

PE1486/B

East Renfrewshire Council Letter of 5 November 2013

Response to Committee Consideration of PE1486 by East Renfrewshire Council

Overview on Issues Raised

There appear to be two separate issues in the petition. The first relates to class sizes in P1. The second refers to admission of siblings to primary schools principally as a consequence of placing requests. As was noted at the committee hearing, the main argument by the petitioner would appear to relate to access for siblings. It would be interesting to find out how many parents are in this position, and therefore the scale of the issue. The authority does not consider that any change in class sizes would provide any solution to the petitioners, because the same situation does and will arise regardless of class size limits.

The Position of Parents with Siblings of Children in Schools as a Result of a Successful Placing Request

Conclusion: The authority does not agree that parents should have a statutory right to place siblings together in their chosen school where the elder/eldest has been admitted as a result of a previous successful placing request.

Provision of School Places and Pupil Admissions

The Education (Scotland) Act 1980 requires authorities/councils to provide for their area *adequate and efficient* provision of education for its school age residents.

East Renfrewshire Education Department organises its school provision into delineated catchment areas associated with each of its schools, primary and secondary. Children resident within a particular catchment area are entitled to a place in their local school, and all parents will be able to choose between a non-denominational and denominational (Catholic) local school.

The authority regularly reviews the provision of places within the council area, and this is compared with forecasts of the future population of the area. This is a complex process, informed by historical and local trends in school and pre-five pupil/child numbers, ONS population statistics and trends. The planning department assists in the interpretation of population statistics and trends. The East Renfrewshire Local Plan identifies the scale and timing of new house building in the area. Studies have been carried out to determine the number of children that can be expected from established and new housing. This "housing tariff" varies with the type of house and its location. Given that there is no statutory requirement to provide places solely to meet the needs of placing requests, provision is increased or reduced on the basis of the needs of the resident population. Rolls of the school can often be higher than forecast as a result of successful placing requests. This authority has never had to refuse admission to P1 for a child living within the catchment of their local school. If

a family moves in at a later date, it is not always possible to provide a place in the catchment school, as further admissions may have filled all the places at that stage.

The 1980 Education Act introduced the provision for parents to request a place in another school of their choice. The authority is required to place the child unless there is a legitimate reason not so to do. It appears that the intention of the authors was that requests should be granted unless accepting the request would result in the authority being required to spend non-trivial amounts of money. The reasons for which a request can be refused demonstrate this view and include reasons where the granting of a request is not in the best interests of children. Put simply, once a school has been resourced and organised to meet the needs of its catchment, any remaining places should be made available for placing requests. (It is worth noting that the Act refers to an era where all educational provision was by teachers. In the current era there are many more adults in a school building who provide support to children with additional needs, (e.g. behaviour, disability, learning and bilingual support) all of which could result in a considerable additional expenditure by the authority.)

Experience shows that while the overall child population of an authority is reasonably stable, and changes slowly in reasonably predictable ways, the same cannot be said of a relatively small catchment cohort, and individual school intakes can and do vary significantly. One school year could see some surplus places and therefore a number of successful placing requests which might not be repeated in later school years. This is the likely cause of the petitioner's dilemma. Under the current regulations, parents seeking to place their child in a school which is not their catchment school need to be aware that it might not be possible to provide a place in the same school for a younger sibling(s), and that this circumstance should be considered before accepting the offer of a place. In our authority, the letters to parents/carers offering their child(ren) a place as a result of the placing request process, notes that in accepting this place any future requests for sibling(s) are not guaranteed a place(s) at the same school.

As required by law the authority has adopted criteria used to prioritise placing requests when the number of requests exceeds the number of places remaining once the needs of the catchment have been met at a particular stage. These are stated in order of priority:

1. A child who has a medical condition, supported with evidence from a medical practitioner, who requires facilities or support available only in the requested school.
2. Those cases where a brother or sister attends the school and will continue in this school during the next session.
3. In secondary schools: children who attend a primary school associated with the secondary school according to the length of time at the associated primary. This means that pupils who have attended the school for the longest time will have the highest priority.
4. The child is part of a single parent family where it has been demonstrated

that it would be advantageous to the care and welfare of the child to attend the requested school.

With the exception of criterion 2, requests from parents/carers resident in East Renfrewshire will have priority. (This recognises case history in appeals to the Sheriff)

Ballots organised by a senior education officer are used to resolve the situation where there are more requests than places at any of the above criteria.

