



National Educational Welfare Board

Submission to the Department of Education and Skills

Discussion Paper on a Regulatory Framework for School Enrolment

1. Introduction

1.1 The National Educational Welfare Board (NEWB) welcomes the opportunity to submit its views to the Department of Education and Skills (DES) on the Discussion Paper on a Regulatory framework for School Enrolment. As outlined in the Discussion document, the NEWB has a defined role in relation to school enrolment and school placement and is pleased to contribute to this timely discourse.

1.2 The views expressed in this submission set out the Board's aspirations towards inclusive education for all children of the state and the practical experiences of the service in realising these aspirations. The range of issues and proposals considered by the NEWB are presented for the Department of Education and Skills under the following headings (section 5.2):

- Legislation
- Regulation
- New appeals process / facilitation process
- Inter-schools co-operation
- Proposals to consider

1.3 The NEWB was established in 2002 and has a statutory function to ensure that every child either attends a recognised school or otherwise receives a certain minimum education. In particular, the Board has a key role in responding to instances of children who are not attending school regularly or where there is a concern about the child's educational welfare. The Board also has responsibility for children who are being educated outside of schools (e.g. at home) and 16-17 year olds who leave school to take up employment.

1.4 In May 2009, The Minister of State at the Department of Education and Science (now Skills), Seán Haughey, T.D. extended the remit of the NEWB to include the

Visiting Teacher service for Travellers (VTST)¹, the Home School Community Liaison Scheme (HSCL), the School Completion Programme (SCP) and the Educational Welfare Service (EWS) and charged it with developing a single, strategic approach to attendance, participation and retention in schools to meet the needs of children who are at risk of early school leaving or of developing attendance problems. Each of the service strands, EWS, HSCL and SCP are committed to working collaboratively and cohesively to secure better educational outcomes for children and young people. The services of the Home School Community Liaison Scheme and the School Completion Programme are mainly located in schools participating in the Delivering Equality of Opportunity in Schools (DEIS) scheme, the Department of Education and Skill's action plan for educational inclusion which directs additional supports and services to schools within areas of concentrated educational disadvantage. Although the EWS has a national remit, it endeavours to ensure that DEIS areas are prioritised.

2. Guiding Principles

- 2.1** There is a need for positive beginnings for every child as they become members of a school community. This should be done respectfully, speedily and discreetly to ensure that each child is best positioned to maximize benefit from education. Parental involvement from the beginning as partners in this process should strengthen involvement in their child's learning from the very outset. Equally, the parent's involvement as valued members of the school community from enrolment should be pursued as a clear objective of school authorities. Enrolment bound in adversarial tension and dispute is extremely distressing for all and does not signify a positive beginning for a child. Where there are issues surrounding a child's enrolment, protracted procedures exacerbate the situation. All procedures pertaining to enrolments should be exhausted well in advance of the commencement of an academic year so that a child can begin his/ her educational journey positively and eagerly.
- 2.2** Dealing with multiple issues surrounding children having no school place is a significant element of the Education Welfare Service (EWS) work in August/September. In keeping with the guiding principle noted above – this is too late. Many of these cases relate to complex cases involving children with special educational needs (SEN), children for whom no application to a school was submitted, children from the Traveller community, international (newcomer) children, children with diagnosed /undiagnosed educational and behaviour difficulties (EBD), children whose relationship with a school has broken down and so on. Enrolment is significantly more than just securing a school place; it is about supporting the child's educational welfare in the systems in which they exist.

¹ Following a budgetary decision, the Visiting Teacher for Travellers Service was disbanded from 1 September 2011.

