

Education and Learning Directorate  
Policy

# School Admissions Policy and Procedure

2024

## 1.0 POLICY STATEMENT

1.1 This document details Dumfries and Galloway's policy with regard to admissions to all schools under its management.

1.2 Every parent and carer who has a child of school age must provide that child with an education suitable to their age and ability. Parents must do this by making sure their child regularly attends school or by other means, such as home education. Dumfries and Galloway Council has a duty to provide appropriate education for all children over 5 years and under 16 years of age.

1.3 Under the Education (Scotland) Act 1980 as amended (hereafter referred to as 'the Act'), it is the duty of Dumfries and Galloway Council to provide adequate and efficient school education for all children living within Dumfries and Galloway.

1.4 Information for parents to inform their choice of school is made available by individual schools and by the Council. Information can also be obtained through the school handbook or online against each school at "Near Me" available at <http://www.dumgal.gov.uk>. Information relating to catchment areas for denominational primary and secondary schools can be obtained by contacting the individual school or the Council.

## 2.0 Catchment Areas

Dumfries and Galloway is split into catchment areas for each primary and secondary school. Children living within a school's catchment area are given priority for a place.

Each address has:

- a **non-denominational** primary school
- a **Roman Catholic** primary school
- a **non-denominational** secondary school
- a **Roman Catholic** secondary school

### 2.1 Children living under shared care

Where parents are separated, to determine the appropriate catchment area for the child, we use the address of the parent with whom the child resides for the majority of their time per week. If the shared care arrangement is a 50/50 split, the parent in receipt of Child Benefit will determine the address for school enrolment.

## 3.0 School Transport

For pupils who attend their catchment school the undernoted criteria will decide the transport entitlement:

- Parents are responsible for the first 2 miles of transport for a child not yet eight years old or the first 3 miles of transport for a child eight years old or over. To view in full Dumfries and Galloway Council's School Transport Policy visit: <http://www.dumgal.gov.uk/article/15245/Free-school-transport>.
- Children who are non-catchment have no entitlement to school transport.
- All school-aged children and young people in Scotland are entitled to free bus transport through the Young Persons Free Bus Travel Scheme.

## 4.0 School Capacities

Based on Scottish Government Guidance

(<http://www.gov.scot/Resource/0046/00461513.pdf>) Dumfries and Galloway Council has

agreed school capacities for both primary and secondary schools. The capacities of our schools are reviewed annually and agreed by Education & Learning Committee.

## 5.0 Oversubscribed Schools

The Council cannot guarantee that a place will be available for every pupil to attend their preferred school. A number of schools in Dumfries and Galloway are often oversubscribed. That means these schools receive more applications than there are places available. Places are limited by factors including the availability of accommodation, the cost of extending accommodation, and the cost of employing additional staff. For this reason, it is not always possible to offer parents their first choice of school. The Council operates a Waiting List (see Section 9.7 and 9.8 below).

## 6.0 Reserved Places

Dumfries and Galloway operate a Reserved Place Policy. This means that where there is no other school within a two-mile radius of a requested school, one space in each class base will be reserved for potential catchment pupils who may move into catchment following enrolment in accordance with agreed staffing formula. In the case of denominational schools, the two-mile radius would apply to the nearest denominational school. Where out of catchment places are granted by an Appeal Committee or a Sheriff, this may result in fewer reserved places being available.

## 7.0 Enrolment Procedures

**7.1 Primary Education** The official enrolment date for children about to enter school for the first time will be advertised in the local press and social media at least six months before the start of the new session. Pupils may be enrolled at any time after the official enrolment date, but applications received after the 15 March will lose priority.

**7.2 Attendance at a particular Early Learning and Childcare setting** does not give a child automatic right to attend a primary school if the child does not live in the catchment area.

**7.3 Early Entry** If a child is under the school entry age a parent may decide that they wish to send their child to primary school earlier and this is called Early Entry. Parents are advised to contact their catchment school to discuss this if they think their child should start school at a younger age.

**7.4 Deferred Entry to P1** Most children start school when they are between 4 years 6 months and 5 years old but it is possible to start children later depending on the circumstances. This is called Deferred Entry.

