

Chuig:

Boird Oideachais agus Leabharlainne;

Comhairle na Scoileanna Caitliceacha faoi
Chothabháil;

Príomhoidí agus Boird Ghobharnóirí i ngach
Bunscoil agus Iar-bhunscoil Dheontaschúnta

To:

Education and Library Boards;

Council for Catholic Maintained Schools;

Principals and Boards of Governors of all
Grant-Aided Primary and Post-Primary
Schools

Ár dTag: G1076/03

4 Meitheamh 2010

Our Ref: G1076/03

4 June 2010

A Chomhghleacaí, a chara,

**NÓSANNA IMEACHTA LEASAITHE
MAIDIR LE GEARÁIN IONTRÁLA A
DHÉANAMH LEIS AN ROBHLIAIN 1
AGUS 8**

1. Tugadh treoir leasaithe, i litir na Roinne ar 6 Lúnasa 2003, ar achomhairc iontrála agus seasfaidh an treoir seo maidir le haon iarratais iontrála a dhéantar suas go dtí 1 Iúil 2010. Is éard is aidhm leis an litir seo nósanna imeachta nuashonraithe a sholáthar do scoileanna ar chóir iad a úsáid maidir le hiarratais iontrála a dhéantar **i ndiaidh 1 Iúil 2010** sa chás go mbeadh tuismitheoirí ag gearán faoi chinneadh scoile deontaschúnta iontráil a dhiúltú dá bpáiste iar-bhliain 1 agus 8. Tá tacar de litreacha agus d'fhoirmeacha caighdeánacha faoi iamh againn a dtig le scoileanna iad a úsáid agus iad ag plé leis na cásanna seo. Tabhair do d'aire áfach, murab ionann agus **achomhairc** iontrála reachtúla a dhéantar

Dear Colleague,

**REVISED PROCEDURES FOR
ADMISSIONS COMPLAINTS TO DE
POST-YEARS 1 AND 8**

1. The Department's letter of 6 August 2003 provided amended guidance on admissions appeals and it will continue to relate to applications for admissions to take place up to and including 1 July 2010. The purpose of this letter is to provide updated procedures which schools should use with respect to applications for admissions to take place **after 1 July 2010** when parents complain against the decision of a grant-aided school to refuse their child admission post-years 1 and 8. We have attached a set of standard letters and forms for use by schools when dealing with these cases. An important distinction is that unlike statutory admissions **appeals** to Independent Appeal Tribunals on grounds of the incorrect application of admissions criteria,

chuig Binsí Neamhspleácha Achomhairc ar an bhonn nár cuireadh critéir iontrála i bhfeidhm mar is ceart, pléitear le diúltú iontrála ar bhonn eile iar-bhliain 1/8, m.sh. sa chás go ndiúltaítear iontráil chuig scoil ar an bhonn go mbeadh sé dochrach d'úsáid éifeachtúil acmhainní, mar a bheadh **gearáin** iontu faoi Alt 101 den Ord Oideachais agus Leabharlann (TÉ) 1986 arna leasú le hAlt 158 den Ord Leasaithe Oideachais (TÉ) 1989. **An príomhathrú a rinneadh ar na nósanna imeachta seo ná nach dtig le scoileanna gramadaí iontráil a dhiúltú níos mó ar an bhonn nach mbeadh cumas acadúil an pháiste ar leibhéal a bheadh incurtha le cumas na ndaltaí lena mbeadh an páiste á theagasc.**

ACHOMHAIRC CHUIG BINSE NEAMHSPLEÁCH ACHOMHAIRC

2. Cuirtear i gcuimhne do scoileanna nach dtig le tuismitheoir achomharc a dhéanamh chuig binse neamhspleách in éadan cinneadh iontrála ach amháin sa chás go ndiúltaítear áit do pháiste i scoil róshuibscríofa trí chur i bhfeidhm na gcritéir iontrála. Tá litir chaighdeánach a dtig le Príomhoidí í a eisiúint chuig tuismitheoirí nuair nach roghnaítear a bpáiste le haghaidh iontrála i ndiaidh chur i bhfeidhm chritéir iontrála na scoile faoi iamh in **larscríbhinn A.**

post-year 1/8 admissions refusals on other grounds, e.g. where admission to a school is refused on the basis that it would be prejudicial to the efficient use of resources, are dealt with as **complaints** under Article 101 of the Education and Libraries (NI) Order 1986 as amended by Article 158 of the Education Reform (NI) Order 1989. **The main change to these procedures is the removal of the ability for grammar schools to refuse admission on the grounds that the academic ability of the child is not of a standard equivalent to that of the pupils with whom he or she would be taught.**

