

Education & Children's Services

Out of Zone Placing Request Policy & Procedures

Updated December 2019



Education & Children's Services: Out of Zone Placing Request Policy

Legislation

The Parents' Charter of 1981 gives parents/carers the right to make a Placing Request for the school of their choice other than the school which normally serves the catchment area in which they reside. Aberdeenshire Council has a duty to agree to the Placing Request unless one of the reasons for refusal laid down in law applies.

Guiding Principles - Timescales

Out of zone placing request applications can be completed at any time. Applications with an August start date will require to be submitted by 15 March of that year. Applications will only be dealt with if they are for current year or the Academic year ahead. Aberdeenshire Council must respond to a Placing Request Application by 30 April provided it was received by 15 March. Where a Placing Request is received after 15 March, the Education Authority has two months from receipt of the request in which to make a decision. That decision will be made after all Placing Requests received by 15 March have been considered, by which time all spaces at the school requested may have been filled. All Placing Request applications will be considered centrally and no decisions will be made by individual schools. If the Education Authority has not responded to your request within two months, the Education Authority is deemed to have refused your request. Any applications submitted more than a year in advance will not be processed.

Family information

Only a parent or legal guardian can apply for a place at a school on behalf of their child. In a situation of parents not living at the same address the out of zone placing request application should be completed by the parent with whom the child resides with the majority of the time.

If a child is accepted into an out of zone school this does not guarantee a sibling getting a place at that school.

Transport

If an application is approved parents/carers are fully responsible for making transport arrangements and for meeting all costs involved. However, parents can apply for a seat on any existing transport but should note that this can be withdrawn at any time without notice being given.

Additional Information

Each child requires a separate application form. Parents can indicate a second choice of school on the form.

If a child attends a School Nursery this does not entitle them to attend that school when starting Primary 1.

If a place is approved into an out of zone primary school this does not give entitlement to a place at the cluster academy, if that is also out of zone. If a place is preferred at an out of zone academy a further application should be completed at that time.

Additional Support Needs

If a child has additional support needs it is important to put as much information as possible on the application form. In some circumstances a Multi Agency Action Planning Meeting (MAAPM) may be required to identify the best school for the child, the minutes of this meeting should then be sent in with the placing request application form, this may be decided more than one academic year in advance to allow for extended transition.

Decision Process

Once Primary One admissions have been collated in February of each year, Education & Children's Services will determine how many additional placement requests can be accepted at each school before considering any application forms. This process will ensure that reserved spaces are kept at each school.

Reserved spaces are pupil places which are kept for children who are likely to move into the area during the school year.

Secondary admission limits and reserved spaces are determined annually. Secondary admission limits require to be reviewed regularly and varied to adapt for demand for in zone places. A secondary admission limit is set for each year group, and remains in place for that cohort as they move through S1 to S4. Once these are approved, they will identify how many placing request applications at each Academy can be accepted.

If more Placement Requests are received than there are available spaces within a school, a set of priorities will be used to determine which applications can be approved. These priorities are detailed below. If having applied the priorities to the applications, there are more children meeting the same criteria and priorities than there are available spaces, places will be determined based upon the distance that the child lives from the school, priority being given to the child(ren) living closest to the school requested.

Once an application has been approved, parents/carers will then be required to complete a full enrollment form for their child at the requested school.

If a place cannot be offered at the first choice school, then the second choice school will be considered.

Placing Requests Additional Priorities

- **Residence**

Residents within Aberdeenshire will take priority over those living outwith the Council area. All applications from Aberdeenshire residents will be assessed, and if necessary prioritised against the criteria below, before those from families living in other Council areas.

- **Children in Need**

Where children who, in terms of the Children (Scotland) Act 1995 would be considered to be "Children in Need" and where there are reasons why the child's needs can be better met in the school requested than in the school which serves the area in which the child lives. Children in Need is a broad concept and includes needs which arise from medical, psychological and social reasons but are not limited to these categories. Children may be considered to be in need as a result of the disability of another member of their household.

