



**Ombudsman for Children**

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**A statement under Section 13(2) of the  
Ombudsman for Children Act 2002.**

An investigation regarding the actions of School A

December 2011

**Ombudsman for Children's Office**

Millennium House, 52 – 56 Great Strand Street, Dublin 1, Ireland

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# Introduction

## ***Ombudsman for Children - Statutory role and remit***

- 2.1 The Ombudsman for Children's Office provides an independent and impartial complaints handling service. The investigatory functions and powers of the Office are set out in Sections 8-16 of the Ombudsman for Children Act 2002. This provides that the Office may investigate the administrative actions of a public body, school or voluntary hospital where, having carried out a preliminary examination, it appears that the action has or may have adversely affected a child and where those actions come within the ambit of Sections 8 (b) or 9 (1) (ii) of the 2002 Act (as referred to in para 2.5 under).
- 2.2 The Office can receive complaints directly from children and young people or any adult on their behalf. The Ombudsman for Children may also initiate an investigation of her own volition where it appears to her, having regard to all the circumstances, that an investigation is warranted.
- 2.3 The Office aims to carry out investigations and to make recommendations which are fair and constructive for both parties. In the context of an investigation, the Office is neither an advocate for the child nor an adversary to the public body.
- 2.4 In accordance with Section 6(2) of the Act, the Office is obliged to have regard to the best interests of the child and in so far as practicable, to give due consideration, having regard to the age and understanding of the child, to his or her wishes.
- 2.5 The principal issues to be addressed through an investigation are:
- whether the actions of the public body have, or may have had, an adverse effect on the child involved; and
  - whether those actions were or may have been:
    - taken without the proper authority;
    - taken on irrelevant grounds;
    - the result of negligence or carelessness;
    - based on erroneous or incomplete information;
    - improperly discriminatory;

- based on undesirable administrative practice; or
- otherwise contrary to fair and sound administration.

2.6 This statement has been prepared in accordance with Section 13 (2) of the Act, which requires the Ombudsman for Children to produce a statement outlining the results of an investigation. In accordance with the Act, this statement is for distribution to the public body under investigation, the complainant, other relevant parties involved in the investigation and any other persons to whom the Ombudsman for Children considers it appropriate to send the statement.

2.7 A copy of the draft statement was sent to the school under investigation, in accordance with Section 13 (6) in order to provide an opportunity to consider the findings and make representations in relation to same.

### ***Complaint Details***

2.8 In early 2011 a complaint was submitted to the Ombudsman for Children's Office by the mother and her daughter. The complaint related to the refusal by School A to enrol the young person for the school years 2009/1010 and 2010/2011. The mother contended that the refusal to enrol her daughter was based initially on the fact that she was pregnant and subsequently based on the grounds that she was a single young mother. She provided copies of correspondence from the school in this regard.

2.9 The Office carried out a preliminary examination of the complaint and sought information from the school in relation to the issues raised by the complainants and requested clarification as to whether the rationale provided for refusing to enrol the young person is based on the policy of the school.

2.10 In response the school advised that they had no recollection of the young person having contacted them on two occasions. It was advised that following the school meeting her, an enquiry revealed that she had recently given birth. The school advised that:

*'it was always our policy not to entertain pregnant girls and that of some other local schools'*

The school raised questions regarding the young person's decision to change schools and questioned "*Was there a male dimension to this*". The letter from the school manager

concludes *'My duty is to protect the honourable majority of my pupils.'* Further correspondence received from the school advised that *'this is not a school for single mothers'*.

2.11 The Office also contacted the Department of Education and Skills, seeking information regarding; the complaints process in the school and how the Department advises schools who may not have a complaints process in place or Board of Management; and the level of guidance provided by the Department to this school in regard to policy formation, management and complaints handling. A response was provided by the Department.

