



**EXCEPTIONAL
CIRCUMSTANCES
BODY**

**EXCEPTIONAL CIRCUMSTANCES BODY
(ECB)**

ANNUAL REPORT 2017/18

Report period: 1 April 2017 – 31 March 2018

The Exceptional Circumstances Body
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BACKGROUND

Establishment and Remit of the Body

The Exceptional Circumstances Body (ECB) is a Tribunal Non-Departmental Public Body (NDPB) established and funded by the Department of Education (the Department) in accordance with Article 16A of the Education (Northern Ireland) Order 1997 and the School Admissions (Exceptional Circumstances) Regulations (Northern Ireland) 2010. Its members are appointed by the Department but they work independently from it.

The ECB considers cases where an applicant claims that their child must attend a particular post-primary school for exceptional circumstances, but an application to that school made through the admissions process has been refused. The ECB can only consider cases where the child is of compulsory school age seeking admission into Years 8-12. Its remit does not extend to applications from children who are in receipt of a statement of special educational needs.

The ECB is intended to meet the needs of pupils whose exceptional circumstances have historically been difficult to address flexibly and sympathetically, for example, children who have been subjected to sexual abuse or looked after children.

Regulations prescribe that the ECB may not regard the following circumstances as exceptional requiring the admission of a child to a particular school:

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

ECB panels are constituted to consider cases. There are three persons on each panel made up of a legally qualified chair and lay members. The panels consider each application on its own merits and apply the following three tests to determine whether to issue a direction to admit the child to the specified school:

Test 1: Are the circumstances that are claimed exceptional?

Test 2: Are the circumstances that are claimed personal to the child?

Test 3: Do the circumstances that are claimed require admission of the child to the school specified by the applicant, and only that school?

If a panel concludes that a child has exceptional circumstances which require admission to the specified school, the panel will issue a direction to the school to admit the child in question. If, on the other hand, a panel concludes that a child does not have exceptional circumstances which require admission to the specified school, there is no further right of appeal other than by means of a judicial challenge.

The ECB process complements the admissions appeal tribunal procedure administered by the Education Authority and parents can appeal to either process, or to both. The admissions appeal tribunal procedure, which must be undertaken in a narrow timeframe following the distribution of school placement letters in May, will only consider whether schools have properly applied their published admissions criteria, whereas the ECB accepts applications at any time of the year and panel members will consider a wide range of circumstances personal to the child. As the two systems consider different grounds for appeal, a dismissal from one will not affect the outcome of the other.

Membership of the Body

At the beginning of the 2017/18 reporting period, there were 42 members (15 legal members and 27 lay members).

Panel members fall into two categories: legal members who have been appointed for their legal expertise, and lay members appointed for their experience in the field of education and/or the welfare of children, such as in teaching, social work, social services, education services, educational psychology or educational welfare.

The Appendix contains a full list of the membership by the end of this reporting year.

The Secretariat

The Secretariat acts as the link between applicants and the membership and is responsible for processing applications and facilitating hearings.

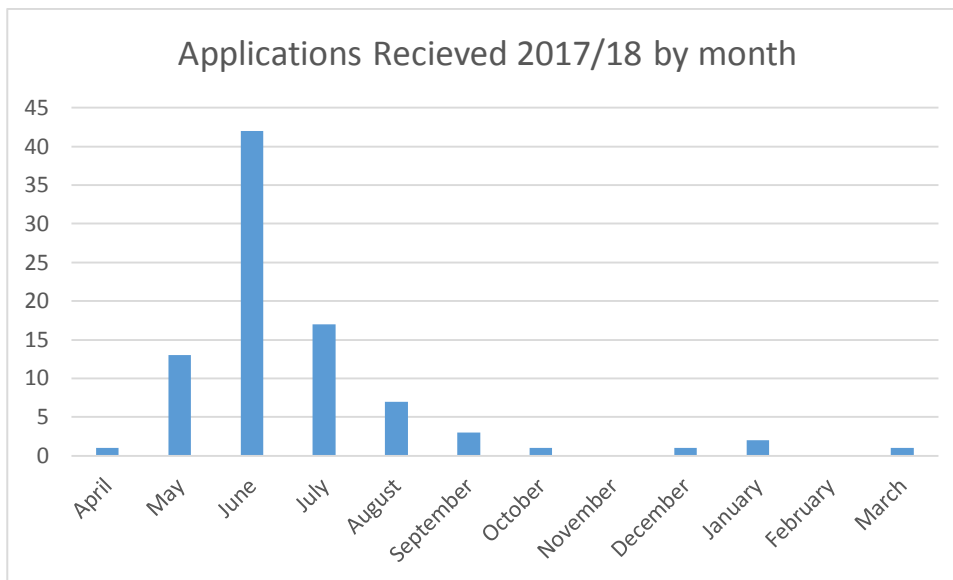
During the 2017/18 reporting period the Secretariat consisted of a core administrative team of four full-time staff appointed by the Department.