Where Aberdeenshire Council is asked to give priority to a child on this basis, it will seek the advice of an Educational Psychologist, Medical Practitioner, Social Worker or other agency according to the nature of the need. The Council will treat all such cases on their individual merits.

- **Educational**

Where the zoned school does not offer the subjects which the pupil wishes to study. (*This would be unlikely to apply to primary school placing request applications*)

- **Local Conditions**

Where road conditions, weather conditions or other local conditions constitute a severe hazard to the child if they were to attend the zoned school.

- **Sibling Attending School**

Where another member of the family is already in attendance at the specified school.

- **Social**

Where both parents are working and transport the child outwith the zone in which they are resident in order that their child be cared for by a responsible adult outwith school hours.

- **Other Reasons**

Such other reasons as may be appropriate in the judgement of deciding officer. You may include this reason in your application form. You are not required to give reasons but a system of priorities can only be applied if you have given your reasons.

Reasons for Refusal

Aberdeenshire Council is legally entitled to refuse a Placing Request if any of the following criteria are met:

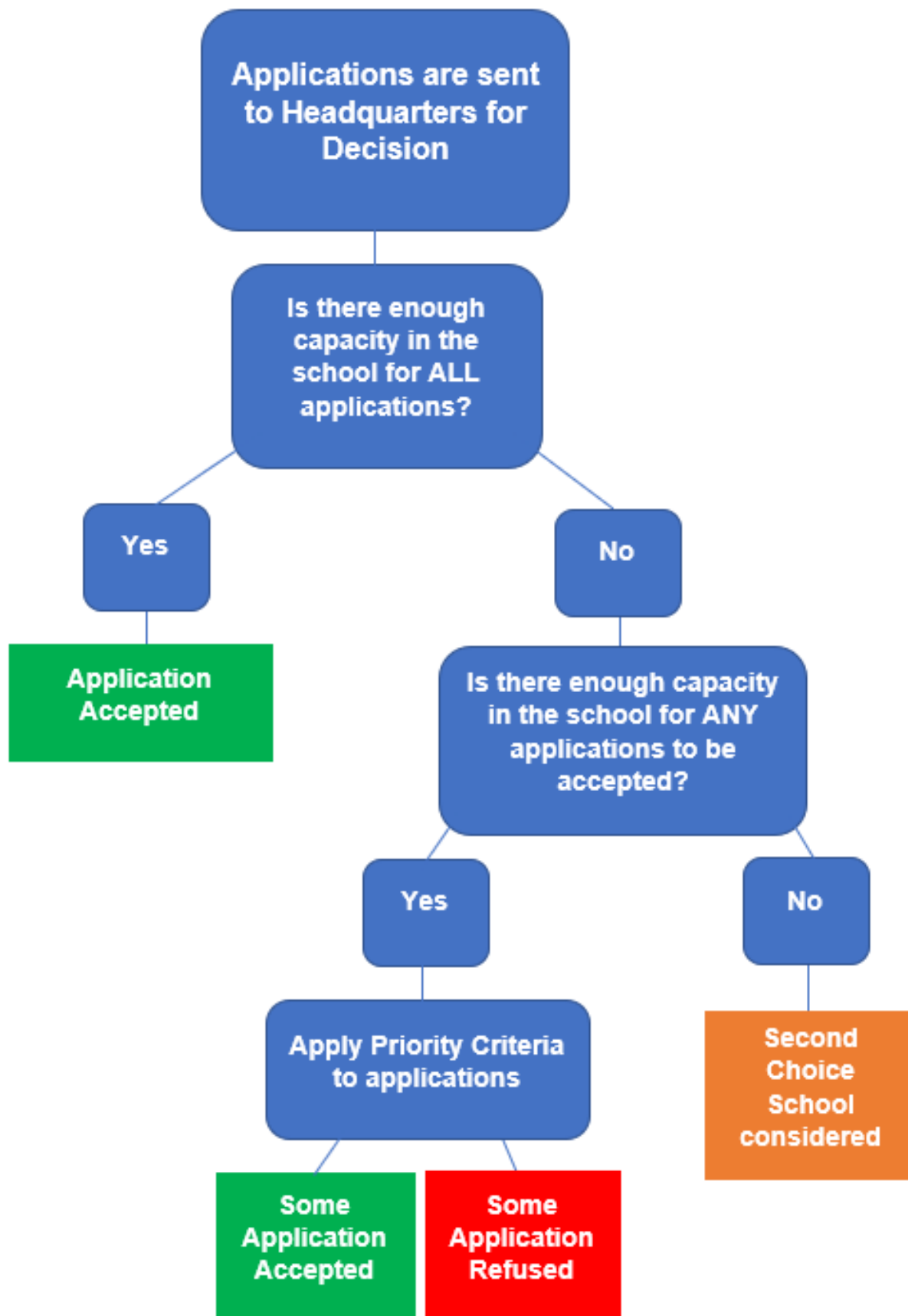
- If accepting the request would mean that the capacity of the school would be exceeded in terms of pupil numbers.
- If to do so the Council would have to employ an additional teacher or spend a substantial sum of money at the point of admission, for example, where they would have to provide an additional classroom.
- 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 a child's primary education.
- 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 a child's education would suffer from a change of school.
- If education in the school requested would not be suitable to the age, ability or aptitude of the 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 Council officers think that a child can only be provided for in the school requested at the expense of the other pupils' education.
- If the school requested has been provided for children with additional support needs, and council officers thinks that a child does not need the special equipment or specially trained staff they have provided in that 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.