(St Ninian's High School has slightly different criteria to prioritise placing requests reflecting the expectations of Glasgow residents who had a previous entitlement to attend the school.)

In effect, siblings have the highest priority after those who are entitled to a place are accommodated. This acknowledges the importance of families.

The petitioner and her associate at the committee both live outwith the authorities in which they wish to place their children. In terms of placing requests, the proposal that a sibling should have a statutory right to a place could pose considerable difficulties for the authority in meeting its statutory duty under the 1980 Education Act. The effect of a requirement to place the sibling would be a duty on authorities to provide places for catchment children, and additionally for a poorly defined group of other children, some of whom may not yet have been born. It is most unlikely that an education department, council planning department or ONS could assist in quantifying this demand.

Were this proposal to become a statutory right, the authority would have to consider options. For the request to be legitimately refused, it is most likely that the relevant school will be oversubscribed, that is full at the requested stage. In order to place the child:

- 1 the authority could create an additional class employing an additional teacher. If all teaching rooms were already in use, then an extension to the accommodation of the school would be required. As a direct result of this increased capacity, further placing requests must be granted, which will exacerbate the same problem for future years, must lead to considerable over-provision of school accommodation in relation to actual needs of the education authority, and consequently the nation. It is quite possible to envisage the situation where a popular school increases in size dramatically.

or

- 2 arrangements would need to be made which would result in refusing places to children in their local school. This would require a change in admissions arrangements and as required a full public consultation with, including, every parent of a child in a school in the authority. It is submitted that any such change would not be popular with the resident population and that it would be difficult to justify the grounds on which a child living outwith the catchment of the school, and possibly a considerable distance away and in another

council area, should have a priority over a child living close to their local school.

Neither of these options seems palatable as a consequence of resolving a personal difficulty for a suspected very small number of parents not prepared to accept the consequences of their previous choice, in comparison to the very large number of other admissions to schools.

Class sizes and Organisation

Conclusion: The authority does not consider that any change in class sizes would provide any solution to the petitioners, because the same situation does and will arise regardless of class size limits.

The authority forms classes in accordance with statute in whatever arrangement is required for each school and session in order to meet the needs of the catchment. Pupil to teacher ratios for single and composite classes are applied in all establishments. Places not required for catchment pupils are available for placing requests. As is permitted by legislation, there are some schools that have a small number of reserved places for pupils of families moving into the catchment during the school session based on local needs and demand.

Current statutory arrangements, teacher's working conditions, national aspirations on class sizes and any accommodation constraints provide a challenging scenario for authorities to plan pupil places and intakes. Parents have opposing views depending on their circumstances, with those seeking to place their child in a school through the placing request mechanism often arguing that classes should be filled – even above the statutory limit, while others will be critical of the authority filling classes to the limit to accommodate requests for places as required by legislation.

Authorities are not in a position to make local decisions about class sizes. Sheriffs court rulings make it clear that the decisions are on the basis of law and/or the agreed teachers' working conditions. A further complication with this is the term "class size", which tends to imply the number of pupils in a classroom or open area with one teacher. However authorities will use pupil to teacher ratios in order to manage some class organisations in some schools. It is worth also noting that the management of pupil places in authorities like East Renfrewshire with well populated schools is made more difficult due to different class size limits being prescribed for different class types and stages, e.g. current primary limits are: Composite Classes 25, P1 25, P2-P3 30 and P4-P7 33. Reducing class sizes can mean reducing the capacity in already full schools.

Summary

While this authority is obliged and willing to accommodate the wishes of parents as far as possible, there is a maximum number of children which can be provided with an education in any establishment. The key role for an authority is to define the P1 intake to, and the future class organisation for, a school based upon the needs of the catchment, the residents of which should have first priority for places in the school for their local community. The law allows for the unused places to be made available

to others, but this number of places is expected to and does fluctuate significantly, which may cause difficulties for the parents of children living outwith the catchment area, particularly with siblings. The overall capacity is important in the design of a school, but largely irrelevant to placing requests given that a parent is only interested in the appropriate stage.

It is considered very difficult to see how a law might be constructed to meet the need of the petitioner, and require that authorities meet their other statutory requirements of providing an adequate and efficient education for their residents.