Children who turn 5 between the start of the school year in August to the last day in February are automatically entitled to defer entry and receive an extra year of funded Early Learning and Childcare. There's no need to formally apply for a deferred entry to school, however, parents/ carers will need to apply for a nursery place at a provider of their choice.

To apply for a Deferred Entry, parents/ carers should complete the online form available on the Council's website. Parents/ carers should talk to staff at the nursery or the Headteacher at the school about their child's development. Parents/ carers should also apply for a school place even if they are still trying to decide whether their child should start school later or not. Any delays in applying can mean you lose a priority place at your child's catchment school. Queries should be forwarded to [SupportingLearners@dumgal.gov.uk](mailto:SupportingLearners@dumgal.gov.uk).

Further information about deferred entry is available here:

[Deferred entry to Primary 1 - Dumfries and Galloway Council \(dumgal.gov.uk\)](https://www.dumgal.gov.uk/Deferred-entry-to-Primary-1-Dumfries-and-Galloway-Council)

**7.5 Secondary Education** Pupils normally transfer from primary school to an associated secondary school between the ages of 11 and 12. The primary school will inform parents of the secondary school to which the pupil is eligible to transfer after Primary 7. Transfer from primary to secondary school will be dealt with by direct approach to parents from individual primary schools. Applications to attend an alternative school should be submitted through your primary school office.

**7.6** Attendance at a particular primary school does not give automatic right to attend the associated secondary school if the child does not live in the catchment area.

### 8.0 Pupils with Additional Support Needs

Pupils will be accommodated in their catchment school unless their Additional Support Needs indicate enrolment in an alternative setting would be more appropriate to their needs. Recommendation for attendance at a non-catchment school can be made by the pupil, their parents or the Council. In all cases the needs of the individual pupil will be assessed and will form the basis of any decision made by the Council in relation to placing the pupil. Assessed needs will be considered by a Council led Resourced Provision Allocation Panel in line with the Supporting Children's Learning Code of Practice. Their decision can be challenged through the appeals process outlined in this Policy.

If a parent/ carer believes that their child has Additional Support Needs they should, in the first instance, contact the Headteacher/ Manager of their child's school/ nursery. If the child is not yet at school or the parent feels that they wish to discuss their concerns with a representative of the Council, the contact points are identified on the Council website:

<http://www.dumgal.gov.uk/article/16163/Additional-support-for-learning>.

### 9.0 Placing Requests

**9.1** Parents/ carers may request a place, at a school other than their catchment school at any time, but priority for a place will be given to those from the catchment area. Parents must attend their primary school to engage in the enrolment process for both primary and secondary.

The number of pupils each school can accept is constrained by legislation. The matters for an education authority to consider are set out in Scottish Government Guidance on Determining School Capacities issued 2004 in respect of secondary schools and 2014 in respect of primary schools and it is up to each education authority, following that guidance, insofar as compatible with the overarching legislation, and taking all relevant information into account, to set school capacity.

Parents who request a non-catchment school will:

- (i) Forfeit any place made available in their catchment school (P1 and S1 enrolment only).
- (ii) Are not eligible for assistance with home to school transport or the cost of alternative accommodation.
- (iii) Are entitled, under statutory provision, to a single appeal per year against refusal of any placing requests made during that period.
- (iv) In accordance with the Education (Scotland) Act 1981 section 28A the Council must grant these 'placing requests' unless placing the child in the specified school would.
  - (a) - make it necessary for the authority to take an additional teacher into employment.

- give rise to significant expenditure on extending or otherwise altering the accommodation at or facilities provided in connection with the school.
  - be seriously detrimental to the continuity of the child's education or;
  - be likely to be seriously detrimental to order and discipline in the school or the educational well-being of the pupils there.
- (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 special educational needs requiring the education or special facilities normally provided at that school; or
- (e) 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.
- (f) 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.
- (g) have the consequence that the capacity of the school would be exceeded in terms of pupil numbers.

Section 28A does provide, however, that the education authority may place a child in the specified school notwithstanding paragraphs (a) to (e) above. This means that a Council may agree to a request even if one of the reasons set out above applies.

