

2010 No.

EDUCATION

**Schools Admissions (Exceptional Circumstances) Regulations
(Northern Ireland) 2010**

Made - - - - - ***

Coming into operation - - - - - ***

The Department of Education, in exercise of the powers conferred on it by Article 16 A (4), (5) and (6) of the Education (Northern Ireland) Order 1997 (a), makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Schools Admissions (Exceptional Circumstances) Regulations (Northern Ireland) 2010 and shall come into operation on

Interpretation and application

2. In these Regulations -

“the Authority” means the Education and Skills Authority;

“exceptional circumstances” means circumstances which are both exceptional and personal to the child in question and relate to admission to a specified school only;

“panel” means an Exceptional Circumstances panel constituted in accordance with regulation 3 and Schedule 1.

“Tribunal” means three members selected by the Authority from the panel which shall include one member selected from amongst persons mentioned in paragraph 1 (b) of Schedule 1 who shall act as chairperson.

Constitution of the Exceptional Circumstances Panel

3. The Exceptional Circumstances panel shall be constituted in accordance with Schedule 1.

Procedure of the Exceptional Circumstances Tribunal

4. Schedule 2 shall have effect in relation to the procedure for applications to a Tribunal.

Examples of Circumstances

5. Examples of circumstances which may be regarded as exceptional circumstances requiring the admission of a child to a particular school are –

- (a) circumstances where in the opinion of a registered medical practitioner the child has been subjected to sexual abuse;
- (b) circumstances where a child who is looked after by an authority (as defined in Article 25 of the Children (Northern Ireland) Order 1995 (a)).

6. The following circumstances may not be regarded as exceptional circumstances requiring the admission of a child to a particular school -

- (a) circumstances related wholly or mainly to the kind of education provided at that school;
- (b) circumstances related to a child's academic ability;
- (c) circumstances related wholly or mainly to the availability of transport to that school.

Sealed with the Official Seal of the *** on ***

A senior officer of the Department of Education

(a)
SI 1995/975 (NI2)

SCHEDULE 1

1.The membership of the panel shall consist of persons comprising: -

- (a) persons appearing to the Authority to have relevant experience in education or the welfare of children;
- (b) persons who are solicitors or barristers entitled to practice in Northern Ireland.

SCHEDULE 2

1. Each application shall be determined by a Tribunal.
2. A Tribunal shall not issue a direction for a child to be admitted to a specified school unless that school has not granted a request for admission of that child.
3. An application shall be made by notice in writing to a Tribunal setting out the grounds in which it is made.
4. On receipt of an application a Tribunal may require a parent to provide relevant documents within a specified time.
5. A Tribunal shall give the parent an opportunity to make written representations or appear before it to make oral representations.
6. A Tribunal shall give the Board of Governors and the Authority an opportunity to make written representations or appear before it to make oral representations.
7. A Tribunal may have regard to any views expressed by the child concerned.
8. A Tribunal may request the parent, the Board of Governors, the Authority and any other person to supply further information which appears to it to be relevant to the determination of the application.
9. The application for a direction shall be decided upon by a simple majority of a Tribunal.
10. The hearing of the application shall take place within a period of four weeks beginning with the date on which the application is sent to a Tribunal, or as soon as possible thereafter.
11. A Tribunal shall issue its decision within a period of three weeks beginning with the final date of the hearing, or as soon as possible thereafter.
12. A Tribunal shall sit in private unless the parent requests otherwise in writing.
13. Two or more Tribunals may sit at the same time.
14. In this Schedule –
 - “Board of Governors” means the Board of Governors of the grant aided secondary school specified in the application;
 - “parent” means the parent applying for a direction under Article 16A of the Education (Northern Ireland) Order 1997.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations establish the Exceptional Circumstances panel and the Tribunals that will be selected from its members.

Its numbers consist of persons appointed by the Education and Skills Authority in accordance with Regulation 3 and Schedule 1.

The function of the Tribunals is to decide whether there are exceptional circumstances requiring the admission of a child to a particular post-primary school.

Regulation 5 sets out examples of circumstances which may be regarded as exceptional.

Regulation 6 sets out examples of circumstances which may not be regarded as exceptional.

Schedule 2 provides for procedure in relation to applications to the Tribunals, and the conduct of hearings.