

Admission to Primary and Secondary Schools

PLACING IN SCHOOLS**LEGAL BACKGROUND**

The admission of pupils to both primary and secondary schools is defined in terms of the Education (Scotland) Act 1980. Key points to note are:

- Parents/carers have the right to request admission to the school of their choice;
- Such a request must be in writing and is known as a placing request;
- The Council has a duty to accede to this request, except in certain circumstances specified in the Act;
- The Council has a duty to inform parents/carers of their right to make a placing request and to provide certain prescribed information in order to assist parents/carers in making their choice of school.

Catchment areas have been designated for all Midlothian primary and secondary schools. Every residential address has a catchment denominational school and a catchment non-denominational school for both primary and secondary education. The parents/carers of all children known to the Council to be due to enrol for the first time in a primary school or transfer from a primary to a secondary school shall be given information about their catchment school options and notified of their right to request an alternative school.

For all other stages, the onus is on the parent to make enquiries regarding alternative school placement for their child(ren). A parent may submit a placing request for her/his child in a school at any stage.

Denominational Education

In Midlothian all denominational schools are Roman Catholic.

A child does not need to be Catholic to enrol in one of our Roman Catholic primary schools or secondary school. Where a Roman Catholic school is oversubscribed priority is given to catchment Roman Catholic children who are baptised, and where parents have provided the baptismal certificate.

Parents wishing a Gaelic Medium Education

Gaelic medium education for Midlothian resident pupils is currently provided by the City of Edinburgh Council. Midlothian Council will provide home to school transport for pupils enrolled in Gaelic medium education.

Currently parents wishing to have their child/ren educated in the Gaelic medium should make a placing request for the Gaelic medium primary school, Bun-sgoil Taobh na Pàirce or the Gaelic Medium Unit at James Gillespie High School in Edinburgh. To apply for a place in either school parents should complete a placing request form available on the City of Edinburgh Council website. Further information can be found at:

<https://www.edinburgh.gov.uk/school-places/gaelic-schools-1/1>

Parents can request that the Council carries out an assessment for the need for Gaelic medium primary education to be provided within the Council area. Further information and

an assessment request form are available from the following website:
www.gov.scot/Publications/2017/02/1442/downloads

Children with Additional Support Needs

In line with legislation we have a policy of including children with additional support needs in mainstream schools where possible. Some children may be educated in specialist schools/classes.

Further information about additional support needs is available from the Additional Support for Learning Officer, whose contact details are given at the end of this document.

Home to School Transport

A pupil may receive free transport if they attend their catchment school and their home address is more than two miles from the school based on the shortest safe walking distance. A pupil may also receive free transport if the Council has placed them in a non-catchment school due to a catchment school being full. From August 2017 pupils resident in Loanhead who make a successful placing request for S1 at Beeslack High School will also be eligible for free transport.

A pupil will not receive free transport if they attend a non-catchment school as a result of a placing request being granted.

Composite Classes

Composite classes are part of the normal organisation in many primary schools and can have a maximum of 25 pupils. Age is the main criterion for selecting pupils for composite classes. Normally composite classes will have a minimum of four pupils from each year stage.

Please refer to Professional Practice Paper 7 for further guidance.

Team Teaching

Team teaching is where two teachers teach a class that has more than the maximum number of pupils per teacher for that particular stage.

The maximum size of a P1 class is 25, a P2 or P3 class is 30 and a P4, P5, P6 and P7 class is 33 pupils.

Children living under shared care

Where parents are separated the address of the parent with whom the child resides for the majority of their time per week and is in receipt of child benefit for the child, is used to determine the catchment area. If the shared care arrangement is a 50/50 split between the parents, the parents will be asked to provide proof such as a legal agreement. If the Council is satisfied that the care is equally shared, the parents will be given the opportunity to choose which of the catchment schools at which to register.

ARRANGEMENTS FOR PRIMARY SCHOOLS

Registration procedures for entry to primary school

Registration procedures commence at the beginning of November each year.

If an applicant's catchment primary school is subject to a consultation review they should continue to register their child at that catchment school. As part of the consultation process Pupil Placement will keep applicants informed of the implications for their child and the options available. Further information on school consultations can be found at midlothian.gov.uk/consultations.

Press advertisements

In October each year Pupil Placement will place an advertisement in the local press, advising parents/carers of any child eligible to begin primary education that they should, by a specified date, register their child at their catchment school. Registering a child does not automatically ensure that a place will be made available; this will be determined when all information is collated and examined.