3. Provisions of the Education (Welfare) Act 2000

3.1 As set out in the Discussion Paper, there are a number of provisions of the Education (Welfare) Act 2000 which form part of the current regulatory framework relating to school admission. These include:

- Section 19 which requires that decisions regarding enrolment must be made in accordance with the school's enrolment policy
- Section 26 (1) which provides the NEWB with the right to appeal a decision of a Board of Management under the provisions of Section 29 of the Education Act, 1998. It confines this right to decisions taken by a school in relation to admission or expulsion of a pupil. The right of appeal does not require the NEWB to consult or obtain the approval of the parent or pupil or limit the right of appeal that is lodged by the parent in relation to the same decision by a Board of a school.
- In the case of an appeal brought by a parent or a student against a decision of a school concerning admission or expulsion, Section 26 (2) of the Education (Welfare) Act 2000 amends Section 29 of the Act of 1998 and provides for the making of such submissions (whether in writing or orally) to the appeals committee as the NEWB considers appropriate.
- Section 27 of the Act imposes a duty on the NEWB where a child is refused admission or permanently excluded to make all reasonable efforts to have the child enrolled in another school or to make such other arrangements as it considers appropriate to ensure that a child receives a certain minimum education.

4. What are the research issues?

4.1 Educational research on school enrolment and school admission policies is grounded in concepts of school inclusion and inclusive education for all. Concepts such as fairness, equality and transparency in the selection processes used to gain admission into school systems feature predominantly in the literature, with strong linkages between school inclusion and wider social inclusion espoused (Sofroniou et al, 2004; Parsons et al, 2000, West, A., 2000; West et al., 1998). The ESRI and the ERC's research into the 'social context effect' of education is particularly relevant to guide reforms in this area. Their research suggests that school populations that mainly comprise students from lower socio-economic communities will demonstrate poor educational outcomes whereas a more balanced intake of students will lead to a better social mix, providing for better attainment and achievement within the overall school population (ESRI, 1999, Sofroniou et al., 2004). The policy choices arising out of this research translates into Irish schools striving for more balanced enrolment targets, differentiated curricula which supports students' academic and vocational

abilities and well-developed pastoral, guidance and care systems to secure better educational outcomes for all enrolled students.

- 4.2** Enrolment systems differ between countries, with some countries operating school enrolment policies at local authority level (e.g. UK, apart from foundation and voluntary aided schools, which are governed at school level), others at local school level (e.g. Ireland, New Zealand) and others that are dictated primarily by parental choice (e.g. Sweden, Netherlands)². It seems clear from the body of research available that there is no one perfect enrolment system that ensures fairness, equality and transparency across the board. Many countries have undergone major overhauls of their enrolment systems only to find that the changes made have led to unanticipated outcomes for students and families. In the UK, West and Hind (2003) found that while the majority of secondary schools' admission criteria were fair and objective, there was a 'significant minority' using criteria that selected certain groups of children, and consequently excluded others. In schools that set their own admissions policy, they were found to lack equity in the admissions criteria and where schools were oversubscribed, they were in a position to 'cream skim' - selecting the pupils most likely to have a positive impact on their academic performance tables and not selecting those who were likely to have an adverse effect (West et al, 2004). In the Netherlands, the main criterion for selecting pupils is based on streaming by aptitude and ability, which does not seem to be controversial. However, issues have begun to arise in the literature of whether some parents (i.e. middle-class parents) have more opportunities than others (Fletcher-Campbell et al, 2007). It is evident, that middle-class parents are better positioned to navigate the system to ensure their children benefit first and last. Hence, the critical role in DEIS schools of the Home/School/Community Liaison Scheme to support parents in becoming a key resource in their children's learning from the earliest stage onwards.
- 4.3** To compensate for the fact that no enrolment system is ideal, legislation and/ or regulation is required to ensure that families with less 'educational capital' can make informed choices that will not lead to real or perceived discrimination to the families themselves or to the many schools who feel that they take on a disproportionate number of students with additional educational needs. Therefore any system reform must ensure that there is a balance between parental choice and a balanced intake in all schools. Reforms must also try to anticipate 'equality traps' within legislation and / or regulation which may lead to certain student cohorts being inadvertently discriminated against.

² See Felicity Fletcher-Campbell, Karen Whitby, Kerensa White and Tasmin Chamberlain (2007) **Review of International Literature on Admissions**. National Foundation for Educational Research / CfBT Education Trust: UK.

