

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



April 2010

The Schools Admissions (Exceptional Circumstances) Regulations (Northern Ireland) 2010 (the "Regulations") came into operation on 1st March 2010.

The Regulations provide for the establishment of the Exceptional Circumstances body which may be comprised of persons who have relevant experience in the education or welfare of children or solicitors or barristers who are entitled to practice in Northern Ireland.

The operation of the Exceptional Circumstances body is described in Schedule 1 to the Regulations which states that each application it receives shall be determined by a panel composed of its members. The panel has the power to issue a direction that a child should be admitted to a specified school where that school has refused to grant admission to that school.

Applications to the Exceptional Circumstances body should be made in writing and a panel constituted by the body may require a parent to provide relevant documents in the substantiation of any application. The panel may afford both parents and the Board of Governors an opportunity to make written or oral representations and may also have regard to any views expressed by the child concerned. The hearing of the application will take place within a period of four weeks beginning with the date on which the application is sent to the body or as soon as possible thereafter and will be conducted in private unless the parent requests otherwise in writing.

Any direction given by the panel will be decided by a simple majority and will be issued within a period of three weeks beginning with the date on which the application is sent to the body or as soon as possible thereafter.

The Regulations also provide guidance as to what may and may not be regarded as exceptional circumstances requiring the admission of a child to a particular school.

Examples of circumstances specified in the Regulations which may be regarded as exceptional circumstances requiring the admission of a child to a particular school are:

- circumstances where in the opinion of a registered medical practitioner the child has been subjected to sexual abuse;
- circumstances where a child is looked after by an authority.

It should be noted however, that this is not an exhaustive list.

Examples of circumstances which may not be regarded as exceptional circumstances requiring the admission of a child to a particular school are:

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

Should you require advice or guidance on the provisions of the Regulations please do not hesitate to contact a member of our Education Team.

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.