

**To: Petitions Board**

**On: 1 February 2021**

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**Report by: Director of Finance and Resources**

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**Heading: Petition: Admission Policy, Ralston Early Learning and Childcare Class**

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## **1. Summary**

1.1 A petition has been received from Mr Steven Harrigan in the following terms “I am raising this issue as a concerned parent. I reside in the Ralston area, yet my son has been denied the opportunity to attend his local pre-school nursery at Ralston Primary. This is mainly due to the zoning of the school by the council and in turn taking in a greater zoning area that the school can cope with, thus in turn leaving local residents and their children to go outside the area, despite paying council tax for Ralston. The zone for Ralston takes in places such as Gallowhill and Hawkhead Road, despite both areas having at least one suitable local pre-school nursery. As Ralston is a very desirable school this leads to a large number of parents in these areas making Ralston their preference when selecting options. This has led to a large number of local children, including my own missing out on their local school, when I feel strongly that local children should be given preference first.

I have previously raised the issue with the council, the school and my local Councillor Neil Graham. I was then granted a video call with a representative from each. Kathleen McDonagh from the council, Mr Graham and the Head of Ralston, Jillian McGowan. They outlined the reasons behind the decision and stated it was the Council who indeed make the rules. This is what I’m hoping to get changed, as I previously stated I feel it is neither fair nor right local children miss out on their local schools”.

1.2 The Education Manager has advised that the parent applied for a place at Ralston Nursery for his son and did not get a place due to over demand for places. The allocation process was in line with the early years admissions policy. The catchment area for early learning and childcare (ELC) is different from a primary school.

1.3 The Education Manager further advised that a placement at nursery had no bearing on the school a child attended as not every primary school had an ELC class. The Scottish Government and local policy commitment is to provide parents with a range of options in terms of early years provision – for example term time/school day places and 52 weeks /extended day provision; and to ensure provision for children that are entitled to ELC. Within the Ralston area there is only one ELC provision which is Ralston. This is a term time class and would not provide the range of options for parents.

1.4 The Education Manager advised that this parent's application went directly to Ralston ELCC. It was considered by the area admissions panel for a place commencing August 2020. The parent would have been notified of the outcome of the panel around May 2020. It was the Education Manager's understanding that following receipt of this request the parent contacted the ELC class. Mr Harrigan emailed his local Councillor in early June regarding this matter and the Education Manager responded to Councillor Graham confirming the position regarding this matter.

1.5 The Education Manager advised that in August Mr Harrigan requested a meeting with the Council and his local councillor to discuss his concerns. The Education Manager, along with the Head Teacher met with Mr Harrigan and Councillor Graham to discuss the matter.

1.6 The Education Manager has advised that the parent is looking for the admissions panel area for Ralston to be changed to only give priority to the Ralston families. Admissions panels and the admissions policy is monitored and reviewed on an on-going basis by Council officers, with any required changes to the policy approved by the Policy Board. Colleagues from Children's Services meet annually following the admissions process for a new school session. When Council officers met this year, they did reflect on the panel area for the Ralston area and believed it would not be feasible to consider Ralston on its own as a defined catchment area

1.7 The Education Manager indicated that the heads of the establishments make up the admissions panels. The policy is not amended/approved annually, but only when required. The Policy was last approved in November 2018. The policy link is attached. [Link](#)

1.8 The Senior Solicitor (Litigation and Advice, has confirmed the following: - Section 28A(1) of the Education (Scotland ) Act 1980 provides as follows;-

*Where the parent of a qualifying child makes a written request to an education authority to place his child in the school (other than a nursery school or a nursery class in a school) specified in the request, being a school under their management, it shall be the duty of the authority, subject to subsections (2). (3), (3A) and (3F) below, to place the child accordingly. Such a request so made is referred to in this Act as a "placing request" and the school specified in it is referred to in this Act as the "specified school"*

The general duty of education authorities to place children in the school chosen by their parents, does not apply to nursery schools. Therefore, it is not possible to make a “placing request” as defined in the legislation, in respect of a nursery school. Accordingly, there is no right of appeal to an Education Appeal Committee where the education authority refuses to place a child in the nursery school requested by the parent

1.9 The petition is valid in terms of the Council’s procedures for dealing with petitions and the petitioner has been invited to attend the meeting and he will be asked to make a statement, lasting no more than 10 minutes, in support of the petition.

1.10 The role of the Board is to consider the petition, hear and ask questions of the petitioner and take the appropriate action in respect of the petition which will be one of the following: (a) that no action is taken, in which case the reasons will be specified and intimated to the petitioner; (b) that the petition be referred to the relevant director/and or policy board for further investigation, with or without any specific recommendation; or (c) refer the petition to another organisation if the petition relates to that organisation.

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## **2. Recommendations**

2.1 That the Board hears from the petitioner.

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### **Implications of the Report**

**1. Financial** – None.

**2. HR & Organisational Development** – None.

**3. Community/Council Planning** – None

**4. Legal** – None.

**5. Property/Assets-** None

**6. Information Technology-** None

**7. Equality & Human Rights** – The recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals’ human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council’s website.

**8. Health & Safety** – None

**9. Procurement – None**

**10. Risk – None**

**11. Privacy Impact – None.**

**12. CoSLA Policy Position – None.**

**13. Climate Risk – None.**

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### **List of Background Papers**

List of Background Papers – petition form

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