Parents/carers will be advised that, even if they wish to make a placing request for a non-catchment school, they must first register their child at the catchment school.

Contact with parents/carers

At the same time, Pupil Placement will contact by letter the parents/carers of all children eligible to begin primary education and who receive funded early learning and childcare in Midlothian. Head Teachers should ensure that copies of the school handbook are available for any parent requesting one.

Eligibility

Any child whose fifth birthday falls between 1 March in any year and the last day of the following February can start primary school on the first day of the autumn term, (known as the commencement date).

An exception to these procedures may be where children who have been admitted to primary education by another authority subsequently become resident in Midlothian. In such cases, the Head Teacher should consult her/his appropriate Schools Group Manager before deciding whether to admit the child.

Choosing a school

Pupil Placement will issue information informing parents/carers of their rights to choose a school when they write to the parents/carers of eligible children. Any parent/carer wishing to make a placing request should obtain a Placing Request application form. It is not essential that parents/carers use the form but they must make the request in writing to the Pupil Placement Section within Children, Young People and Partnership. It is essential, however, that parents/carers initially register their child at their catchment school.

See section 4 for information on placing requests.

Access to information

Parents/carers should have access to information about the schools in which they are interested. This will generally be contained in the school prospectus or handbook, copies of which should be available from the school and on the school website. In addition, the Council produces guidelines on admission to Midlothian schools called Placing in Schools, which is available on our website at midlothian.gov.uk/placingbooklet.

Registration of catchment children

Primary Head Teachers may wish to publicise registration arrangements through their own local channels if they feel this is appropriate so that as many parents/carers as possible are encouraged to register their children at this time. During the registration period Head Teachers should only register those children who are normally resident in the catchment area.

Head Teachers should ensure that catchment children are correctly identified; a Council Tax bill, Child Benefit letter or recent utility bill is normally adequate proof. If the pupil does not attend a Midlothian Council early learning and childcare setting or receive funded ELC from a partnership provider, their birth certificate or passport should be seen as well. It is

the address of the parent or carer which is relevant; the address of other family members or a child minder with whom the child may occasionally reside is not relevant.

Due to COVID19 and the restrictions on visits to schools a new online registration process has been introduced. This includes registration and placing request forms and the facility to upload evidence: midlothian.gov.uk/schoolplace.

Please note that registration does not guarantee a place at a catchment school. See section 1.9 for children living under shared care.

Enrolment of catchment children

The Pupil Placement Section will collate the registration information obtained from each school and use this to determine whether there is sufficient capacity to accommodate all catchment children. Where there is insufficient capacity, priority will be given in the following order:

- children who have been prioritised based on individual circumstances;
- children who are baptised Roman Catholic (Roman Catholic schools);
- children who will have siblings attending the school at the same time;
- then all remaining catchment children.

If there are more children than places available in any category, proximity of home to school and/or ease of travel will normally be used. A sibling attending the nursery class at the same time will not be taken into account.

Parents/carers will be advised by letter, sent by the Pupil Placement Section by 30 April, whether they have been granted a place at their catchment school. Those children who have been granted a place will be automatically enrolled at the school.

Once the place is offered it will not be withdrawn unless the place was obtained using false information or the family change address before the start of the school year.

Those who have not been granted a place at their catchment school will have a place allocated at the Midlothian school nearest to their home with places available. They will be given the option to make a placing request to another school, if they so wish. The pupil will be placed on a waiting list for the catchment school in order of priority and, should a place become available, parents/carers will be contacted by Pupil Placement.

Change of address

Children who move, or are moving before the start of the school year, will have a place reserved in their non-denominational or denominational catchment school based on their address at the start of the school year. This is subject to places being available and where proof of change of address has been received by the end of February. Acceptable proof of change of address is a signed tenancy agreement. A letter from a solicitor confirming missives have been concluded can be used but is not sufficient to enrol a child, discretion can be used if the parent/carers is due to move a week prior to the new term commencing. The Council will ask for further proof by way of a council tax statement, utility bill e.g. gas, electric, landline telephone bill or HMRC child benefit letter to accompany the concluded missives letter following the move.

Phased entry arrangements

Head Teachers may wish to phase the primary 1 intake over a period. If this is done, all children eligible for admission should be admitted by the second week of the new school session. However, a parent may require the authority to accept a child from the commencement date.