APPEALS TO AN INDEPENDENT ADMISSIONS TRIBUNAL

2. Schools are reminded that a parent may appeal to an independent tribunal against an admissions decision only where a child has been refused a place at an oversubscribed school by application of the school's admissions criteria. A standard letter for Principals to issue to parents when their child is not selected for admission after the application of the school's admissions criteria is attached at **Annexe A.**

GEARÁIN A DHÉANAMH LEIS AN ROINN COMPLAINTS TO THE DEPARTMENT

3. Mar atá luaite thuas ní mór gach cás eile ina ndéanann tuismitheoirí agóid in éadan cinntí a rangú ina ngearán faoi Alt 101. Tá foirm iarratais iontrála chaighdeánach do tuismitheoirí atá ag iarraidh iarratas a dhéanamh ar áit iar-bhliain 1 agus 8 faoi iamh in **Iarscríbhinn B**. Ba cheart do scoileanna cóipeanna den fhoirm seo a choinneáil agus iad a eisiúint chuig tuismitheoirí ar bith atá ag iarraidh iarratas iar-bhliain 1 agus 8 a dhéanamh.

IARRATAIS LEIS AN FHORAS UM CHÚINSÍ EISCEACTÚLA – DALTAÍ IN AOIS IAR-BHUNSCOILE AMHÁIN

4. I gcás na n-iarratas a dhéantar i ndiaidh 1 Iúil 2010, sa chás go ndéanann dalta atá in aois iar-bhunscoile (níl an rogha seo ar fáil ag daltaí atá in aois bunscoile) iarratas iontrála i scoil a gcaithfidh sé/sí, ar chúiseanna eisceachtúla, freastal uirthi agus go ndiúltaítear don iarratas, is féidir iarratas a dhéanamh leis an Fhoras um Chúinsí Eisceachtúla. Is féidir an t-iarratas a dhéanamh sa chás;

- gur diúltaíodh iontráil don dalta mar go bhfuil an scoil áirithe sin lán, agus/nó;
- gur baineadh úsáid as critéir lena chinneadh cé acu ar cheart glacadh leis an dalta nó nár cheart, agus/nó;

3. As stated above all other cases of parental challenge to admissions decisions should be designated complaints under Article 101. A standard admissions application form for parents who wish to make an application for a place post-years 1 and 8 is attached at **Annexe B**. Schools should hold copies of this form and issue them to any parents wishing to make an application post-years 1 and 8.

APPLICATIONS TO THE EXCEPTIONAL CIRCUMSTANCES BODY – POST PRIMARY SCHOOL AGED PUPILS ONLY

4. For applications for admission taking place after 1 July 2010 where a post primary school aged pupil (this option is not open to primary school aged pupils) has applied for admission to a school that for exceptional reasons they must attend and their application has been refused, they may make an application to the Exceptional Circumstances Body. This application can be made where;

- the pupil has been refused admission because the school in question is full, and/or;
- where criteria have been applied to decide whether or not the pupil should

- gur diúltaíodh iontráil don dalta agus go raibh áiteanna ar fáil laistigh den líon ceadaithe iontrála agus rollaithe na scoile.

Má aontaíonn an Foras go raibh ann do chúinsí eisceachtúla faoinar gá an dalta a iontráil chuig an scoil, éileoidh an Foras ar an scoil an dalta a iontráil de bhreis ar an líon ceadaithe iontrála agus rollaithe. Tá an Foras go hiomlán neamhspleách ó na Boird Oideachais agus Leabharlainne agus ón Roinn agus is críochnaitheach ceangailteach an cinneadh a dhéanann siad.

