



MANAGEMENT CIRCULAR

70b

Education Services, City Chambers, 40 John Street, Glasgow G1 1JL

December 2018
Management Circular No. 70b

To **Heads of all Educational Establishments**

Making a Placing Request to an Additional Support for Learning Establishment

For the purposes of this document the term “parent”¹ also applies to a young person as defined under the Education (Scotland) Act 1980 as a person over school age, normally 16 years of age (with capacity) who has not attained the age of eighteen years.

Where a child or young person has additional support needs, then Education Services will assume in the first instance that their learning needs can be met within a mainstream establishment. If through an appropriate multi-agency assessment process that it has been agreed that the child’s/young person’s learning needs would be better met in an appropriate specialist placement then consideration will be given in the first instance to the available local provision. If the parent/carer does not wish to send the child/young person to the identified provision then they can consider submitting a placing request application.

Parents/Carers have a statutory right to make a placing request for their child for any educational establishment. This includes the right to make a placing request for a special school or unit.

This right to make a placing request can be exercised throughout a child’s/young person’s education and not just when the child/young person is starting primary or secondary school. However, there are good educational reasons for trying to ensure that the transfer or admission of children and young people takes place at the start of a school session.

If a placing request is successful the authority will not meet transport costs. Transport will be withdrawn for those in receipt of free transport, travel passes should be returned to Children and Young People Support, Education Services, Glasgow City Council, City Chambers, 40 John Street, Glasgow G1 1JL.

Transport will only be provided for children/young people attending school as a result of a placing request in exceptional circumstances and where authorised by the Head of Service.

In the case of a special school or unit, parents/carers who wish to make this kind of placing request are encouraged to discuss their choice of school with the current Headteacher before making the request as an assessment of needs may be appropriate. Parents/Carers may also contact the link Quality Improvement Officer for their choice of school or the Inclusion Team for Additional Support Needs, Education Services, Glasgow City Council, 40 John Street, Glasgow, G1 1JL for further advice.

¹ In addition, throughout this document the term “parents” should be taken to include foster carers, residential care staff and carers who are relatives or friends.

A PLACING REQUEST CAN BE MADE TO:

- Any Mainstream School managed by Glasgow City Council;
- Any Additional Support for Learning School managed by Glasgow City Council; and
- Any Independent Special School.

All requests, along with supporting evidence, will be considered by Glasgow City Council. It is therefore very important that parents/carers provide **all** relevant information in support of their request. This may include medical evidence and reports from any other services or agencies that may have been involved with the child/young person.

All completed placing request forms should be returned to the address listed in the application form.

Placing request applications for an independent special school should be submitted to Children and Young People Support, Education Services, Glasgow City Council, 40 John Street, Glasgow G1 1JL.

It is important to note that the granting of a placing request for one child does **not** guarantee that a placing request for the same school for a younger sibling will be granted in any future year.

Geographical Areas for Additional Support for Learning Schools/Units

For any advice on Additional Support for Learning establishments should be made to the headteacher of the current school/unit, a member of the Inclusion team or the Depute Principal Psychologist for the geographical area for the home address. The Principal Psychologist contacts details are as follows:

- David Patrick
North East Office, Gadburn Campus, 70 Rockfield Road, Glasgow G21 3DZ Phone
0141 276 2170
- Yvonne Bushnell
North West Area, Anderston Primary School, 3 Port Street, Glasgow G3 8HY
Phone 0141 276 2070
- Maura Kearney
South Area, Govan High School, Ardnish Street, Glasgow G51 4NB Phone 0141 582
0090

When a child/young person attending an additional support for learning establishment moves home address outwith the geographical area of their current school, a placing request should be submitted to request to remain in the current school.

If a placing request is successful the authority will **not** normally meet transport costs.

Applicants must reside in the United Kingdom for a placing request to be considered.

PLACING REQUESTS FOR AUGUST ENTRY

If the parental/carer choice is not to send the child/young person to the identified specialist provision parents/carers should be encouraged to submit a placing request at the time of registration for P1 or S1 and should be submitted by **15th November** for children and young people due to commence P1 or S1 the next August. If an application is received after this date the application will be considered, but if you apply after 15th March, it is possible that places in the chosen school may no longer be available.

The submission date for placing requests is **15th March**. A decision letter needs to be received by the parent/carer no later than **30th April**.

Placing requests received after the 15th March will be processed after all other applications have been considered, however a decision will be notified within two months of receiving the placing request.

Every attempt will be made to place children/young people and if there are no statutory grounds for refusing a placing request, it will be granted.

MID-TERM PLACING REQUESTS

Where a placing request does not relate to a transitional placement i.e. is made during term time then the placing requests must be acknowledged in writing within five working days as a legal requirement however, if a place is offered before that, only the decision letters need to be sent out.

The Council has up to two months before a decision has to be notified by letter from the Head of Service.

CONSIDERING THE APPLICATION

The Equality Act 2010 protects certain characteristics. In the delivery of education the characteristics that are protected are disability, gender reassignment, race, religion or belief, sex or sexual orientation, pregnancy and maternity. When making decisions in relation to admissions the school has a duty to have due regard to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Equality Act 2010;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Each request will be assessed by Glasgow City Council with consideration given to best meeting the child's/young person's additional support needs. All supporting evidence submitted with the placing request application, including medical evidence and reports from any other services or agencies that may have been involved with the child/young person, will be considered.

As soon as a decision has been made the parent/carer will be notified of the result in writing. If the placing request application is successful the parent/carer will receive information on how enrol the child/young person in the chosen school.