Appeals

If a decision is made to refuse the Placing Request, the parents/carers are entitled to refer any refusal to an Appeal Committee within 28 days of the decision. Appeals are heard by the SPEAC (The School Placing and Exclusion Appeals Committee), set up and maintained by Aberdeenshire Council. An appeal committee shall consist of 3, 5 or 7 members nominated by the authority from among persons appointed by the authority.

If the Appeal Committee upholds the appeal then Aberdeenshire Council is required to give effect to the placing request. If the Appeals Committee decides that the Placing Request will be refused, further appeal can be made to the Sheriff having jurisdiction where the school specified in the Placing Request is situated.

Placing Request Process Flow Chart



Placing Request Application & Appeal Process Timeline for P1/S1 admissions

Mid-January

Two week Primary 1 admission period

End of February

Number of spare pupil places determined for each school

15th March

Deadline for submitting placing request applications for August admission

30th April Deadline for Decision Letters

Applications submitted after 15 March will be determined within two months of receipt

APPEAL PROCESS

(The number of days below are maximum timescales)

28 Days from Receipt of Decision Letter to Appeal Decision

5 Working Days (from receipt)

Authority Acknowledges Appeal Request 10 Days before Hearing
to Submit Supporting Documentation

Appeal Hearing

14 Days after Appeal Hearing – Decision is Notified



Office Use Only

Placing Request Application Form

Please complete in **BLOCK CAPITALS** and return this form by email to: placingrequest@aberdeenshire.gov.uk

| | | | |
|------------------|----------|---------|----------------|
| Date Stamp | | | |
| Ref. | | | |
| Outcome | Accepted | Refused | Initial & Date |
| | | | |
| Date Letter Sent | | | |

Child's Details

| | | | |
|---------------|----------|--|--|
| Full Name | | | |
| Date of Birth | | | |
| Address | | | |
| | | | |
| | Postcode | | |

Requested School

| | | | |
|--|---------------|------------------------------------|--|
| School Requested | First Choice | | |
| | Second Choice | | |
| Zoned School (This is the designated school for your child's address, leave blank if unknown) | | | |
| Current School / Nursery | | | |
| Requested Start Date | | Year Group on start date (e.g. P1) | |