2.12 Having carried out a preliminary examination, a decision was made to proceed to investigation of the actions of the school under Section 10 (1) (a) (ii) of the 2002 Act, which provides that the Ombudsman for Children can carry out an investigation of her own volition, where it appears, having regard to all the circumstances, that an investigation is warranted. The decision to utilise this section of the Act was taken on the grounds that the action took place when the girl was under 18 and that the actions of the school may have implications for other young people under 18 years wishing to enrol there. In addition the examination had highlighted a number of issues not identified in the complaint that the Office determined warranted investigation. The investigation was initiated in July 2011 and the reasons for proceeding to same are set out in paragraph 3.8. The investigation does not include the actions of the Department of Education and Skills.

## **The Investigation**

### ***Case History***

3.1 The young person had attended two previous post primary schools. She changed school in October 2008, after completing her Junior Certificate as she was unhappy in that school. She attended the second post primary school for a short period but stopped attending as she did not settle there and then worked for a short period. In 2009 she became aware that she was pregnant. She made a decision that she wanted to return to school and her preference was to attend School A as she had friends attending that school and also wanted to attend a school outside the city. She attended for an interview with School A. She reports that she was

given an enrolment form, copies of subject choices and advised to get a uniform and books. She understood from this action that she had been accepted by the school. Her parents thought the school should know that their daughter was pregnant and contacted a member of staff to advise of this.

3.2 The young person reports that she then received a telephone call from the School Principal stating they would not accept her as she was pregnant. The mother wrote to the school about the decision and contends that she did not receive a response and so then sent a registered letter. She received a response from the school Principal, which stated:

*'Your letter surprises me. A neighbour called at your request and stated that your daughter was pregnant. I was shocked and told her that I did not take in such girls. She conveyed the message to you'. [Emphasis as per letter]*

3.3 The young person enrolled in another school, which she reports were supportive of her in relation to the pregnancy and she attended there until she went on maternity leave during which period she received Home Tuition through the Department of Education and Skills.

3.4 Her baby was born in 2010 and the following September she again sought to enrol in School A to complete her Leaving Certificate. Whilst the family were happy with her current school, the young person explained that she felt that she did not fit in with the young people there and wished to attend School A as she had friends at that school. She attended another meeting with the school and recalls that her rationale for changing schools was accepted. She understood that she had been accepted and was again advised to get a uniform and books. She reports that the following day she received a phone call from a person introducing himself as the School Manager and was told *'I will not and do not accept single mothers in this school.'* The young person understands that her friends and other teachers made representations on her behalf to the School Manager but he would not allow her to enrol. The young person re-enrolled in her former school for the academic year 2010/2011.

3.5 The mother wrote to the school and reports that initially she did not receive a response, so then sent a registered letter.

She received a letter from the school dated November 2010 which stated:

*'This is the first correspondence I have seen from you. We do not take single young girls who are mothers. This is not a suitable school for such'. [Emphasis as per letter]*

3.6 The mother reports that she was not advised by the school of the complaints procedure or of any appeals procedure. She then spoke with the Citizens Information Board who directed her to this Office.

3.7 At the time of submitting the complaint, the mother raised concerns that the actions of the school were discriminatory to her daughter. Her purpose in making the complaint to the Ombudsman for Children was that she did not want this to happen to any girl who might find herself in this position.

3.8 The Office wrote to the School in July 2011 to initiate the investigation. The principal issues relating to the actions of the School which were the focus of the investigation were:

- that the enrolment policy that is in place in the school may be improperly discriminatory;
- how and by whom the enrolment policy was formed and when it was last reviewed;
- the complaints process that is in place in the school and its operation;
- the management structure of the school and level of transparency / accountability, given that one person is founder, owner, patron and manager of the school and that there is no Board of Management;
- the apparent absence of a Board of Management or an advisory group in the school, representing parents, staff, etc; and
- in light of the apparent absence of a Board of Management, the decision process that occurs in the school regarding issues such as enrolment.