Head Teachers may also choose to limit primary 1 pupils to part day attendance in the early stages but such arrangements should not extend beyond the second week of the new school session. Any request from a parent for a child to be in full time attendance should normally be granted. Certain children may require special consideration to be in full time attendance, for example due to medical or family circumstances. In such cases, Head Teachers should consult their appropriate Schools Group Manager regarding arrangements for these children.

Deferred entry to primary school

In Scotland, children usually start primary school in the year during which they have their 5th birthday. This means that in P1 classes, children are usually aged between 4½ and 5½ years. Where a child does not start school at the expected August start date for their year group, it is called deferred entry to primary school.

If a child's 5th birthday falls between mid-August (the day after the school commencement date) and December 31, the parent/carer has a legal right to defer their entry into P1 until the following August when they are nearer 6 years old. However, this does not mean that the child is automatically entitled to a funded early learning and childcare place. If Midlothian Council agrees that deferring entry into P1 is in the child's best interests, it can choose to provide a funded early learning and childcare place. Alternatively, the additional year of early learning and childcare can be funded by the parent where the Council does not agree that there will be significant educational benefit to the child from an additional year of early learning and childcare.

If a child has their 5th birthday between 1 January and 28/29 February they are also entitled to defer entry to school, should their parents wish it. These children are guaranteed to receive a funded early learning and childcare place. This is guaranteed because councils receive funding from the Scottish Government for places for these children.

The parent/carer should contact the early learning and childcare setting their child attends for information and advice about deferring their child. The child should register at one of their catchment area schools even if a deferral is going to be requested. The early learning and childcare setting will, in discussion with parents/carers, provide advice on the best starting date for the child.

Early admission

The Council does not have a duty to educate a child who is not of school age. Parents/carers of these children may make a request for early admission. The professional view of the authority is that early learning and childcare is the most appropriate form of education for children who have not reached school age.

The Council has delegated the responsibility of granting early admission to the Executive Director, Children, Young People and Partnerships, but this will only be considered if it can be established that refusal would harm a child's education in the long term.

When applying for early admission, parents/carers should provide evidence to support their case, including written evidence wherever possible. Members of staff should not provide letters of support to parents/carers.

There is no right of appeal once a decision has been reached on requests for early admission as the child is not of school age.

- **ARRANGEMENTS FOR SECONDARY SCHOOLS**

Eligibility

Pupils will normally transfer to secondary school at the end of a seven year course of primary education. If, in the opinion of the Head Teacher or other professional advice, there are exceptional circumstances which would make it inadvisable to transfer a child, the appropriate Schools Group Manager should be consulted before a final decision is made.

Pupils attending a non-denominational primary school will be allocated a place at their catchment non-denominational secondary school, if they attend a denominational primary school they will be allocated a place at St David's RC High School. If the parents wish to request their other catchment secondary school they should complete a placing request form and return it to the Pupil Placement section.

Transfer between primary and secondary schools

Pupil Placement will provide Head Teachers with details of which school each child will be transferring from/to.

Head Teachers of primary schools should ensure that detailed information on each pupil is forwarded to the appropriate secondary school. This information will normally include:

- an assessment of the pupil's attainment in mathematics and language;
- comments on ability and attainment in other curricular areas, e.g. science, art, music;
- comments on special interests and aptitudes;
- an indication of the pupil's personal attributes and information about their background which may influence their attitude and performance in school work;
- the Pupil Progress Records (PPR), updated to the end of the last session of primary education;
- the Pupil Profile, which is completed by the pupil.

Primary-secondary liaison

Secondary schools will normally have an established liaison programme with their associated primary schools which will include other initiatives to ease the transition between primary and secondary stages.

Induction programmes

Secondary Head Teachers should also arrange for parents/carers and incoming pupils to visit their school at an appropriate time, prior to transfer. Full information on the school should be sent at the start of the summer term to all parents/carers of pupils transferring to the school.

Primary schools and their associated and neighbouring secondary schools have established procedures to ensure a smooth transition for all children. This includes transfer of information about each child's progress and visits by P7 children to the secondary school in June, subject to COVID19 restrictions.

Registration procedures

All parents/carers of P7 pupils resident in Midlothian, who attend a primary school in Midlothian, will receive written confirmation from Pupil Placement in November that their child has been registered for a place at their catchment secondary school, based on their home address. Places at secondary schools may be limited, so registration does not

guarantee a place. Parents/carers will also be advised of their right to make a placing request.

See section 4 for information on placing requests.

Midlothian pupils are enrolled in their catchment secondary schools through the transfer of their details from their associated primary schools. Secondary schools need to enrol those pupils whose placing requests have been granted or who did not attend a Midlothian primary school.