ANALYSIS OF THE BODY’S WORK DURING THE 2017/18 REPORTING PERIOD

(All figures reported reflect the Financial Year 2017/18)

Applications received

During the period of this report the ECB received 88 applications. The graph below shows the number of applications received broken down by month. While the ECB accepts applications at any time of the year, the majority are received following the release of post-primary school placement letters to parents at the end of the transfer process in late May. Seventy-eight percent of all cases were received between June and September 2017.



Of the 88 applications received; 11 were withdrawn and a further two were returned to the applicants as incomplete and not subsequently resubmitted.

Outcome of applications

In this 2017/18 reporting year, 75 cases were considered by the ECB (i.e. reached hearing stage) which resulted in the following decisions:

Decision Outcomes

Outcome	Total	Percentage
Direction issued to admit child to specified school (successful)	31	42%
Direction not issued to admit child to specified school (unsuccessful)	44	58%

Regulations prescribe that applications must be heard within four weeks of receipt or as soon as possible thereafter. Performance against this target is set out in the Table below.

Performance against four-week target for hearing applications

Applications heard within 28 days	Applications heard outside of 28 days
72 (96%)	3 (4%)

The three applications that were heard outside the 28 day deadline were due to applicants' holiday arrangements and outside of the control of the ECB Secretariat.

Regulations also require a decision to be issued to an applicant within three weeks of the hearing date. Performance against this target is set out in the Table below.

Performance against three-week target for notifying applicants of decision

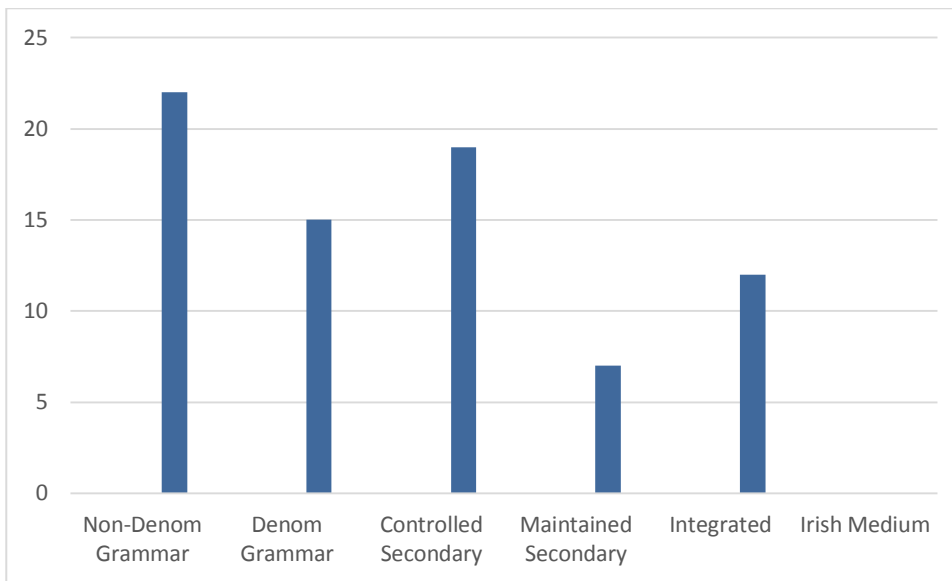
Decisions issued within 3 weeks of hearing	Decisions issued outside of 3 weeks of hearing
75 (100%)	0 (0%)

Applications by pupil year group

Of the 75 cases considered at ECB hearings in 2017/18, 59 (79%) applications were for a Year 8 place, with the remaining 16 (21%) Years 9 to 12.