4.4 A number of approaches have been recommended in the literature to create equality, fairness and transparency in school enrolment policies. According to West (1998:189) school admissions should be premised on the following grounds:

- To be transparent to all who use it;
- To be equitable, so that pupils are not ‘selected’ or ‘selected out’ on social grounds;
- To be predictable so that parents are able to assess the probability of their application being successful;
- To be able to be monitored for purposes of accountability;
- To take account of how it would affect pupils in other local schools;
- To enable pupils to attend a nearby school if desired, for reasons of social cohesion on the one hand, on the other, children’s safety, the environmental effects of travel to and from school and transport costs;
- To enable pupils to have access to the same school as their sibling as desired.

4.5 Howe and Eisenhart (2000) as quoted in West (2006) promote the concept of ‘controlled choice’:

“Controlled choice places certain constraints on choice. Among constraints that have been advocated, adopted or both are: limits on the number of choice schools; requiring oversubscribed schools to select students by lottery; requiring that choice schools reasonably reflect the socio-economic composition of the district; prohibiting schools from requiring parents to sign agreements to donate time or resources; prohibiting parents from supplementing the funds available to their children’s school; and providing additional funding for schools that enrol difficult to teach students” (p.6)

4.6 The concept of controlled choice, according to the authors, has been unanimously embraced in the U.S. In the UK, however, the concept is in the main not legally binding, with the non-statutory School Admission Code of Practice in its place (currently being revised in the UK).

The concept of inter-schools co-operation is not well evidenced in the Irish research literature. However, the concept of ‘Managed Moves’ is an interesting one which merits some consideration in terms of its applicability to the Irish education system. The Managed Move system supports students that have been expelled from a school. According to Vincent et al. (2008: 284):

“The concept of managed moves, a process whereby a collaborating school agrees to accept a pupil at risk of exclusion from another collaborating school”

Vincent et al. highlight some promising outcomes arising out of a ‘managed move’ pilot in Coalfields, UK involving seven neighbouring secondary schools. The authors found that pupil outcomes from the Coalfields Alternatives to Exclusion (CATE) pilot included (2008: 286):

“A reduction in permanent exclusions and behaviours associated with permanent exclusion, an associated increase in behaviour consistent with school norms and expectations, and students developing a more positive view of themselves and their schools. Although experiences differed from pupil to pupil, these outcomes demonstrated that, at least in the short term, the pilot was proving to be effective as a way of including these challenged and challenging pupils”

Such collaborative practice is of course contingent upon positive inter-schools co-operation which is significantly referenced within the Discussion document.

NEWB would very much welcome an opportunity to explore with DES the scope for creating school networks with certain obligations to the population of students in the area concerned. This approach could offer excellent opportunities for peer support, peer monitoring as well as other locally based mechanisms, as mentioned in the consultation document. The scope for placing networking on a more formal footing is provided for in s33 (f) of the Education Act. Such formal networks have potential beyond enrolment policy; they could, for example be supportive of peer learning, sharing of best practice; they have potential in relation to networking of mainstream and special schools in a local area, in order to create a continuum of opportunity for children with special educational needs.

- 4.7 The body of research relating to school enrolment and admissions focuses clearly on concepts of fairness, equality and inclusivity so that students are not ‘selected out’ or ‘managed out’ of schools. Issues of balance – for schools, for students and for families – also guide practice in this area. Concepts such as ‘controlled choice’ and ‘managed moves’ can also guide positive reforms relating to school enrolments and admissions and provide exemplars of child-centered approaches which have the potential to offer distinct benefits to each stakeholder.

5. Discussion

- 5.1 The issues identified below reflect the views of each of the three service strands within the NEWB – EWS, HSCL & SCP. The issues expressed reflect the aspirations of the service to ensure equality, fairness and transparency for all students and families accessing the education system with the aim of securing the best educational outcomes for all, as well as practical changes that need to be made to existing legislation, regulations and practices to improve the current enrolment system. The NEWB would welcome the opportunity to contribute to the ultimate framework.