Allocation of Catchment Secondary School Places

The Council will normally give the highest priority to children living in the catchment area of a school. In the event of a school having more catchment children than places available, priority will be given in the following order:

- children who have been prioritised based on individual circumstances;
- children who are baptised Roman Catholic (Roman Catholic schools);
- children who will have siblings attending the school at the same time;
- children who attend an associated primary school;
- all remaining catchment children.

If there are more children than places available in any category, proximity of home to school and/or ease of travel will normally be used.

If a place at a catchment school is not available, parents/carers will be offered a place at the nearest Midlothian secondary school to their home address with places available. They will be given the option to make a placing request to another school, if they so wish. The pupil will be placed on a waiting list for the catchment school in order of priority and, should a place become available, parents/carers will be contacted by Pupil Placement.

Once the place is offered it will not be withdrawn unless the place was obtained using false information or the family change address before the start of the school year. Children who are offered a place at their preferred catchment school will be enrolled automatically.

Intake numbers

Pupil Placement will inform secondary school Head Teachers of the number of catchment pupils that will be transferred from primary schools and any intake limits that may apply. They will also be informed on a regular basis of numbers of any non-catchment requests which have been received and catchment requests out to other schools.

Throughout this period, secondary school Head Teachers should discuss with the Pupil Placement Section any factors that may affect the school's ability to accommodate the projected S1 intake.

Issue of school handbooks

Head Teachers must ensure school handbooks are updated by November. Delays in updating the handbook should be avoided as parents/carers are legally entitled to this information. The handbook should be made available on the school website.

Press advertisement

In October each year Pupil Placement will place an advertisement in the local press, advising parents/carers of any Midlothian child eligible to begin secondary education that their child will be automatically enrolled in their catchment secondary school, unless a placing request is made for another school.

Making a Placing Request for a Non-Catchment Primary or Secondary School

All parents/carers have the right to request a place for their child in a non-catchment school; this is called a placing request. It is the Council's statutory duty to grant placing requests where there are places available, except in certain circumstances which are set out in The Education (Scotland) Act 1980.

If the child is starting primary or secondary school in August and the parent/carer wants them to attend a non-catchment school, they may make a request by completing a Placing Request. The placing request form is available online at midlothian.gov.uk/placing, alternatively a paper version of the form is available on Midlothian Council's website or can be obtained from Pupil Placement at pupil.placement@midlothian.gov.uk.

If the child is at any other stage of their education parents/carers should contact the Head Teacher of the school of their choice.

If the child has additional support needs the right to make a non-catchment placing request includes the right to request a special school or special class. Parents/carers who wish to make this kind of placing request should discuss their choice of school with the child's lead professional before making their request.

What will happen when a placing request is made to Midlothian Council?

The following information applies if a placing request is made for a child to a Midlothian Council school.

The Midlothian closing date for placing requests to start P1 or S1 in August is the preceding December. The Council will still consider a request if it arrives after this date but before 15 March, the national cut-off date.

The parent/carer should receive acknowledgement of their application within fourteen days of receipt by Pupil Placement. The Council will consider all placing request received before 15 March and decisions will be communicated to parents/carers by the end of April.

Placing requests received after 15 March will be considered but there may be no places left at the school of choice. These requests will be decided within two months of receipt and parents/carers notified.

Placing Requests for P2 to 7 and S2 to 6 are available on Midlothian Council's website or from the schools. The placing request will be acknowledged within fourteen days of receipt and a decision made within two months.

Members of staff should not provide letters of support to parents/carers.

Restriction or limitation of places

The Council will give the highest priority to children living in the catchment area of a school. Places remaining after catchment children are enrolled will be available for non-catchment children.

Placing Requests

When there are more placing requests than places available the Pupil Placement Panel will consider all requests along with supporting information and documentation. The Pupil Placement Panel have the authority to prioritise individual applications, therefore it is important that parents/carers provide all relevant information in support of their request. This may include, in no particular order, medical evidence and reports from other services or agencies involved with the child, additional support needs, bullying, racial harassment, child or parental medical conditions.

Priority will be given to applicants in the following order:

- children who have been prioritised based on individual circumstances;
- children who are resident in Midlothian and are baptised Roman Catholic (Roman Catholic schools);
- children who are resident in the school's catchment area who will have siblings attending the school at the same time. A sibling attending the nursery class will not be taken into account;
- children who are resident in the school's catchment area;
- children who are resident in Midlothian who will have siblings attending the school at the same time. A sibling attending the nursery class will not be taken into account;
- children who are resident in Midlothian;
- children who are resident outside Midlothian and are baptised Roman Catholic (Roman Catholic schools);
- children who are resident outside Midlothian who will have siblings attending the school at the same time. A sibling attending the nursery class will not be taken into account;
- all other applicants.

