

Exceptional Circumstances Body Established

June 2010



Further to our article entitled 'Schools Admissions (Exceptional Circumstances) Regulations (Northern Ireland) 2010, the Exceptional Circumstances Body (ECB) became operational on 1 June 2010.

Although any pupil from years 8-12 inclusive will be entitled to apply to the ECB, it is likely that the vast majority of the ECB's applications will occur when parents apply to the ECB in response to an unsatisfactory transfer process placement. Applications to the ECB will be running parallel to the Independent Admissions Appeals process and parents can apply to both simultaneously.

The ECB cannot be a route accessed by a child in receipt of a Statement of Special Educational Need as these pupils are placed in a suitable post-primary school by a review of that statement conducted by the appropriate Education & Library Board. The Regulations require that the ECB cannot provide a route into post-primary school for a child before the standard application process has not been unsuccessfully attempted either within or without the large annual transfer process. Therefore, the ECB is seen as a complementary process, but one which is unable to duplicate the route into post-primary schools otherwise used by all non-statemented children.

The tests that the ECB will apply to determine whether a claim of exceptional circumstances should be upheld are as follows:-

1. Are circumstances that are claimed exceptional?
2. Are the circumstances that are claimed personal to the child?
3. Do the exceptional circumstances that are claimed require admission to only one specific school?

The application to the ECB is expected to be accompanied by supporting documentation, such as evidence from: -

- a medical professional about particular medical circumstances
- a social worker
- an educational psychologist
- an education welfare officer
- the PSNI
- another expert/professional appropriate to the child's particular circumstances.

The application should also be accompanied by evidence of the child's refusal in respect of admission to the particular post-primary school in question. If the application relates to admission to year 8 following the completion of the post primary transfer process, the Transfer Form should be submitted with the exceptional circumstances application, as the Transfer Form shows the preferences for all schools that the parents considered suitable for the child at the time of completing the transfer form.

Please note: The content of this article is for information purposes only and further advice should be sought from a professional advisor before any action is taken.

The Education Minister, Catriona Ruane, said: “The Exceptional Circumstances Body provides a mechanism that has never existed in our education system before. It will be able to consider those rare cases, usually relating to very vulnerable or traumatised children, that the existing admissions process could not deal with sensitively due to the constraints of the legislation.”

It is difficult to anticipate the demand for this Body as it is a novel mechanism, the Department of Education has suggested that, subject to the volume of applications, each member of the ECB may have to sit for approximately 25 full hearing days between mid June and early September and approximately 10 full hearing days during the rest of the year.

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