- 5.2 The following sections highlight the Board’s view on a new regulatory framework relating to school admission under the following headings:

- **Legislation**
- **Regulation**
- **New appeals process / facilitation process**
- **Inter-schools co-operation**

5.2.1 Legislation

Relevant legislation on the regulatory framework relating to school admission is grounded in the following articles of the Constitution and focus attention on parental choice:

- Article 42 of the Irish Constitution affirms the role of parents as primary educators but equally that parents shall be free to provide this education in their homes or in private schools or in schools recognised or established by the State.
- The State shall not oblige parents in violation of their conscience and lawful preference to send their children to schools established by the State, or to any particular type of school designated by the State. This latter right also affirms the rights of parents to home educate.
- The State shall, however, as guardian of the common good, require in view of actual conditions that the children receive a certain minimum education, *moral* [italics added], intellectual and social.

The various provisions (the Education Act, the Education (Welfare) Act and the EPSEN Act), which may be in conflict in certain circumstances, create a complex environment for school enrolment policy and for oversight and management of admissions policy by the State. In deciding how best to intervene, in the interests of facilitating parents' right of choice in the matter of schooling, as well as promoting the policy of inclusion, it will be important to take account of these various legal and constitutional provisions.

Education Act 1998:

- Under Section 15 of the Act a school should publish its policy in relation to admission, expulsion and suspension. This section needs to be fully implemented so that schools can fulfill its obligations in this regard. There is a particular imperative in ensuring that any policy is accessible and understood by all members of the school community. This implies that specific endeavour is made to ensure marginalized parents/students are not merely fully au fait with procedures and protocols but have been involved/included in their construction.
- Section 29 allows for parents to appeal particular decisions. It is critical that reasons for decisions are furnished to parents in a clear, accessible and timely manner. Equally, all parents need to be informed of their entitlement to appeal and it is imperative that this is communicated to them.
- Under Section 33 the Minister can make regulations for the admission of students to a school. The Minister must now make direction to schools in this matter.

Education Welfare Act 2000:

- Under Section 19 a school may refuse a child admission when it is in accordance with the school's admission policy. This section also outlines that the parent shall provide the school with information as prescribed by the Minister. Such information now needs to be stipulated by the Minister.
- The NEWB is empowered to take an appeal under section 26 of Education Welfare Act.
- Under Section 27, the NEWB must make all reasonable efforts to have the child enrolled in another school or make other arrangements to ensure the child receives a minimum education. Issues arise in attempting to secure a school placement. Many schools are extremely facilitative whilst some schools render the process extremely difficult.

A child may be out of school if other arrangements cannot be sanctioned in a timely fashion. Home Tuition is provided by the DES by way of a home tuition grant to the parent / guardian. This is seen as a short-term measure while the efforts are being made to secure a school placement. The home tuition process is itself cumbersome in that parents are required to complete an application form and source a tutor prior to the granting of home tuition. For many parents, this is a daunting task and in some cases an impossible task. The completed form is signed off by an Educational Welfare Officer before being sent to DES. This process can be time-consuming and of itself acts as a barrier for the child's ongoing education. A child should not be without structured educational provision and in any event a more systematic and planned model of provision is required rather than an allocation of a couple of hours of home tuition. Isolated individual provision with a tutor is rarely an appropriate alternative to school placement.

- Under Section 20 a school can only remove a child's name from the school register when they receive formal notification from a second mentioned school. Variations in this practice impact significantly on school enrolments. This requirement should be regularised within any future framework.

Equality Legislation

- School enrolment policies and practices are also covered under the Equal Status Acts.
- As outlined in the discussion document, schools need to be mindful of equality legislation when determining entry criteria. The insertion of selective criteria may immediately disadvantage whole cohorts – minority groups, Travellers, newcomer families etc.
- Equally, when upholding a specific ethos, supports may be required to facilitate a school fully accommodating the needs of particular pupils. For example, a Catholic school may very much welcome pupils of other faiths. However, practices and procedures in schools may not actualize that. Due to lack of space, fears around insurance, lack of supervision etc pupils of other faiths may be

compelled to remain in the classroom during faith instruction, which in itself could not be deemed inclusive.