3.9 As part of the investigation process the Office sought a copy of the following information from the School:

- A copy of the school admissions and enrolment policy,
- A copy of the school complaints procedures,
- Copies of all communications with the family in relation to the request for enrolment,

- Details of the Management Structure of the school,
- Specific information regarding any steps taken in relation to the establishment of a Board of Management and the rationale for same, and
- Copies of any correspondence with the Department of Education and Skills in relation to the enrolment policy, and Management Structure of the School including the Board of Management or any other advisory body.

3.10 A response was received from the School Manager in late July in which it is stated:

*'Neither am I obliged to have any other frills that you mention. This school is NOT a haven for young pregnant people or for young mothers who, in particular, have been in two other post primary schools. The school has an uncompromising ethos and will not become a dumping ground for those rejected elsewhere'.*

3.11 The documentation requested was not provided by the school and they were provided with further opportunity to forward the information. In keeping with the usual practice of the Office, the school was advised that in the event of a failure by any party to respond or furnish information as requested, this Office may draw such inferences as it sees fit with regard to the absence of the requested information. The Office noted that it was important that the School was satisfied that all relevant information pertaining to the matters under investigation have been forwarded for our consideration. No documentation or information relating to the matters under investigation was received.

3.12 The Office also sought a meeting with representatives of the school but they did not avail of the opportunity to represent any further views regarding the matters under investigation. A letter from the School Manager dated September 2011 stated:

*'Do not try to blame this school for having a moral code. You have no business coming down here to single us out - we are a Catholic school and shall remain so'. [Emphasis as per letter]*

3.13 The Office sought and held a meeting with the mother and young person at the centre of the complaint.



## Analysis and Findings

### ***Enrolment Policy and Application made by this young person***

4.1 The Education Act 1998 sets out that a key function of the school is:

*'to establish and maintain an admissions policy which provides for maximum accessibility to the school (section 9 (m))'.*

Under Section 15 (2) of that Act, each school is obliged to disclose its admissions policy and to *'ensure that as regards that policy principles of equality and the right of parents to send their children to a school of the parents choice are respected, and such directions as may be made from time to time by the Minister, having regard to the characteristic spirit of the school and the constitutional rights of all persons concerned, are complied with'.*

4.2 School enrolment policies and practices should comply with the Equal Status Acts 2000-2004 which prohibits discrimination on the grounds of gender, civil status, family status, sexual orientation, religion, age, disability, membership of the Traveller Community and race.

Exemptions apply for single sex schools and where the objective is to provide education in an environment that promotes certain religious values. In such situations the school can admit persons of a particular religion in preference to others. Where a person of that religion is refused admission, the school must prove that the refusal is essential to maintain the ethos of the school.

4.3 The school did not provide a copy of its enrolment policy to this Office. On review of the school's website, it does not contain any policies and at the time of the investigation stated that *'the policies will be updated in due course'*. No evidence was provided to indicate that an admissions policy is publicly available to families and potential students. Given the lack of documentation provided by the school it is not clear whether there is a written enrolment policy and the inference drawn is that the school does not have a written enrolment policy. It is also unclear whether the schools' rationale for refusing to enrol this young person is explicitly set out in that or any other document.

4.4 The correspondence from the school to the mother in this case on both occasions, makes it clear that the grounds for refusing to enrol this young person was based in the first instance on the fact that she was pregnant and in the second that she was a single young mother. The school's response to this Office in relation to the investigation confirms the rationale for not

accepting this young person into the school. It is of serious concern that the school's response to this Office and to the complainant indicates that this is a general policy and practice of the school in relation to school admissions and enrolment. As such it appears that this may result in other young people also being refused enrolment for the same reasons.

4.5 In both letters which the school sent to this Office, the rationale for refusing to enrol this young person was the school ethos. The characteristic spirit of a school, as determined by the cultural, educational, moral, religious, social linguistic and spiritual values and traditions which inform and are characteristic of the objectives of the school is addressed in the Education Act, with a requirement for Boards of Management to uphold the characteristic spirit of the school. However, the characteristic spirit of the school must be considered in the spirit of the Education Act, which is to treat children equally.

