

School Admissions Tribunal

The Education (Northern Ireland) Order 1998 sets out the statutory requirements for the admission of children to pre-school education at grant- aided schools. Parents are required to express, in order of preference, the nursery school in which they wish pre-school education to be provided for their child.

The Department of Education (DOE) determines the full time and /or part enrolment number for each school. The Education and Library Boards (ELB's) enable parents to express their preference as to the nursery school/class they wish their child to attend. They also have a duty to publish the criteria which schools will use to select children in the event of a school being oversubscribed. This criterion, while being set by the school, must be 'reasonable'.

If a parent is declined a place at their choice of nursery school they can appeal this decision. The request for submitting the appeal/ intention to appeal must be made within approximately two weeks of the decision being issued and:

“Parents may appeal to a tribunal in relation to a decision refusing their child admission to a school only on the grounds, by or on whose behalf the decision was made, did not apply, or did not correctly apply, its admissions criteria.” (Circular number 2014/07).

We were contacted by a parent whose child had been refused a place at her chosen nursery school and wanted to challenge this decision.

The nursery school had published the admission criteria, as required by the DOE, and included a subsection “the child or parent had a serious long term illness”. The school, without publishing, added an enhancement to the criteria stating that “the child was likely to face significant educational challenges as a result... (of the illness).”

The client suffers from uncontrolled Type 1 Diabetes, a severe and debilitating illness which has resulted in the client requiring day and night time care. She receives disability benefits to reflect this. The client obtained medical evidence from her GP to support this and submitted this with the application, as required. The admission was declined as the school stated that the client did not meet the enhanced criteria of “the child was likely to face significant educational challenges as a result”.

Articles 27 and 31 of the Education (Northern Ireland) Order 1998 require Education and Library Boards to make arrangements enabling parents to appeal if they are dissatisfied with an admissions decision. The appeal will be to an Appeal Tribunal constituted by the relevant ELB in accordance with the Schools Admissions (Appeal Tribunals) Regulations (Northern Ireland) 1998.

We applied for and subsequently represented the client at the Tribunal, no further medical evidence was required. We successfully argued that the criteria had been enhanced at a stage which was not permitted, nor was it necessary. Therefore the Board of Governors did not correctly apply its own criteria.

The Appeal Tribunal found in the clients favour and her daughter secured her pre- school place in the nursery school.

Deborah Crawford