Education for Persons with Special Educational Needs Act 2004

- Section 10 of this Act allows for the National Council for Special Education to designate the school to which a child with Special Educational Needs (SEN) will attend. This part of the Act needs to be commenced as a matter of urgency.
- There is evidence to suggest that significant barriers exist for children with SEN.

Educational Welfare Officers work with many parents of SEN children in seeking to secure an appropriate placement but the NCSE is ideally positioned in terms of knowledge around the allocated resources in named schools and the capacity of schools to manage and support children with specific SEN. The NCSE possesses expert knowledge in terms of assessments, diagnoses and resources suitable to the child's needs and in conjunction with the Educational Welfare Service could expedite the process of school placement in complex cases. Much of the distress associated with such cases could be averted by coherent and focused intervention.

- The EPSEN Act, 2004, clearly states that inclusion is the underpinning philosophy that must guide schools as they enrol children with SEN. It is imperative that all schools work on a whole-staff basis to include children with SEN. Where resources and trained personnel are an issue, parents need to be supported in their search for a suitable placement. Education authorities must avoid a situation where some schools exclude children with SEN through subtle barriers. All schools should be required to state in their enrolment policy how they welcome and include students with SEN (as legislated for in Act) but equally schools may need significant supports to meaningfully accommodate children with special needs.

The language and technicalities of legislation/policies/protocols are very often a barrier to enrolment and inclusion. In any new dispensation, schools and management bodies – both primary and post-primary – must endeavour to create opportunities for raising parental and student awareness of their rights and responsibilities through open and honest communication and a genuine engagement with all school partners. As suggested within the discussion document, parents should be informed of/provided with:

- Precise enrolment criteria
- Timescales and dates – particularly closing dates for enrolment as well as notification dates
- Accessible information on the application / registration process
- Information re: required documentation
- Clear information regarding the decision-making process

- Clear information regarding the appeals process
- Advocacy and support
- Access to support personnel
- Access to relevant policies

5.2.2 Regulation

A. Partnership

Principles of partnership and fairness should underpin any enrolment policies or regulations. The values of partnership, enablement and empowerment are necessary elements in order to bring about the required reforms. This will demand “a choice for service, with partnership and empowerment as basic governance strategies” (Block, 1993).

B. Parental Knowledge of the Educational System

In order that parents can enrol their children in a suitable school setting - either primary or post-primary - they need to have a good understanding of the educational system. Parents, especially those who were early school leavers themselves or newcomer parents, are often unsure about key elements of the school culture and curriculum. Making an informed choice about enrolling their child in a suitable setting requires an understanding of elements such as:

- Access to specialised supports (SEN, EAL, Assistive Technologies)
- Application Procedures
- Associated costs
- Curricular and extra-curricular activities
- Discipline process
- Dress code
- Examinations & Assessment
- Faith dimension (or none)
- Grouping Procedures
- Opportunities and career choice
- Parental expectations
- Roles of various school personnel
- School curriculum
- School ethos
- Subject choice
- Texts and materials
- Timetable

C. Parents as Policy-Makers

The voice of parents should be heard in the development of school enrolment policies. Developing an enrolment policy is a process of listening to and acknowledging the voice of parents, pupils and school community members. It is a lengthy process, but ultimately results in an enrolment policy that reflects the hopes and fears of the whole school community. The outcome is a school enrolment policy which is inclusive rather than exclusive. While considering a review of school enrolment procedures, enabling systems whereby parents are positioned to have a meaningful input should be established by all Boards of Management. In developing such a system, it may be especially important to ensure that marginalised parents have a voice and that that voice is regarded - In schools.....“the continuum of parental involvement ranges from proximal to peripheral and on the periphery, some voices are more distant than others” Hanafin and Lynch, 2002

D. School / Community Ethos

School authorities can create an ethos that is open and welcoming to parents and pupils by engaging respectfully, listening to and hearing the hopes and fears of the parent cohort and clearly demonstrating through their policies and actions that the school is truly inclusive. School ethos and climate comprises a combination of elements – mutual respect, cooperation, collaboration, open communication, a stimulating learning environment and a warm and agreeable school culture.