Parent / Carer Details

| | | | | |
|---|-----------------------------------|-----------|-------|--|
| Title | Mr Mrs Miss Ms Dr (please circle) | Full Name | | |
| Same address as child | | Yes / No | | |
| Address if different from above | | | | |
| | | | | |
| Telephone contacts (in priority order) | 1 | | Email | |
| | 2 | | | |
| | 3 | | | |
| Are you completing an additional form for any other children? | | Yes / No | | |
| Children's Names | | | | |
| | | | | |

Sibling(s) attending requested school

Please give details of any brothers and sisters already attending the requested school

| | |
|-----------|-------------------------------------|
| Full Name | Stage/ Year on requested start date |
| | |
| | |

Additional Support Needs

| | | | |
|--|----------|-----|----------|
| Does your child have any additional support need? | Yes / No | | |
| If yes, please specify: | | | |
| | | | |
| Does your child have an individualised education programme or a co-ordinated support plan? | | | |
| IEP | Yes / No | CSP | Yes / No |

Support with English Language – for children whose first language is not English

| | |
|--|--|
| What is the first language of your child? | |
| Does your child need support with English language | |

Reasons for Application

You are not required to give a reason but, if you don't, and there are more out of zone placing requests for the school of your choice than there are available pupil spaces, this may affect our ability to grant you a place.

| |
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|--|

Declaration

I declare that I am the parent or legal guardian for the child above and the information provided is correct. I understand that failure to provide accurate information may result in my child's application being refused. I understand that I will be responsible for the arrangement and any cost of transport for my child to and from the requested school. (Transport is not normally provided for children attending a school out with their zoned area. However, you can apply for a seat on any existing transport but should note that this can be withdrawn at any time without any notice being given.)

The Data Protection Act

I have read and understood the attached Privacy Notice detailing the legal basis, retention period and my rights in relation to the data being collected.

| | | | |
|-----------------------------|--|-------|--|
| Signature of Parent/ Carer: | | Date: | |
|-----------------------------|--|-------|--|



From mountain to sea

Privacy Notice

The Data Controller of the information being collected is Aberdeenshire Council.
The Data Protection Officer can be contacted at Town House, 34 Low Street, Banff, AB45 1AY.
[Email: dataprotection@aberdeenshire.gov.uk](mailto:dataprotection@aberdeenshire.gov.uk)

Your information is being collected to use for the following purposes:

- Inform Placing Request Process as defined in the Out of Zone Placing Request Policy 2015

Your information is being collected by Aberdeenshire Council.

The Legal Basis for collecting the information is:

| Personal Data | Special categories of personal data |
|---------------------------|--|
| Performance of a Contract | Processing is necessary for the purposes of carrying out the obligations of the controller or of the data subject in the field of employment, and social security and social protection law |

Where the Legal Basis for processing is either Performance of a Contract or Legal Obligation, please note the following consequences of failure to provide the information:

Out of Zone Request cannot be processed by Learning Estates Team.

Your information will be shared with the following recipients or categories of recipient:
The school requested, current school/zoned school listed in the application and the Quality Improvement Officer of the school requested will be informed.

Your information will be transferred to or stored in the following countries and the following safeguards are in place:

N/A

The retention period for the data is:

3 years from completion of School session applied for.

The following automated decision-making, including profiling, will be undertaken:

N/A

Please note that you have the following rights:

- to withdraw consent at any time, where the Legal Basis specified above is Consent;
- to lodge a complaint with the Information Commissioner's Office (after raising the issue with the Data Protection Officer first);
- to request access to your personal data;
- to object, where the legal basis specified above is:
 - (i) Performance of a Public Task; or
 - (ii) Legitimate Interests.
- to data portability, where the legal basis specified above is:
 - (i) Consent; or
 - (ii) Performance of a Contract;
- to request rectification or erasure of your personal data, as so far as the legislation permits.