NÓSANNA IMEACHTA UM GHEARÁIN

5. Bainfear feidhm as na nósanna imeachta seo a leanas maidir le gearáin faoi Alt 101:

- ní mór do scoileanna cóip den fhoirm iarratais iontrála chaighdeánach iar-bhliain 1/8 atá faoi iamh a eisiúint chuig tuismitheoirí ar suim leo an scoil;
- i ndiaidh dóibh an t-iarratas a fháil, ní mór d'údaráis na scoile a chur in iúl do thuismitheoirí i scríbhinn, faoin aonú lá oibre déag i ndiaidh dóibh an t-iarratas a fháil, go ndearnadh cinneadh iontráil a dhiúltú don

be admitted, and/or;

- where the pupil has been refused admission where there places available within the approved admission and enrolment numbers of the school.

If the Body agrees that exceptional circumstances exist which require that pupil's admission to the school, the Body will direct the school in question to admit the pupil over and above the approved admission and enrolment numbers. The Body is entirely independent of the Education and Library Boards and the Department and its decision is final and binding.

COMPLAINT PROCEDURES

5. The following procedures will apply to Article 101 complaints:

- schools should issue interested parents with a copy of the standard post-years 1/8 admissions application form attached;
- following receipt of the application, school authorities should advise parents in writing, by the eleventh working day following the receipt of the application, of any decision to refuse a child admission, using the

pháiste, agus an litir chaighdeánach iomchuí in úsáid acu. **Tabhair do d'aire go bhfuil sé éigeantach go gcloíonn gach scoil leis an sprioc-am seo, lena chinntiú go socraítear socrúchán an dalta laistigh de scoil chomh gasta agus is féidir;**

- tá na litreacha caighdeánacha atá le húsáid sna cásanna seo faoi iamh fá choinne na gcineálacha éagsúla gearán, de réir mar atá leagtha amach thíos:

- **sa chás go mbeadh an líon ceadaithe rollaithe sroichte ag an scoil agus í lán dá réir, tá litir chaighdeánaithe a dtig le scoileanna í a úsáid faoi iamh in **Iarscríbhinn C**; sna cásanna seo, moltar do thuismitheoirí dul i dteagmháil leis an Oifigeach Aistrithe iomchuí chun comhairle a fháil maidir le scoileanna eile;**
- **sa chás go ndiúltaítear don dalta ar an bhonn go mbeadh an iontráil dochrach d'úsáid éifeachtúil acmhainní, tá**

appropriate standard letter. **Please note that in order to ensure that the pupil's placement in a school is resolved as quickly as possible, it is essential that all schools abide by this deadline;**

- the standard letters for use in these circumstances are attached for the different categories of complaint as listed below:

- **where the school has reached its approved enrolment number and is therefore full a standard letter for schools to use is attached at **Annexe C**; in these cases parents are advised to contact the appropriate Transfer Officer to obtain advice on alternative schools;**
- **where refusal is on the grounds that admission would be **prejudicial to the efficient use of resources**, a letter is**

litir faoi iamh in
larscríbhinn D a dtig le
scoileanna í a úsáid; féach
an treoir thíos maidir le
léirmhíniú ar an fhrása seo;
tá sé tábhachtach go
dtugann scoileanna fáth do
thuismitheoirí sa litir seo
lena mhíniú cén dóigh a
mbeadh an iontráil
dochrach d'úsáid
éifeachtúil acmhainní;

attached at **Annexe D** for
schools to use; see
guidance below on the
interpretation of this
phrase; it is important that
schools provide parents in
this letter with a reason to
justify why the admission
would prejudice the
efficient use of resources;

- i ndiaidh dóibh an litir dhiúltaithe a fháil ón scoil, is é an chéad chéim eile do thuismitheoirí i ngach cás dul i dteagmháil leis an Oifigeach Aistrithe iomchuí chun liosta de scoileanna malartacha a fháil, a bhféadfadh sé go mbeadh áiteanna ar fáil iontu. Más amhlaidh, áfach, gur diúltaíodh iontráil ar an bhonn go mbeadh sé dochrach d'úsáid éifeachtúil acmhainní, bíonn sé de rogha ag na thuismitheoirí gearán a dhéanamh leis an Roinn agus ba cheart dóibh dul i dteagmháil leis an Fhoireann Inrochtana Scoile, an Roinn Oideachais, Teach Ráth Giall, Bóthar