When considering formulating and reviewing enrolment policies, all schools should be encouraged and supported to examine ways in which they can best respond to the context in which they operate and to the community they serve.

E. Finding school places

As already stated, parents need to be informed of their rights in relation to any refusal to enrol. Parents should be informed of their right to Section 29 appeal. This is particularly important in the case of marginalized parents and communities.

SEN students and their families require additional supports when seeking to access a suitable school place. Any consideration undertaken when assessing a SEN student should include a recommendation of identifying a particular named school so as to assist in the application process for the student concerned. The inclusion of the SENO at local level in providing a range of supports to special needs students in securing a suitable school place is essential in ensuring the student’s needs are properly identified and that the necessary supports are allocated. It is critical that there is a clear child-centred focus involving the

appropriate professional agencies in providing the necessary leadership to achieve the best possible outcome. SENOs are ideally placed to identify the most suitable placements and availability for children with special needs. There is also a role for the HSE in the early identification of need for children with special needs and in the timely, uncomplicated allocation of supports in order to ease the child's placement/transfer/progression.

The current practice is some schools, guided by their enrolment criteria, may unintentionally discriminate against some children and in favour of others.

F. Data needs:

- There is an urgent need to establish a primary school database to ensure that all children successfully transfer from primary to post-primary school.
- Transfer should be eased by the possession of an individualised data passport (Personal Identification Card) which is updated as a child commences and progresses through the system. This would facilitate mobility as well as providing a solid tracking system.
- Both primary schools and post-primary schools need to ensure that all children transfer. A mechanism needs to be established so that post-primary schools contact relevant primary schools to verify which students have transferred successfully. This should happen under section 20 of the Education Welfare Act 2000, but there is variance in terms of application. A standard form for all schools would greatly support the exchange of information and facilitate ease of transfer. In DEIS schools, supports such as HSCL and SCP should continue to be mobilized to ensure successful transfer. Traveller families in particular need extensive support to ensure children are enrolled and actually attend. The abolition of the Visiting Teacher for Traveller Service and the rural HSCL co-ordinators is impacting adversely on traveller enrolment/attendance and needs to be reviewed in the light of the continuing depletion of resources and the moratorium on recruitment.
- Sharing or accessing of database: Information regarding Section 29 appeals, those in receipt of Home Tuition etc. should be accessible between NEWB, DES, NCSE and others as appropriate. Such integrated support is valuable, should be mandated and will result in early and timely interventions.
- The proposal to construct a new appeals structure outside of the Section 29 process is welcomed by the NEWB. The Section 29 process was from inception intended as a final resort where all local processes had been exhausted. The proposed combination of an enhanced local appeal process combined with an external appellate process in such cases where a pupil cannot secure a school placement is far preferable to the current process.

G. Transfer

There is a need for a separate process to accommodate families moving into areas mid- year/mid-year transfers so that they are not disadvantaged by established procedures such as a ‘first come first served’ approach. A national framework should consider mid-year enrolments and transfers from other schools. In complex cases, the latter can be stressful on schools especially where a child has not been formally expelled, retains his/her school place but is encouraged to apply to another school. If this school refuses enrolment, this is the school that becomes embroiled in a Section 29 appeal and not the school which may have informally encouraged the child to seek a ‘more suitable’ placement. This practice is unfair, time consuming and potentially divisive in communities.

It might be useful to review the October returns process and the allocation of resources to schools based on enrolment numbers on a specified date. There is evidence amongst schools that once a date is passed, accepting a child might be deemed as not adding any material value to the school as numbers for capitation/resourcing purposes have already been notified. Equally, it might be argued that there is no material value in pursuing a child who is disengaging from school as that child has already been counted for capitation/resourcing purposes and no immediate loss will be incurred by the school (during that academic year) if the child leaves or slowly drops out. Practice and procedures relating to October Returns, Capitation Grants, staffing schedules, resource allocations should be examined to ensure that they do not encourage a school’s refusal of a student. Rather schools should be incentivised to admit students and to accommodate their individual needs.