4.6 Schools are entitled to develop their religious framework and ethos which can be a key determining factor for parents in their choice of school. This investigation is not questioning the ethos of the school rather the focus is on the school's actions to refuse to enrol a young person based on her family status and whether their actions in this regard come within the ambit of Section 9 of the Ombudsman for Children Act 2002. This Office is of the view that the refusal to enrol this young person because she was pregnant and then as a single young mother has resulted in her being treated unfavourably and has discriminated against her based on her family status.

### ***Complaints mechanism and management structure***

4.7 Section 29 of the Education Act provides for an appeals process when a school refuses to enrol a student, which is submitted to the Secretary General of the Department of Education and Skills. This is conditional on the conclusion of any appeal procedure provided by the school or the patron.

4.8 The Office requested, but did not receive, a copy of the school's complaint procedures. The mother contends that she was not advised of any complaint or appeals mechanism. No policy or procedure of this nature is available on the school website. The correspondence from the school to the mother regarding the refusal to enrol her daughter does not include any information regarding a complaints or appeals process. The failure to provide clear information

to the mother regarding the school's complaints procedure resulted in the family being denied an opportunity to have their complaint addressed and the decision re-considered. There was also a failure to inform the family of their right to appeal the decision under Section 29. In the absence of information to the contrary the inference is drawn that there is no complaints procedure in this school.

4.9 It remains unclear what the school's complaints procedure is and what, if any mechanism is in place for the handling of complaints. It is of serious concern to this Office that the school's response to a request for details of the complaints process, amongst other information, was that they are not *'obliged to have any other frills that you mention'*.

4.10 The provision for dealing with grievances is set out in Section 28 of the Education Act 1998. As of yet, the Minister has not prescribed any procedures in this regard and the Department advised that it is a matter for each school management at local level to determine the complaints procedure that will be used by the school. The Department also advised that the complaints procedures adopted by most schools are those agreed between the teacher unions and management bodies. Guidance is available in this regard for schools and has been set out by the Joint Managerial Body for Secondary Schools.

4.11 A key principle of good administration is the provision of appropriate mechanisms for redress should difficulties, concerns or complaints arise, which should ensure fair procedure in the handling of such matters. Written complaints procedures are important in terms of ensuring clear guidance for the handling of complaints, consistency in the process and to ensure transparency and confidence that complainants will have a fair hearing.

4.12 An issue arising from this investigation relates to the management and governance structure in the school and the implications of this for complaint handling. The legislation requires that the Patron should appoint, where practicable, a Board of Management. The Department advised that in a case where the Patron determines it is not practicable to appoint a Board of Management, the Patron may appoint a manager(s) of the school who shall carry out the functions of a Board of Management.

4.13 In this particular school, the 'Whole School Evaluation Report' issued by the Department of Education and Science in 2007 indicates that there is no Board of Management in place nor

are there plans for one. According to the Report, at that time the Principal of the school, was also the founder, owner and patron. It is stated that “*the Principal appointed his son as manager of the school in 2006*” and that the manager also has the position of school administrator. It appears that the former mentioned person subsequently appointed a principal and assumed the role of manager. He was the decision maker at all stages of this complaint and investigation. In response to the draft statement the former mentioned person advised that he never appointed his son as manager.

4.14 In this case the original decision to refuse enrolment was made by the former mentioned person in his role as principal. The second decision to refuse enrolment was also made by him in his role as manager. Given that the same person is owner, manager and patron, and that there is no Board of Management in place, this raises concerns regarding the structures in place to deal with a complaint and the potential that the matter will be handled and determined by the person who also made the original decision. Whilst informal complaints may be resolved by addressing the complaint directly with the individual concerned, if a matter is not satisfactorily resolved, the process should provide a mechanism whereby a formal complaint is addressed by a person(s), who were not involved in the original actions or decision. This is a well established principle of good complaint handling and fair administration.

