

ANGUS COUNCIL

EDUCATION COMMITTEE

21 January 1997

REPORT BY THE DIRECTOR OF EDUCATION

Report No 935/96^A

**SCHOOL PLACING REQUESTS:
EFFECTS OF THE EDUCATION (SCOTLAND) ACT 1996**

ABSTRACT

This report describes two minor amendments to the law as it affects parental placing requests. The report recommends that steps be taken which take account of these amendments, including a review of school capacities and intake limits.

RECOMMENDATIONS

It is recommended that the Education Committee:

- a) instructs me to continue to encourage parents to enrol their children in their local school, but otherwise to agree to all placing requests whenever possible;
- b) notes that the wording of the statutory grounds for refusal of placing requests has been amended very slightly;
- c) approves the school capacities and intake limits detailed in Appendices 1 and 2, and approves also the retention (in circumstances described within the body of this report) of 2 reserved places per stage, or 3% of the intake limit (whichever is the greater), to enable children who move into the delineated areas of schools asterisked in Appendices 1 and 2 to obtain places in those schools;
- d) delegates discretion to me to accede to any placing request, notwithstanding the intake limits and designated reserved places, if the circumstances in any individual school at a given time can justify acceptance of such a placing request without allowing the school to become unnecessarily overcrowded.

BACKGROUND

Reference is made to the meeting of the Education Committee on 15 October 1996, when the Committee considered the terms of SOEID Circular No 8/96 and, inter alia, instructed me to bring forward a detailed report on the implications of the Education (Scotland) Act 1996, specifically as it relates to Placing Requests.

Amendments to the Legislation and Their Implications

The 1996 Act amends previous legislation in two ways

a) **Minor amendment to the list of grounds for refusal of a placing request**

This is essentially a "tidying up" measure specifically in the context of Section 28A of the Education (Scotland) Act 1980 as amended by Section 1 of the Education (Scotland) Act 1981. Until the commencement of the 1996 Act, one of the grounds for refusal of placing requests by education authorities had been that

"placing the child in the specified school would be likely to be seriously detrimental to order and discipline in the school or to the educational well-being of the pupils there."

When education authorities had to give formal notification to parents of a refusal of a placing request, they felt constrained by legislation to quote to these parents the precise reason for refusal, using the language contained in the 1981 Act. For example, although Tayside Regional Council refused only a very small proportion of placing requests, the overwhelming majority which were refused came about in order to ensure a particular school was not allowed to become overcrowded; whilst linking overcrowding with any other of the statutory reasons for refusal of a placing request can be difficult to establish, it has frequently been argued that overcrowding is "seriously detrimental to the educational well-being" of pupils. However by quoting the above statutory reason in its entirety without the benefit of further explanation, parents were often unwittingly misled into thinking for example that their child's behaviour was the root cause of the placing request refusal, when this was not the case.

The 1996 Act now splits the above statutory reason for refusal of a placing request into two separate reasons:

- (i) *"placing the child in the specified school would be likely to be seriously detrimental to order and discipline in the school" or*
- (ii) *"placing the child in the specified school would be likely to be seriously detrimental to the educational well-being of pupils attending the school."*

Either of these reasons can now be used by an education authority as a statutory ground for refusal of a placing request, and in a case relating to overcrowding, (ii) above would be an appropriate reason for refusal. The effect of this amendment is minimal, but if it will help make the legal position easier for all to understand, then it is to be welcomed.

It is recommended that members note this amendment