- after receipt of a refusal letter from a school the next step for the parents in all cases is for them to contact the appropriate Transfer Officer to obtain a list of alternative schools where there may be places available. However if the refusal is on the grounds of prejudicial to the efficient use of resources, the parents have the option of complaining to the Department and should be advised to contact School Access Team, Department of Education, Rathgael House, Balloo Road, Rathgill, Bangor BT19 7PR , and we will issue them with a

Bhaile Aodha, Ráth Giall, Beannchar BT19 7PR, agus cuirfidh muid amach foirm ghearáin dóibh. Tá cóip den fhoirm seo, mar eolas, faoi iamh in **Iarscríbhinn E**;

- má fhaigheann siad gearán tuismitheora, beidh an Roinn ag iarraidh a fháil amach an raibh an cinneadh iontráil a dhiúltú réasúnach agus iarrfaidh siad ar údaráis na scoile aighneacht scríofa a sholáthar chun tacú leis an chinneadh; tá foirm chaighdeánaithe a dtig le scoileanna í a úsáid chun an t-eolas seo a sholáthar faoi iamh in **Iarscríbhinn F**. Déanfaidh an Roinn breithmheas ar an ggearán, rachaidh siad i gcomhairle leis an scoil agus leis an Bhord Oideachais agus Leabharlainne de réir mar is iomchuí, agus déanfaidh siad cinneadh, ag tabhairt airde ar gach cáipéisíocht scríofa a fhaightear;

- déanfar cinneadh na Roinne a dhearbhú i scríbhinn do na tuismitheoirí, don scoil agus don Bhord Oideachais agus Leabharlainne.

AMSCÁLAÍ

6. Nuair a bhíonn moill le próiseáil gearán tuismitheora, cuirtear frustrachas ar

complaint form, a copy of which is attached for information at **Annexe E**;

- if a parental complaint is received, the Department will wish to determine whether the decision to refuse admission is reasonable and will then ask school authorities to make a written representation in support of their position; a standard form for schools to use to provide this information is attached at **Annexe F**. The Department will then consider the complaint, consulting with the school and the Education and Library Board as appropriate, and make a decision having regard to all the written documentation received;

- the Department's decision will be confirmed in writing to the parents, the school, and the Education and Library Board.

TIMESCALES

6. Delays in processing parental complaints can cause frustration for parents and extend

tuismitheoirí agus cuirtear síneadh leis an tréimhse a chaitheann roinnt páistí lasmuigh den scoil. Tá cóip den amscála don phróiseas faoi iamh in **larscribhinn G**. Tá sé **ríthábhachtach go gcuireann scoileanna an cinneadh s'acu in iúl do tuismitheoirí faoin aonú lá oibre déag i ndiaidh dóibh an t-iarratas tuismitheora a fháil**. Murar féidir cruinniú de Bhord na nGobharnóirí a ghairm laistigh den amscála seo, ní mór don Bhord, aon áit ar féidir, socruithe a dhéanamh d'fhonn a gcuid freagrachtaí sa réimse seo a tharmligean d'fhochoiste nó don Phríomhoide lena chinntiú go gcloítear leis an sprioc-am seo. Is iad i gcónaí íoslagh dú an ama atá le caitheamh ag páistí lasmuigh den scoil mar aon lena chinntiú go ndéantar freastal ar riachtanais oideachasúla an pháiste na tosaíochtaí uileghabhálacha. Ní mór do scoileanna, dá réir, cloí go docht leis an chlár ama nó mura dtugtar freagairt do na tuismitheoirí nó má bhíonn moill mhíchúí ann, d'fhéadfadh sé go bhforléireodh an Roinn é seo mar dhiúltú iontrála agus go n-éileofaí ar an scoil glacadh leis an pháiste.