4.15 This investigation has raised serious concerns regarding the lack of available guidance by the school and lack of transparency in relation to its complaints handling process. Notwithstanding this, any complaints process would be wholly inadequate given that a complaint regarding the actions of the manager can not be directed to any other independent person or body as there is no Board of Management in place and the manager is also the patron. This effectively precludes any meaningful appeals mechanism if a family is unhappy with the decision of the manager, as there is no further mechanism of redress available at local level. This results in a lack of fair and impartial process for addressing any complaint.

4.16 In the Department’s Whole School Evaluation, it is noted that following the coming into effect of the Education Act ‘*the principal gave a comprehensive answer to the Department as to why he had not established a board of management for the school. Notwithstanding this it is suggested that the principal should give consideration to forming an advisory group representing parents, staff and other interests to assist him*’.

4.17 No information was provided by the School during the investigation in relation to its management structure, other than the school advised that it is '*unitary managed*'. No details were given regarding the implications of this for issues relating to enrolment or handling of complaints. It has not been made known to this Office what consideration was given by the school to establishing a Board of Management and its rationale for not doing. It is also not been revealed to the Office, what steps, if any, have been taken since 2007 in relation to establishing an Advisory group as recommended by the Department.

### **Conclusion**

4.18 This investigation has raised concerns more generally about the governance and mechanisms of accountability in this school. In addition, the level of oversight and monitoring that occurs in relation to the actions of the school, specifically regarding the development and implementation of enrolment policies and complaints procedures. The Department of Education and Skills provides funding and policy direction for schools. In regards to complaint handling, the Department advised that neither the Minister nor the Department have legal powers to instruct individuals to follow a particular course of direction with regards to individual complaints. Complaints relating to suspension, permanent exclusion or refusal to enrol can be appealed under Section 29 of the Education Act 1998 and complaints relating to discrimination can be referred to the Equality Tribunal.

4.19 The Department has not directed that schools follow a specific complaints procedure and no procedures have been prescribed under Section 28 of the Education Act 1998, resulting in no regulated complaints process in schools. In this case, the school has characterised complaints policies as '*frills*', which it is not obliged to have in place. The Ombudsman for Children in her 2010 annual report raised the issue that the statutory arrangements under Section 28 of the Education Act 1998, have not been put into operation.

4.20 In regard to policy development, the Whole School Evaluation of School A carried out in 2007, noted that there was a lack of clarity on school policies with two sets of policies, one set drawn up and approved by management and other policies developed by staff. However, the status of the latter was reported to be unclear as it was not possible to clarify whether school management had accepted them. It was recommended that school management should arrange to have work completed on these policies so that the school will have a framework of

documented policies to guide it. The Evaluation also noted that the school did not have a school plan and recommended this as a priority development.

4.21 It is not clear from the Whole School Evaluation whether a written admissions policy and complaints procedure was available at that time and reviewed as part of the process. It is now 4 years since that evaluation and the status of the school admissions policy remains a concern and there is no evidence of any complaints procedure being in place.

4.22 It is unknown to this Office, what action, if any, was taken by the school on foot of these recommendations and what monitoring and review has taken place by the Department in this regard since that time, with a view to achieving implementation of the recommendations it had made.

4.23 The Office is aware that there is work ongoing currently by the Department regarding a new regulatory framework for school enrolment and specifically to provide a statutory basis that can better ensure that schools' enrolment policies and procedures are non-discriminatory and are applied fairly in respect of all applicants. It is clear from this investigation that improved regulatory procedures are required in order to address such serious issues arising regarding admissions policies and practice and to ensure equity of access for children and young people.

### ***Adverse Affect***

4.24 The young person at the centre of this complaint spoke about feeling very upset by the decision of School A not to accept her and the rationale for this.