**9.2** Placing requests should be made by 15 March in the year of proposed entry to school or transfer to secondary. Secondary schools should not commence transition activities, except for those children with additional support needs, prior to the 30 April. In the event that parents do not receive a written answer from the Council to their request by 30 April, the request is treated as if the Council has turned it down and parents can then begin the appeal process, as detailed in Section 14.

**9.3** The responsibility for decisions on Placing Requests lies with Dumfries and Galloway Council's Education and Learning Directorate. Parents/ carers will be informed of the outcome of the Placing Request by the 30 April. Parents who request a non-catchment school do not have first priority in the school of choice but must await a decision as to whether a place can be offered at the requested school. Parents must attend their catchment school to engage in the enrolment process. When making decisions, places will be allocated using the priority of places criteria as detail below.

#### **9.4** Priority of places

- (i) Children residing within Dumfries and Galloway Council area who have additional support needs and require the provision of support provided only within the school requested. Supporting documentation evidencing the reasons for the request, signed by an appropriately qualified person with a proven expertise in the particular matter which has

led to the additional support need will be required. The Council's Resource Allocation Panel will assess and decide on all applications seeking to receive priority under this criteria.

- (ii) Within all Roman Catholic schools, places will be allocated first to children who have been baptised Roman Catholic Episcopal Church, (for example, a baptismal certificate from the Roman Catholic Church or a supporting letter). Children baptised Roman Catholic who reside within the Dumfries and Galloway Council area may enrol at any Roman Catholic primary school. Dumfries and Galloway Council will only provide transport for pupils to the Roman Catholic establishment closest to the child's residence.
- (iii) Siblings (or another young person permanently living at the same address as part of an extended family) in attendance at, or likely to be in, the school for the following academic session; priority will be given to children who have a sibling in the year group closest to Primary 1 (primary) or Secondary 1 (secondary).
- (iv) Those living closest to the school within Dumfries and Galloway; Children ranked by distance between home and school by a suitable walking route (The criteria will be used when all of the above have been exhausted). Those living closest to school rank highest.
- (v) Children from outwith Dumfries and Galloway.

9.5 If parents/ carers move out of the catchment area, the pupil can remain at the school they are currently attending however parents then assume responsibility for any additional transport requirements.

9.6 Pupils cannot be enrolled directly with schools from the 15 March until the 30 June. All requests for Admissions must come through the Education Hub:  
[educationadminhub@dumgal.gov.uk](mailto:educationadminhub@dumgal.gov.uk)

#### 9.7 Waiting Lists

Parents/ carers can only apply for one school at a time however, if their Placing Request for a particular non-catchment school is unsuccessful, they may apply for another school.<sup>1</sup> If the Placing Request is refused, the pupil's name will automatically be added to a waiting list for the requested school and will remain there until the end of the school year applied for.

#### 9.8 Waiting List from 15 March – 30 June

The Waiting List for children placed there during this time period will be managed by the Council until the summer recess. Thereafter the management of the Waiting List for the school will be managed by the school. Waiting Lists are not dealt with on a first-come first-served basis or by the length of time the child has been on the waiting list. If a space becomes available, places will be allocated in accordance with the priority set out at 9.4 of this policy. At the end of the school year parents still wishing their child or children to move school are required to submit another Placing Request for the new school year. Should any pupils from that school's catchment move into the area, they would take priority over any non-catchment pupils on the waiting list.

<sup>1</sup> S.28A of the 1980 Act does not restrict the number of schools that can be included in a placing request. S 28A(2) provides that where a placing request relates to two or more schools under the management of the education authority to whom it was made, the duty to place the child if no grounds for refusal exist pertains to the first mentioned school (known as the specified school).



## 10.0 Pupils unable to attend their catchment school

At times, there may be no space available for catchment pupils. The Council operates Waiting Lists for schools which are over-subscribed. Waiting Lists are managed by the Local Authority from the 15 March until the start of the new academic session. The same criteria as 9.4 apply.