PLACING REQUESTS REFUSALS

Glasgow City Council will make every effort to place a child/young person to a suitable provision to meet their assessed needs. Where there are more placing requests than places, no places available or the assessment does not support the application the Council may need to refuse a placing request.

Some reasons may require third party evidence to support the refusal i.e. Police or Social Work Services evidence etc.

The Council must give a reason for the refusal. For children who have additional support needs placing requests are in terms of Education (Additional Support for Learning) (Scotland) Act 2004 Section 22 and Schedule 2 (1). The duty to place the child/young person does not apply:

- (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;
 - (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 elect either to create an additional class (or an additional composite class) in the specified school or to take an additional teacher into employment at that school; or
 - (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 school mentioned in paragraph 2(2) (a) or (b), the child does not have additional support needs requiring the education or special facilities normally provided at that school;
 - (e) if the specified school is a single sex school (within the meaning of 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.
 - (f) if all of the following conditions apply, namely—
 - (i) the specified school is not a public school,
 - (ii) the authority are able to make provision for the additional support needs of the child in a school (whether or not a school under their management) other than the specified school,
 - (iii) it is not reasonable, having regard both to the respective suitability and to the respective cost (including necessary incidental expenses) of the provision for the additional support needs of the child in the specified school and in the school referred to in paragraph (ii), to place the child in the specified school, and
 - (iv) the authority have offered to place the child in the school referred to in paragraph (ii), or
 - (g) if, where the specified school is a special school, placing the child in the school would breach the requirement in Section 15(1) of the 2000 Act.

* Please note Section 26 of the Sex Discrimination Act 1975 is now replaced with paragraph 1(2) of Part 1 of Schedule 11 to the Equality Act 2010).

WHAT HAPPENS IF THE APPLICATION IS REFUSED

- If a placing request is refused the application is **not** held on a waiting list.
- The parent/carer must confirm attendance at the named specialist provision or mainstream school.

The parent/carer may:

- submit a placing request for another school or specialist provision suitable to meet the assessed needs of the child.
- request Mediation (see below).
- lodge an appeal against the refusal of the placing request (see Appeal Process section).

Mediation

The Education (Additional Support for Learning) (Scotland) Act 2004 places duties on local authorities to provide access to independent mediation to aim to resolve disagreements between parents/carers and the authority and/or schools regarding children and young people with additional support needs.

Mediation is a voluntary process during which a neutral third person (a mediator) assists those involved in disagreement or dispute to work towards finding a mutually acceptable agreement.

Local authorities must ensure that parents/carers have access to an independent mediation service free of charge. Although the service parents/carers use is likely to be commissioned by the local authority, it will be operating entirely independently.

Before you decide to appeal

Please note: The Scottish Government's Choosing a School: A Guide for Parents 2010 advises parents/carers about appeals as follows: "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.

The parent/carer should consider: whether they 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)."

Appeal Process

Parents/Carers of a child/young person with additional support needs can refer a decision of the authority to refuse a placing request to the education authority appeals committee. However there are specific occasions when an appeal against the decision to refuse must be considered by the Additional Support Needs Tribunal for Scotland instead. A reference should be made to the tribunal where:

- the request is in respect of a special school in Scotland managed by an education authority;
- the request is in respect of an independent or grant-aided special school in Scotland or a school in England, Wales or Northern Ireland, making provision wholly or mainly for children or young persons with additional support needs, in all cases whose managers are willing to accept the child or young person;
- a Co-ordinated Support Plan has been prepared (and has not been discontinued);
- the education authority have decided that the child or young person does not require such a plan and that decision has been referred to the Tribunal;
- no such plan has been prepared but it has been established by the education authority that the child or young person requires such a plan;
- the education authority have advised the parents/carers or young person that they intend to establish whether a Co-ordinated Support Plan is required.

All Reference forms should be sent to the address below:

ASNTS

2nd Floor
Glasgow Tribunals Centre
20 York Street
Glasgow
G2 8GT

If you need general advice on how to make a Reference to the Additional Support Needs Tribunals for Scotland you can contact us on:

Telephone 0141 302 5860

Email:

ASNTTribunal@scotcourtribunals.gov.uk

Website:

<http://www.healthandeducationchamber.scot/index.php/home>

A parent/carer can appeal the decision to refuse. A young person over school leaving age normally 16 years (with capacity) must appeal on their own behalf the decision to refuse.

If a parent/carer/young person wishes to appeal they are required to lodge an appeal to the Additional Support Needs Tribunal within two months from the date on which the request was deemed to be refused.

The letter should give the parent's/carer's name and address, the name of the child/young person for whom the appeal is being made, the name and address of the school of our choice, the date and reference of the letter of refusal and statement indicating why you wish to appeal against the decision.

Please note: By law where a decision to refuse a placing request is referred to the Additional Support Needs Tribunal, another reference cannot usually be lodged within 12 months from the day the reference was lodged.

<http://www.scotland.gov.uk/topics/education/schools/welfare/asl>

Placing request application forms are available from all educational establishments, as well as from Children and Young People Support, Education Services, Glasgow City Council, 40 John Street, Glasgow G1 1JL or download from the Glasgow City Council website:

<http://www.glasgow.gov.uk/index.aspx?articleid=8629>

All schools should have up to date handbooks available giving information about the school and can be found at <http://www.glasgow.gov.uk/index.aspx?articleid=8632>.

Maureen McKenna

Executive Director of Education