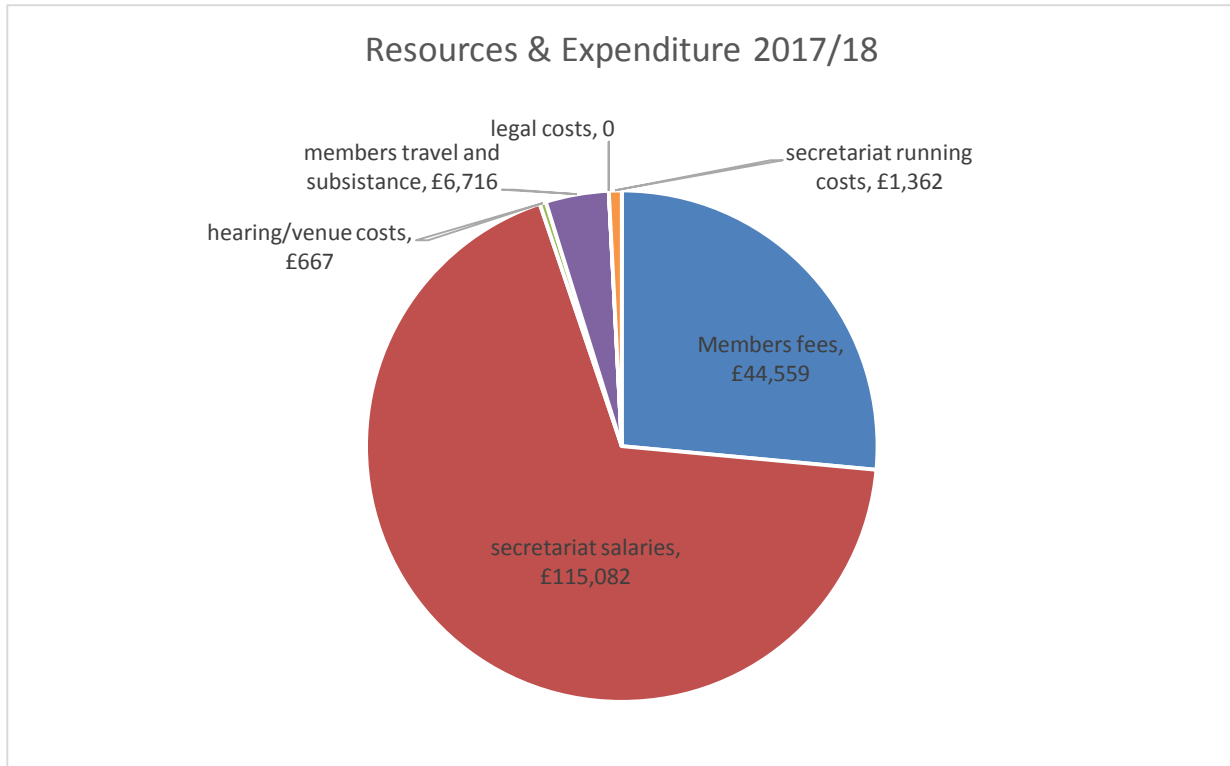
Applications by school management type

The following graph illustrates the number of ECB applications received by category of post-primary school.



RESOURCES AND EXPENDITURE 2017/18

The ECB's expenditure during the 2017/18 financial year was £168,386. A detailed breakdown of operating costs for that period is shown below, followed by a number of explanatory notes:



Explanatory Notes

Members' Fees: Legal members (who chair panels) receive £365 per full hearing day, which usually equates to the consideration of two applications. Lay members receive £260 per full hearing day. The fees for part hearing days, which usually equate to the consideration of one application, are £182.50 for legal members and £130 for lay members.

Members' Travel and Subsistence Expenses: Members may claim travel and subsistence expenses in respect of attendance at ECB hearings and ECB Peer Review Events. Claims are reimbursed on the basis of the NICS allowances applicable at the time.

Hearing Venue Costs / Interpreter fees: Hearings are accommodated in ten centres across Northern Ireland. Where possible, the ECB secretariat will use venues that

incur no costs. It was necessary to engage interpreter services on two occasions throughout 2017/18.

Legal Costs: The ECB has appointed an independent legal adviser.

Secretariat Salaries: Salary costs include employer's national insurance and pension contributions for the four members of staff in the Secretariat.

Secretariat Running Costs: Office running costs include staff training, travel and subsistence expenses and other incidentals such as stationery.

Appendix

ECB MEMBERSHIP

Legal Members	Lay Members
Mr Joe Moore	Miss Marion Reynolds
Mrs Sarah Havlin	Mr David Moore
Mr David Hunter	Mrs Andrea Smyth
Mr Michael Flanigan*	Mr Gerry Strong
Mr Eamon O'Connor	Mr Trevor Magee
Ms Anne Marshall	Mrs Diana Press
Mr Paul Shevlin	Mrs Alannah Brown
Ms Htaik Win	Mrs Angela Hampton
Mrs Anne MacRandal	Dr Robert Maguire
Ms Eithne Ryan	Mrs Susan Smyth
Ms Teresa Leonard	Mrs Arlene Kee
Mrs Patricia Montgomery	Ms Miriam Karp
Ms Carol McClean	Mr Stanley Smith
Mr Timothy Mayes	Mr Bill Reilly
Ms Eileen Brady	Mr Peter Somerville
	Miss Sheelagh Sleath
	Mr Seamus Duffy
	Mr Arthur Rainey
	Mr Tim O'Prey
	Mrs Gillian Reid
	Mrs Mary McCartan
	Mr Diarmuid Maginn
	Mrs Karen Keers
	Mrs Deirdre Brown
	Mr Wilbert McKee
	Mr Brendan McConville
	Ms Barbara Stuart

*Resigned in January 2018