## 11.0 Enrolling at a Temporarily Closed (Mothballed) school

The term mothballing refers to the temporary closure of a school where the school roll has fallen to very low pupil numbers, and in some cases zero. For families living within the catchment of a mothballed school or wishing to enrol at a mothballed school, further information is available on Dumfries and Galloway Council's website under the School Places section, available here - [School places - Dumfries and Galloway Council \(dumgal.gov.uk\)](http://dumgal.gov.uk)

Following the Primary 1 enrolment process the status of mothballed schools will be reassessed. If the school is due to remain mothballed, contact will be made with parents to discuss alternative options. There is no guarantee that mothballed schools will be reopened, nor can it be guaranteed that currently mothballed school won't return to mothballed status in the future.

## 12.0 Communication

The management of pupil enrolments is a complex and ever-changing task. No communications should be shared with parents until acceptance letters have been received.

## 13.0 School Transfers

Pupils may wish to choose to transfer to another school. This would normally be at the end of an academic session however some school transfers may take place at a natural break in the school year. For pupils choosing to request a transfer during the academic session this process can take up to a period of 8 weeks unless there are logistical reasons for the transfer request, such as a house move.

13.1 Requests for transfer to another school will be recorded via a Pupil Transfer Form. Part A should be completed by the parent/ carer and Part B by the Headteacher of the current school. For pupils transferring from outwith Dumfries & Galloway, Part A should be completed only.

13.2 The Pupil Transfer Form should then be submitted to the requested school. The Headteacher of the requested school should review the form and complete Part C only. Where there is a disagreement about the Pupil Transfer, reasons must be stated and submitted to the relevant Quality Improvement Manager within 5 working days of receipt. The Quality Improvement Manager will make appropriate arrangements to assess the situation and will make a decision based on the information available.

## 14.0 Appeals Procedure

14.1 Individuals have a legal right to appeal under Section 28C of the Education (Scotland) Act 1980 against a decision taken by the Council to refuse a Placing Request.

This procedure is in accordance with the Education (Appeal Committee Procedures) (Scotland) Regulations 1982 and the Education (Additional Support for Learning) (Scotland) Act 2004:

This guidance outlines the appeal process and provides guidance in preparing for an Appeal Hearing.

#### 14.2 Rights of an Appellant

Appellants have a right:

- For an appeal to be heard by an independent decision maker (the Appeal Committee), within 28 days of it being lodged, unless the appellant agrees to a later date.
- To make one appeal to the Appeal Committee in any 12-month period.
- To make further appeal to a Sheriff if the appellant remains dissatisfied with the decision of the Appeal Committee.

#### 14.3 Expectations of Appellants

In preparing for, and attending an Appeal Hearing appellants should:

- Decide what information to present to the Appeal Committee.
- Be prepared to present information to the Appeal Committee or arrange for it to be presented on their behalf.
- Supply any additional information and/or documentation that they want considered to the Appeal Committee at least 10 days before the hearing.
- Ensure attendance at the hearing and be familiar with procedure.
- Read the appeal paperwork before the hearing and make note of any questions they may have.

#### 14.4 Lodging an Appeal:

The appeal against a Council decision starts upon receipt by the Council (Head of Education (Learning and Resources), c/o Council Offices, 109/111 English Street, Dumfries, DG1 2DD) of an intention to appeal. Appellants are required to lodge their appeal within 28 days of the receipt of the decision being appealed against. The appeal letter should set out the intention to appeal and the decision that is being appealed against.

#### 14.5 The Appeal process:

**14.5.1** The letter of appeal will be acknowledged within 5 working days of its receipt.

Within 14 days of receipt of the letter of appeal written notice of the date, time and place of the Appeal Hearing will be provided. The Appeal Hearing will normally be heard within 28 days of receipt of your letter of appeal. The appellant will be notified in writing if this is not possible, giving the reasons for the delay and requesting confirmation of their agreement to a later date being set.

**14.5.2** A letter enclosing the appeal paperwork will be provided up to 7-10 days before the appeal date, this will include:

- The Council's report.
- Any additional information in support of the Council's case.
- Any additional information you wish to put forward.

**14.5.3** The Hearing will take place. Normally outcome of decisions are provided verbally on the day of the Hearing with written notification of the decision made and the reasons for the decision within 14 days.