H. Communication strategy

There needs to be clear communication strategy to all agencies / schools / communities in relation to changes to admissions policies and clear and transparent monitoring systems in place to ensure fairness and equity.

Parents of school-going children need to know what each school’s enrolment policy entails. This knowledge is particularly important at transfer times during a child’s school life – pre-school to primary, primary to post-primary. School transfer is a time of emotional and social challenge for many pupils and their families. Equally, it has the potential to be a hugely exciting time and should not be clouded by negativity and hostility. Other issues to be considered regarding communications are:

- Literacy levels of parents
- Language of communication
- Openness, transparency and accessibility of enrolment policy
- Culture and traditions of specific communities
- Modes of communication with families – letter, notices, text, social media, journal, reporting etc.

- Reaching the target population - inclusive policies in order to reach families who are not familiar with school system or newcomers to the area.

5.2.3 New appeals process / facilitation process

In determining a reformed appeals process, the following might be considered:

- Consider the role of an Enrolment Adjudicator/oversight committee whose role would be to examine each school's admission policy to ensure fairness and transparency / what criteria schools should use when school is deemed full / allocation of additional places / Section 29 appeals.
- The current facilitation process could be strengthened to permit the mediator meeting with all parties to make a local determination on issues such as whether a school is full or not. Clearly, a school cannot be expected to admit children when the school is full, but there is a need for a definitive and transparent way to determine this.
- A mediator/Enrolment Adjudicator could very expeditiously determine if a school is adhering to their admissions policy and whether the policy meets the DES requirements.
- To require the mediator to work in conjunction with the NEWB in every case of a child over 6 years and under 16 years of age where the application for a school place has been denied.
- Appointed mediators/oversight committees should be irrefutably independent.
- Timelines need to be reviewed – the time it takes to process internal and external appeals is excessive, particularly as a child remains out of school during these appeals. The entire process should be supportive of ensuring a child's entitlement to education is protected rather than supporting what might be perceived as intentionally delaying tactics.
- It is important to review parents' ability/capacity to contribute to meetings - both internal meetings and external appeals – In DEIS areas the HSCL plays a critical role in developing parental capacity.
- A full written report is prepared by the facilitator and presented to all parties interviewed in the facilitation process in every case prior to the Section 29 appeal hearing.

5.2.4 Inter-schools co-operation

- The NEWB welcomes the suggestion that the Minister would be empowered to require co-operation between schools within a particular locality or area in order to protect the best interests of children in that catchment. Any legislative provision would certainly strengthen the imperative for cohesive practice in communities and may go some way towards an equal distribution of pupils with varying needs amongst schools in a particular locality.

- At a national level, the Minister should have the legislative power to compel all relevant stakeholders to come together in a common application system (e.g. Limerick) when issues in relation to school places arise.
- A nationally agreed transfer form would greatly ease mobility within and amongst the sectors. The current practice of sharing necessary information is excessively dependent upon factors such as professional relationships, school leadership, understanding of role and responsibility etc.
- The links between planning for the provision of schools / school places and admission policies needs to be strengthened, as the youth population continues to swell. Knowing the capacity of schools in areas of high-density populations assists parents and NEWB in making decisions in relation to Section 29 appeals.
- Children expelled from school face a particular problem in trying to enrol in a new school; Educational Welfare Officers experience particular difficulty in helping parents to find a new school place. Ways of addressing this issue would form a very valuable and essential part of any new policy in relation to school enrolment. Again, school networks with shared obligations to the students in their area/network may offer a potential solution.