She said she;

*'felt put into a low category, .that I was not good enough to be in his school, I felt ashamed and embarrassed that someone could make me feel this was for being a single young mother. I wouldn't wish this feeling on anyone else, I was very emotional and stressed by it. I felt hurt and discriminated against as my child wouldn't stop me having an education'.*

She said it also made her upset for her baby. She explained that this initially made her not want to go back to school at all. She felt that the school did not see that she wanted to

complete her education for her and her baby and worries that no one thinks she wants to make a difference for her child. She spoke about worrying about what people will think of her, that they may be judging her and thinking that she will get nowhere.

4.25 Her mother stated her view that the actions of the school impacted on her daughter's self-belief, that she has no self-belief and does not believe in her abilities. She reports that as a result of the school's actions, *'the damage to her self esteem is immeasurable'*.

4.26 She reported that her daughter had wanted to go back to school, was very motivated to complete her education after having the baby and that this was a positive thing as she had previously been less motivated about school. Her daughter was delighted that she was given a chance to go to the school but this offer was then retracted. She feels that the actions of the school have negatively impacted on her daughter's motivation and that she and her daughter felt stigmatised and slighted as a family.

4.27 It is clear that the actions of the school in relation to refusal of enrolment were experienced by the young person as a negative judgement of her. Those actions resulted in her being denied access to the school where she wished to enrol and where a school placement appears to have been available to her, on two separate occasions and was subsequently retracted on each. The manner of communication of the decision not to enrol her was experienced by her and her mother as judgemental and stigmatising. This young person has clearly indicated the importance of education to her by continuing to seek a further school placement whilst managing the significant life changes that have taken place. She has indicated her wish to complete her education for her own betterment and that of her baby.

### ***Response of Public Bodies to relation to draft statement***

4.28 In accordance with Section 13 (6) of the 2002 Act, the Office forwarded a draft copy of the statement to School A in November 2011, in order to provide an opportunity to consider it and if they so wished, to make representations in relation to same. In keeping with our usual timelines the Office allowed three weeks for receipt of any comments or representations. A response was received from the School. The only correction referred to in the response is at paragraph 4.13, which has been included in the finalised statement.

4.29 The Department of Education and Skills were provided with a copy of the relevant extracts contained in the draft statement pertaining to them in order to provide an opportunity to comment on same. In response the Department advised that the Minister has launched a discussion paper on enrolment in order to inform consideration on the range of issues and options to be considered in creating a new regulatory framework for application to recognised schools, both in terms of the content of the school's enrolment policies and the processes operated by schools when enrolling children. The Minister invited education partners and interested parties to submit their views to the Department by the 28th October last and officials are now co-ordinating the submissions received. The Department has advised that the feedback from this consultation will help inform the nature and scope of a new regulatory framework for school enrolment and that issues addressed through this process will include the consideration of a local appellant process for enrolment which may require further consideration of Section 28 of the Education Act.

4.30 The Department provided information on the monitoring and review that has taken place subsequent to the Whole School Evaluation of School A in 2007. The Department advised that:

- The Department's Inspectorate conducted a standard Whole School Evaluation in 2007, which included four subject inspections.
- As follow through, a programme of evaluation of Transition Year (TY) was conducted in 2010.
- To follow through on the TY evaluation, an evaluation of Construction Studies and Materials Technology was conducted in 2011.

The Department advised that reports relating to the above evaluation have been published on its website.

### ***Findings in relation to Adverse Affect and Maladministration***

4.31 It is clear from the communication by the school with the complainant and this Office that the young person was refused admission on two occasions, initially as she was pregnant and then as she was a single mother.

4.32 Arising from the above analysis the Office finds that the administrative actions of the school with regard to the decision to refuse to enrol this young person on the grounds that she



was pregnant is improperly discriminatory within the meaning of Section 9(ii) (V) of the 2002 Act and based on an undesirable administrative practice, as per Section 9(ii)(VI).

