

DEPARTMENT OF EDUCATION, SPORT AND CULTURE

GUIDANCE NOTES FOR OUT OF CATCHMENT AREA REQUESTS

General

This document should be read in conjunction with the Department of Education, Sport and Culture's Policy and Guidance on Admission to Primary Schools and the Education (Admission Appeals) Regulations 2004.

The Department of Education, Sport and Culture ("the Department") operates a catchment area system for the Island's maintained schools to ensure the efficient use of the Department's resources and to foster and encourage community spirit. It is the general policy of the Department of Education, Sport and Culture that a child should attend the school in the catchment area in which he/she resides.

Each school has an assessed capacity based on the size and organisation of its accommodation. For planning purposes and the allocation of staff, the Department regards a mainstream primary class size of 27 pupils as acceptable. Consequently, a school's indicative maximum number of pupils is calculated by multiplying the number of mainstream classrooms by 27, except in exceptional cases where there are some classrooms smaller than standard which could only physically accommodate, say, 22 pupils. The school's indicative maximum figure would be adjusted accordingly. However, individual class sizes may rise to, or in excess of, 30 when space and other factors allow. Any class over this number will be considered acceptable to the Department only if the additional pupils over 30 have been admitted from within the school's catchment area. Given that some classrooms in certain buildings are small, however, the Department would regard a lower figure than 30 in such cases.

Each primary school is an associate school for one of the Island's secondary schools. Information on catchment areas and related secondary schools can be found on the Isle of Man Government website, www.gov.im/. By selecting the "Maps" button on the bottom right hand side of the page, addresses and postcodes can be entered into the search bar to bring up the catchment area and secondary school information.

The Island also has 2 Church Schools - St Thomas' Church of England School and St Mary's Roman Catholic School. There is also a Manx Language School (Bunscoill Ghaelgagh). There is no catchment area associated with the Church of England School or the Manx Language School. The Roman Catholic School has a catchment comprising the Parishes annexed to St Anthony's, St Mary's and St Joseph's churches.

Permanent Place of Residence

A child's permanent place of residence is classed by the Department as the address at which the child spends 50% or more of their time during school term time. If this is unclear then the address to which any Child Benefit payable is listed may be used to determine the permanent address and therefore the catchment area.

Admissions from Outside Catchment Areas

Where a child has significant special educational needs that cannot be met at the school in the child's catchment area, the child would be placed by the Department's Inclusion and Safeguarding Service at an alternative school able to meet the child's needs.

There are a small number of other exceptional circumstances in which approval may be granted to children attending a school outside of their catchment area on the request of their parents/guardians and this document sets out the procedure to be followed in relation to such applications. Such circumstances include:

- where a child would be attending school with a half sibling who resides at a different address and there has been a total breakdown in the family relationship;
- where it can be proven, to the Department, that there is a clear physical or emotional threat to a child attending a school in their catchment area
- where a child's parents both work for the emergency services and the main child care is provided by someone residing in a different catchment area; and
- where a child's sibling already attends the requested out-of-catchment school (see Moving House and the Sibling Rule, below)

In addition to the above, the Department could grant out of catchment requests in order to make best use of its assets. For example, if demand on a school is already significant with pupils from within its catchment area and nearby schools are less full, the Department may determine that out of catchment requests be granted from the former to the latter. The following are not considered sufficient to grant an out of catchment placement.

- the placement of a child at a pre-school nursery near a primary school or within a primary school building. Such placement does not confer any rights for the child to attend the school when they reach normal school age;
- pre or post school childcare; and
- a claimed breakdown in relationship with the current school, unless there is evidence that the appropriate procedures have been followed in trying to resolve the issues and the "breakdown in relationship is agreed to have taken place by the Headteacher of the school and the applicant.

All applications for out of catchment placements are considered individually, taking into account:

- the information provided on the application form;

- the information provided by the headteacher of the school in the catchment area in which the child resides;
- the information provided by the headteacher of the school at which the out of catchment placement is being sought; and
- the likely impact of an out of catchment placement in relation to the efficient use of the Department's resources.