6. Proposals to consider

6.1 The NEWB requests the DES to consider the following in shaping legislation and regulation with respect to enrolment policy and practice:

- Development and implementation of primary schools database.
- Improved transfer systems between primary and post-primary schools.
- Commencement of Section 10 of EPSEN Act 2004.
- Common and standardised closing dates for applications for admission to schools, whilst reserving the right for fluidity.
- Clear information on determining whether a school is full - it would be very helpful if the BOM/ DES shared information on capacity on individual schools. This would enable the NEWB to be in a position to advise parents when it is appropriate/realistic to submit an application for a school place or to support a parent when it may be appropriate to lodge Section 29 appeal. This would prevent unnecessary Section 29 appeals being taken. The issue of capacity is real and should be offered some determination by the DES. Interim support could be offered to a school when taking a student where there are complex issues/needs.
- A transparent system be universally applied whereby the BOM or someone acting on behalf of the BOM should be obliged to notify parents in writing of the reasons why their application on behalf of a child for a school place has been unsuccessful within a reasonable time period, and failure to do so should be a deciding factor in any potential Section 29 appeal.

- Common application form and opening and closing dates. It would be beneficial if all schools had a common application form along with universal (national) dates as to when applications for school place commence and close and also an agreed common process in the administration of the policy. A common application/transfer form should be developed in consultation with the education partners. This would involve primary schools sharing necessary information with post-primary schools in a professional manner. Any information provided could not be used for the purpose of refusing a school place. It might be opportune for the Minister to prescribe the information required on transfer, oblige schools to share this information and possibly develop a national transfer form. This would be greatly enhanced by the development of an individual identity card.
- A separate enrolment system be devised for children transferring mid-school year.
- Consideration should be given on how to accommodate students who find themselves without a school place. Particular regard must be given to students with SEN, students from the Traveller community, children from educationally disadvantaged backgrounds etc
- Schools should be compelled to work together when there are enrolment issues and also when there are threatened expulsions (both formally and informally). This inter-school cooperation needs statutory underpinning.
- Where there are issues locally the mediator in the Section 29 process should have greater powers in resolving the matter rather than it going to appeal stage.
- Where school vacancies occur following the school criteria process, schools could indicate to the DES if they have vacant places once their enrolment procedures are completed. Similar to the redeployment process, schools should offer this information centrally, so that placement becomes a process completed by end July and this would offer choice to parents. These placements could be managed by NEWB /external enrolment committee and completed in a timely manner. Necessary resources could be provided if necessary but with the knowledge of what is already available to a particular school. Equally, resources may be shared with a nearby school if appropriate.
- In any new dispensation there need to be processes and procedures by which the schools and others comply with regulations established.
- In keeping with the aspiration for balanced school enrolments, schools should not be in a position to refuse a child a school place based on educational attainment or behavioral issues once they satisfy the agreed criteria for enrolment.
- The Minister should prescribe what should be allowed to be in an admissions policy or more appropriate what should not be allowed to be part of an enrolment policy.

- Schools should not be allowed to hold up the application process on the grounds of the non-payment of voluntary contributions. As stated, payments of such monies cannot be compulsory and cannot be used as a means of refusing enrolment. Such payments or indeed costs should also be examined in the case of enrolment into a particular course in a school such as Transition Year or LCA. It is acknowledged that such costs may be prohibitive and prevent a child following a particular course of study. Equally dubious criteria may be introduced to prevent a child engaging in a particular course and being compelled to approach another school where enrolment once again becomes an issue.
- Consider the role of an Enrolment Adjudicator/oversight committee whose role would be to examine each school's admission policy to ensure fairness and transparency / what criteria schools should use when school is deemed full / allocation of additional places / Section 29 appeals. NEWB would welcome an exploration of the value and purpose of such a role. There is a clear need for ongoing monitoring and oversight of enrolment policies. The question that arises is how best to establish and maintain this oversight role, and how to structure the role in order to achieve best outcomes for children.

7. Conclusion

In accordance with the NEWB's central statutory role in ensuring every child of the state receives an education, the Board should have a role to play in any new regulatory process introduced by the DES. The NEWB would be pleased to engage with the DES in the development, implementation and ongoing review of the new regulatory framework in relation to school enrolment.

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