**14.5.4** Appellants have a further 28-day period to notify of their intention to appeal to the Sheriff Court. Notification should be made directly to the Sheriff Court together with the letter outlining the decision of the Appeal Committee. This letter will include necessary contact details.



If, in course of investigating the matter, or as a consequence of changing circumstances, the Council choose to reverse the decision being appealed against this will be notified in writing to the Appellant within the overall 28-day timescale of the process.

#### 14.6 The Appeal Hearing

The Committee hearing the appeal will consist of three Members drawn from a pool of Elected Members, Parent Council Representatives and persons who are familiar with education. The lay member will always Chair the Appeal Committee. The Appeal Committee are trained and also supported by a legally qualified Clerk.

At the start of the Hearing, the Chairperson will welcome the parties and introduce those present. The Chairperson will then explain the order of procedure to be followed. Appeal Hearings are held as informally as possible. The order of procedure is intended to ensure that that everyone can put their case and points of view forward.

The Hearing will normally be conducted as follows:

- Presentation of the case by the Council or their chosen representative(s).
- Presentation of the case by the Appellant or their chosen representative (3 maximum).
- Questioning by parties.
- Summing up by the parties.
- Private deliberation by the Appeal Committee.

The Clerk may give the Appeal Committee legal and procedure advice during the Hearing. The Clerk may be asked to give advice on procedure to the Appeal Committee during the Hearing and/or when the Committee are considering their decision. For other advice, it may be necessary to seek an adjournment for this to be obtained. Such advice may be given in private if that is appropriate, but the Clerk will let the appellant and the Council's representative know what advice was given and both be allowed to comment on that advice before the Clerk gives his/her final advice.

The Chairperson may adjourn any hearing if the Appeal Committee:

- Require further information or advice.
- The appellant or the council need to obtain further information relevant to the appeal.
- A witness cannot by reason of exceptional circumstances be present at the hearing.
- The appeal committee are satisfied that the hearing ought to be combined with one or more other hearings.

The Hearing will be reconvened within 28 days of adjournment.

Following the summing up all parties except the Appeal Committee members and Clerk will be asked to leave the room to allow the Appeal Committee to make their decision.

Appeals are normally heard in private, but the Chairperson has the right to invite other parties to attend the hearing. Agreement to attend, other than that by legal entitlement, will be sought by the Chairperson, from both the Appellant (or their representative) and the Council's representative.

#### 14.7 The Decision

Members of the Appeal Committee will make their decision taking into account all information before them including the letter of appeal, the Appeal Committee Report and the submissions made, and material admitted at the Hearing.

The Appeal Committee has to consider whether one or more legal grounds of refusal to a placing request exist. If so satisfied, then the Appeal Committee has to consider whether, in all of the circumstances, it is appropriate to confirm the decision to reverse this.

If the Appeal Committee uphold the appeal the decision of the Council will be reversed. The Appellant will receive a letter from the Council confirming this and the arrangements being put in place to accommodate the pupil.

If the Appeal Committee do not uphold the appeal the decision of the Council will stand. The Appellant will be invited by the Council to apply for a place in the catchment school or make another Placing Request. This can be for the catchment school or another school. There is no right of appeal against the decision of the Council in any subsequent placing decision within a 12- month period.

Those wishing to appeal against a decision should make their case in writing to Head of Education (Learning and Resources), c/o Council Offices, 109/111 English Street, Dumfries, DG1 2DD or by email to: [EducationAdminHub@dumgal.gov.uk](mailto:EducationAdminHub@dumgal.gov.uk) clearly marked "Placing Request Appeal".

#### 15.0 Further Information

Information on matters relating to this policy can be obtained from Education Admin Hub c/o Council Offices, 109/111 English Street, Dumfries, DG1 2DD.

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## Document History

### Scheme Guidance

Version	Revision Date	Previous Revision Date	Summary of Changes
2.0	September 2023	November 2017	Amended to include RC priority; enrolling at mothballed school; and management of waiting lists
3.0	January 2024	September 2023	Procedures regarding in-year school transfers

### Committee Approval

Version	Committee	Committee Date
1.0	E & L	November 2017
2.0	E & L	September 2023
3.0	E & L	January 2024

### Distribution

The approved version of this document is distributed to:

Name	Version	Date