Moving House and the Sibling Rule

Where a family is moving house and has a child already attending school, the child may either remain at the school they currently attend or move to the school in the new catchment area. Should they remain at their current school, any sibling has the option, under the Sibling Rule, to attend the same school as the elder sibling attends, providing the elder sibling is still on roll, rather than attend the school in the new catchment area.

It should be noted that when a child remains at the primary school in their former catchment area they will still be expected to attend the secondary school for the new catchment area, which may be different.

Where a family is in the process of moving house and has a child due to start school, providing they can provide evidence of the move into the new catchment area it is possible to enrol the child at the school in the new catchment area. Evidence would be either a rent book or letter from a landlord confirming the move into the area, or a letter from an advocate to confirm that a house purchase is at the signing stage.

Transport

Transport to/from school is the responsibility of the parents/carers.

Out of Catchment Area Child Placement Requests

- To apply for an out of catchment area placement, the online Out of Catchment Area Child Placement Request form should be submitted.
- An acknowledgement letter confirming receipt will be issued within 5 working days of receipt of the request for an out of catchment area child placement.
- The request will then be copied to the Headteacher of the school in the catchment area in which the child concerned resides and the Headteacher of the school at which the placement has been requested.
- The decision taken will be confirmed in writing to the applicant.
- If the application is unsuccessful there is a right of appeal within 21 days of the date of receipt of the written decision.

Appeals

Appeals should be made in writing to the Appeals Secretary, Corporate Services Division, Department of Education, Sport and Culture, The Slieau Whallian, Foxdale Road, St Johns, Isle of Man, IM4 3AS and will be acknowledged in writing within 5 working days of receipt. An appeal process usually takes between 4 - 6 weeks from notification

The Appeals Process is as follows:

Preparations

- The time, date and venue for the hearing will be arranged by the Appeals Secretary and 14 working days' notice will be given
- The Appeal Panel will comprise of 3 members, one of whom shall be an Education Council Member and the other 2, Senior Officers of the Department not involved with the original decision.
- The Appellants and the Senior Department Officer who made the decision on the Out of Catchment Area Child Placement Request will be invited to attend but there is no requirement for these parties to attend if they are content that their written submissions are sufficient.
- If either of the parties wishes to be accompanied by another person as a friend or adviser they may do so, but each of the parties is expected to present their own case and answer any questions put to them.
- The Appeals Secretary will attend the Hearing to take notes and advise on procedure.
- Should there be any further documentation that any of the parties wish to have taken into account at the Appeal Hearing then this must be supplied to the Appeals Secretary 7 working days in advance of the Hearing in order that it may be copied and issued to the other attendees well in advance of the Hearing.
- The Appellants and the Senior Department Officer may call witnesses, including the relevant Headteachers. Where they choose to do so they should notify the Appeals Secretary in advance in order that the necessary seating may be arranged. Witnesses only attend for the part of the Hearing relevant to them in order to give evidence and answer any questions; they are then required to withdraw from the Hearing.

Starting the Hearing

At the commencement of the Appeal Hearing, the Chair of the Panel will make the introductions, confirm the purpose of the Hearing and outline the procedure for the conduct of the meeting.

Presentation of Cases

The Appellants will be invited to present their case and may call witnesses.

The Panel and the Senior Department Officer may ask questions of the Appellants and of any witnesses.

The witnesses will withdraw.

The Senior Department Officer will be invited to present their case and may call witnesses.

The Panel and the Appellants may ask questions of the Senior Department Officer and their witnesses.

The witnesses will withdraw.

Re-examination

Following the presentation of cases the parties will be asked if they wish to re-examine any of the evidence before proceeding to the next stage.

Final Statements

The parties will be invited to make final statements.

Consideration of the Case

The parties will be asked to withdraw so that the case can be considered by the Panel.

If it is necessary to recall either party or witnesses in order to resolve any points of uncertainty, all parties to the appeal will be recalled notwithstanding the fact that only one may be concerned with the point giving rise to doubt.

In order that there is consistency and transparency, the Panel will use the criteria outlined above to inform their decision-making.

Decision

After the case has been considered the decision will, if possible, be given orally the same day and will be confirmed – including clear reasons, based on the criteria above - in writing within seven working days of the Hearing, with copies being sent to all those who have attended the hearing

The decision of the Appeal Panel is final.