***IONTRÁIL A BHEADH DOCHRACH
D'ÚSÁID ÉIFEACHTÚIL ACMHAINNÍ***

7. Ní ghlacfaidh an Roinn leis gur cinneadh réasúnach atá ann de chuid nó thar cheann Bhord na nGobharnóirí iontráil a dhiúltú do pháiste ar an bhonn go mbeadh sé dochrach

the period that some children are out of school. Attached at **Annexe G** is a copy of the timescale for the process. **It is very important that schools advise parents of their decision by the eleventh working day after receipt of parental application**. If it is not possible to convene meetings of the Board of Governors within this timescale the Board should, where possible, make arrangements to delegate their responsibilities in this area to a sub-committee or the Principal to ensure the deadline is met. Minimising the time that children are out of school and ensuring the educational needs of the child are met remain the overriding priorities. **Schools must therefore adhere rigidly to the timetable otherwise the Department may construe no response to the parents or undue delay as a refusal to admit and consider directing the school to take the child.**

***ADMISSION PREJUDICIAL TO THE
EFFICIENT USE OF RESOURCES***

7. The Department will not accept as reasonable a decision by or on behalf of a Board of Governors to refuse a child admission on the basis that it would prejudice

d'úsáid éifeachtúil acmhainní as siocair thaifead tinrimh an pháiste, an taifid smachta nó fadhbanna iompair, inniúlachtaí sa Bhéarla nó leibhéal an eisiaimh shóisialta ach amháin má sholáthraítear fianaise dhoiciméadach lena léiriú go soiléir go mbeadh sé neamhfhoirsteanach an páiste a chur sa scoil sin. Ní mór gach cáipéisíocht agus eolas ábhartha ar ar bhunaigh Bord na nGobharnóirí a gcinneadh iontráil a dhiúltú don pháiste a chur ar aghaidh chuig an Roinn lena éascú dóibh a chinneadh cé acu an bhfuil diúltú iontrála na scoile ar an bhonn seo réasúnach nó nach bhfuil. Mura soláthraítear é seo, d'fhéadfadh sé go seasfadh an Roinn le gearán na dtuismitheoirí.

7.1 Ní mheasfadh an Roinn go mbeadh sé neamhréasúnach ag scoil iontráil a dhiúltú do pháiste ar an bhonn go mbeadh sé dochrach d'úsáid éifeachtúil acmhainní sa chás, mar shampla:

- go mbeadh an bliainghrúpa ina mbeifí ag lorg iontrála lán. Is féidir é seo a chinntiú ach amharc ar an líon iontrálacha a leagadh síos don Bhliainghrúpa agus iad i mbliain 8;
- gur ghá méideanna ranga, lena n-áirítear méideanna ranga sna hábhair phraiticiúla a atheagrú go suntasach, rud a d'fhágfadh gur ghá

the efficient use of resources because of the child's attendance record, discipline record or behavioural problems, English language ability or level of social exclusion unless documentary evidence is provided to demonstrate that it would clearly be inappropriate to place the child in the school. All relevant documentation and information on which the Board of Governors made its decision to refuse a child admission must be forwarded to the Department to enable it to determine whether the school's refusal to admit on these grounds is reasonable. Failure to provide this could result in parental complaints being upheld by the Department.

7.1 The Department would not consider it unreasonable for a school to refuse a child admission on the basis that it would prejudice the efficient use of resources, where, for example:

- the year group to which admission is sought is full. This may be determined against the admissions number approved for that Year Group at Year 8;
- class sizes, including practical class sizes would have to be significantly reorganised, altering a school's planned allocation and usage of

leithdháileadh agus úsáid phleanáilte na foirne sa scoil, cúrsaí cóiríochta agus acmhainní eile a athrú. Ní mór fianaise, lena n-áirítear sonraí maidir leis na méideanna ranga, a sholáthar i ngach cás. **Aon áit áfach, ar soiléir go bhfuil spás sa bhliainghrúpa, tá sé de dhualgas ar an scoil na socruithe iomchuí a dhéanamh le haghaidh iontrála;**

- nach mbeadh líon ceadaithe rollaithe na scoile ag teacht le toilleadh fisiceach na scoile, mar gheall ar líon reatha na ndaltaí, agus gur gá líon na ndaltaí a laghdú.

Déanfar breithmheas ar gach cás de réir a bhuanna féin, ag tabhairt aird chuí ar an chomhairle seo.

