-5551-0



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