4.33 The Office finds that the administrative actions of the school with regard to the decision to refuse to enrol this young person on the grounds that she was a single mother is improperly discriminatory within the meaning of Section 9(ii) of the 2002 Act and based on an undesirable administrative practice as per Section 9(ii)(VI).

4.34 The school is obliged to have an admissions policy and to publish same. No policy was provided to this Office or available on the school website. The school also failed to provide any information regarding the complaints procedures and how this is addressed in light of the management structure of the school.

4.35 The Office finds that the administrative actions of the school with regard to the following to be based on an undesirable administrative practice as per Section 9(ii)(VI) and contrary to fair and sound administration as per Section 9(ii)(VII):

- The lack of a written admissions policy;
- The failure to publish the admissions policy;
- The lack of a complaints procedure and any written guidance in this regard;
- The failure to advise this family of the complaints process and their right to appeal the decision of the school under Section 29 of the Education Act 1998; and
- The failure to have in place a clear management structure for the handling of complaints that involves the complaint being reviewed by a body or group of persons independently of the person against whom the complaint is made.

4.36 The mother reports that the school's actions to refuse to enrol her daughter were experienced as stigmatising and discriminatory. The young person reports feeling judged and there has been an impact on her self-esteem and motivation regarding completing her education. The young person was denied an opportunity to continue her education in a school of her choice, where it appears that but for her family status she would have been enrolled. The Office finds that the rationale provided by the school regarding their refusal to enrol her on both occasions when she applied for enrolment has adversely affected the young person. The Office is also of the view that the school's actions in this regard may adversely affect any

other young person who is pregnant or a single mother who has sought or may seek enrolment in the school.

## ***Conclusion of the Investigation***

4.37 Following the conclusion of this investigation, pursuant to Section 13 of the Ombudsman for Children Act 2002, this Office found that the administrative action of School A come within the ambit of Section 9 of the Act:

- Section 9 (i) has adversely affected the young person at the centre of this complaint
- Section 9 (ii) (v) have been improperly discriminatory and (vi) are based on an undesirable administrative practice and (vii) are contrary to fair and sound administration.

## **Recommendations**

1. The School should immediately review its enrolment and admissions policy and ensure that it complies with the principles of equity outlined in the legislative obligations in this regard.
2. The School should write to the young person concerned to acknowledge her experience of their actions and its negative impact on her personally and to apologise for the way she has been treated.
3. The Department of Education and Skills should avail of the provisions available to it under Section 13 of the Education Act 1998 to carry out an inspection of the School. Given the serious nature of the actions by the School, a proportionate response is required by the Department. Particular matters of concern which should be addressed include:
  - the evaluation of school policies specifically the enrolment/admissions policy and the complaints procedure; and
  - the overall issues of governance and accountability through reviewing the management structure in the school and its impact in relation to overall school management, including inter alia, the mechanisms in place to review complaints or deal with appeals regarding the actions of the school's management.

4. It is noted that the Department of Education and Skills is currently considering the regulatory framework for school enrolment. The issues raised through this investigation should be addressed in that context.

## **Response to recommendations**

### *Response from the School*

The response received from the School does not include any response to the recommendations or detail the steps being taken in relation to these.

### *Response from the Department*

The Department of Education and Skills advised that it views seriously the findings of the investigation of School A and that careful note has been taken of the specific concerns set out in the statement in respect of the school's enrolment/admission policy, complaints procedure and issues of governance and accountability. In accordance with recommendation number three, the Department of Education and Skills will take these serious issues into account in the context of future inspections of the school.

With regard to recommendation number four, Department of Education and Skills advised that officials are currently co-ordinating the submissions, including the submission from this Office, on the *Discussion Paper on a Regulatory Framework for School Enrolment*. The issues raised in this investigation and in the submission of this Office will be considered in the further development of a new regulatory framework for school enrolment

The Ombudsman for Children is satisfied from the Department's response that actions are being or will be taken in relation to each recommendation addressed to it.

However, the Ombudsman for Children is not satisfied with the response received from School A and will be considering the steps available in this regard.