GINEARÁLTA

8. Lena chinntiú go mbíonn fáil ag gach páiste atá in aois éigeantach scoile ar áit scoile, tá sé éigeantach riachtanach go bhfreagraíonn scoileanna go pras d'iarratais iontrála agus do cheisteanna ó thuismitheoirí maidir le hiarratais iontrála agus go gcuirtear in iúl do thuismitheoirí i ngach cás go bhfuil sé de cheart acu gearán nó achomharc a dhéanamh de réir mar is iomchuí.

staff, accommodation and other resources. Evidence, including the details of the class sizes, will need to be provided in each case.

However, where there is clearly room in the school year, the onus is on the school to make suitable arrangements for admission;

- the school's approved enrolment number exceeds the school's physical capacity, because of existing pupil numbers, and pupil numbers need to be reduced.

Each case will be assessed according to its merits and having regard to this advice.

GENERAL

8. In order to ensure that all pupils of compulsory school age have access to a school place, it is absolutely vital that schools respond promptly both to admission applications and to parental queries relating to application for admission and that in each case parents are made aware of their right of complaint or appeal as appropriate.

8.1 Tá sé éigeantach go mbeadh gach dalta, go háirithe iad sin a bhaineann le grúpaí leochaileacha, amhail teaghlaigh núfosacha agus an lucht taistil, ar an eolas faoina gcuid ceart maidir cúrsaí iontrála scoile. I gcás na n-iarratas foirmeálta iontrála, ní mór cloí leis na nósanna imeachta i bparagraf a cúig. I gcás ceisteanna neamhfhoirmeálta ó thuismitheoirí maidir le hiontráil, ní mór a lua go dtig na ceisteanna seo a thógáil ar éagsúlacht de shlite, lena n-áirítear go pearsanta, ar an ghuthán, trí r-phost nó trí litir. I ngach cás ba cheart taifead mionsonraithe a choinneáil go háirithe ar na gníomhartha atá aontaithe ag an tuismitheoir agus ag an scoil maidir leis an cheist. Cuideoidh sé seo lena chinntiú go mbeidh an scoil, an tuismitheoir agus más gá an Roinn soiléir maidir le cé acu an ndearnadh iarratas foirmeálta leis an scoil nó nach ndearnadh agus gur cuireadh in iúl don tuismitheoir go bhfuil sé de cheart aige/aici achomharc nó gearán a dhéanamh i ngach cás. D'fhéadfadh sé go mbeadh ar scoileanna foráil bhreise a dhéanamh le haghaidh tuismitheoirí nach bhfuil mórán Béarla acu nó nach bhfuil scileanna maithe léitheoireachta agus scríbhneoireachta acu.

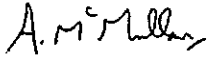
8.2 I ngach cás, tabharfar deis do scoileanna a gcuid cinntí a chosaint agus beifear ag súil le go soláthróidh siad gach eolas atá ábhartha le gach cás.

8.1 It is essential that all pupils, particularly with respect to vulnerable groups, such as newcomer families and those from the Traveller community are aware of their rights with respect to being admitted to school. In the case of formal applications for admission the procedures at paragraph five should be followed. In the case of informal parental queries relating to admission it should be noted that these queries can be made in a number of ways, including in person, on the telephone, by e-mail or by letter. In all cases records should be kept detailing in particular the actions the parent and the school have agreed to take following the query. This will help to ensure that the school, the parent and if necessary the Department, are clear as to whether or not a formal application has been made to the school and that the parent has been made aware of their right of appeal or complaint in every case. Schools may need to make additional provisions for parents with limited English language skills or limited reading and writing ability.

8.2 In all instances schools will be provided with the opportunity to defend their decisions and will be expected to provide all information relevant to each case.

8.3 Má tá ceisteanna ar bith agat maidir le hábhar na litreach seo, gabh i dteagmháil leis an Fhoireann Inrochtana Scoile, teileafón 028 9127625, a bheidh in ann cuidiú leat.

Is mise le meas,

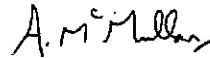


ALAN MCMULLAN
FOIREANN INROCHTANA SCOILE

Ceangaltáin

8.3 If you have any enquiries about the contents of this letter please contact School Access Team, telephone 028 9127625 who will be able to assist you.

Yours faithfully,



ALAN MCMULLAN
SCHOOL ACCESS TEAM

Encs