Other relevant factors that may be taken into account

The following relevant factors may be taken into account however they do not guarantee that a request will receive priority or agreement.

- attendance at an associated primary school (for requests in S1);
- attendance at the primary school nursery class (for requests in P1);
- proximity of home to school and/or ease of travel.

If there is more than one placing request in any of the above groups then the shortest, safe walking distance from home to school is normally used to decide priority within each group.

Once a pupil has completed a proper admission to the school they will not be asked to transfer to another school against the wishes of their parents/carers in order to admit a pupil who has moved into the catchment area.

A proper admission is one made under the policy of the Council based on correct information from the parents/carers.

Please note that, if a placing request is granted, the child's place at their catchment school may be allocated to another child. If, after a placing request has been granted, a parent/carer changes their mind and wishes their child to attend their preferred catchment school, a place may not be available.

Refusing a placing request

If the Council refuses a placing request a letter will be sent to the parent/carer which gives the reasons for the decision. The Education (Scotland) Act 1980 sets out the reasons why a placing request may be refused.

The main reasons are:

- an extra teacher would have to be employed;
- the Council would have to spend a significant amount to extend or alter the accommodation at, or facilities provided in connection with, the school;
- an extra teacher would have to be employed, or additional class formed, at a future stage of the child's education;
- the number of children at the school would exceed the school's capacity.
- to reserve places at the school for children moving into the catchment area;

- the order and discipline in the school would be seriously affected i.e. through overcrowding;
- the educational wellbeing of pupils at the school would be seriously affected i.e. through overcrowding or exceeding the relevant maximum class size;
- the child's education would be affected because the education at the school requested is unsuitable.

What happens if the Council refuses a request?

If a placing request is refused, the parent/carer has the right of appeal. Appeals must be lodged, in writing, no later than 28 days after the refusal letter being sent. Details of how to make an appeal will be in the refusal letter sent to the parent/carer.

In Midlothian appeals are heard by the Education Appeals Committee. The Education Appeals Committee is independent of the Children, Young People and Partnerships Directorate. This is a formal legal process and further information will be sent on receipt of the appeal.

Primary school placing request

If a place at the requested primary school is not available, a place will be reserved at the preferred catchment primary school that the child has been registered at. However if no place is available at the preferred catchment school, then a place will be allocated at the nearest school with places available (if the preferred school was a denominational school then a place will be allocated at the denominational catchment school if possible). A waiting list will be formed for the requested school and/or catchment school and, should a place become available, the parent/carer be contacted. The waiting list will operate until the end of the summer term.

Secondary school placing request

If a place at the requested secondary school is not available, a place will be reserved at the catchment secondary school. However if no place is available at the catchment secondary school, then a place will be allocated at the nearest school with places available. A waiting list will be formed for the requested school and/or catchment school and, should a place become available, the parent/carer will be contacted. The waiting list will operate until the end of the summer term.

Placing Requests for Children with Additional Support Needs

The parents/carers of children recorded as having additional support needs also have the right to make a placing request. If the Council refuses the request, parents/carers are given a statement of the reasons for the decision and have the same rights of appeal as those previously mentioned.

Under the terms of the Education (Additional Support for Learning) (Scotland) Act 2009, if parents/carers have been refused a placing request for a child with a coordinated support plan (CSP) or to a special school, a mediation service is available to families of children with additional support needs and they have the right to appeal the decision. Appeals are dealt with by the Additional Support Needs Tribunal for Scotland. Details of who to send your appeal to will be in the refusal letter we send you.

Contact Details

Pupil Placement
Midlothian Council
Education, Communities and Economy
Fairfield House
8 Lothian Road
Dalkeith
EH22 3ZG

Email: pupil.placement@midlothian.gov.uk

Additional Support for Learning Officer
Midlothian Council
Education, Communities and Economy
Fairfield House
8 Lothian Road
Dalkeith
EH22 3ZG

Telephone: (0131) 271 3689

Email: education.services@midlothian.gov.uk

Useful Websites

Midlothian Council Website: www.midlothian.gov.uk
Parent Zone Scotland: education.gov.scot/parentzone/
Education Scotland: www.education.gov.scot