

Ch. 3 ADMISSIONS AND ADMISSION APPEALS

Changes to previous guidance are shown in blue.

1 Admissions

Our Catholic schools are provided primarily for baptised Catholics. They should seek to be communities of faith in order to foster catechesis and evangelisation. This philosophy has important implications for governors as to whom they should admit to the school. Admission of pupils to our schools is fundamentally related to the preservation of the Catholic character of the school.

The admission of pupils in voluntary aided schools is the **responsibility of the governing body**. This duty can be delegated to a committee consisting of the headteacher and at least two governors. Admission policies must follow **clear, objective and transparent criteria**, formally agreed each year by the full governing body, and published for all prospective parents to see before they apply for a place for their children. It may be that the school will be oversubscribed so there must be some **objective method** of selecting applicants fairly.

2 The Admissions Codes¹

- 2.1 The legal requirements applying to all maintained schools are set out in the **new School Admissions Code** 2014. This came into force on 19 December 2014 and applies to admission arrangements determined in 2015 for admissions in the school year 2016/17. It should be read alongside the School Admission Appeals Code and any other guidance and law that may affect admissions and admissions appeals. The new Code is available at <https://www.gov.uk/government/publications/school-admissions-code--2>.

The Code applies to the admission authorities of maintained schools (in the case of Voluntary Aided schools, the Governing Body, or IEB where relevant). Academies are required by their funding agreements to comply with the Code and the law relating to admissions.² Thus all references to 'schools' in this guidance also applies to academies.

It is the responsibility of admission authorities to ensure that admission arrangements are Compliant with the Code. Please note that the Code has the force of law and where the words '**must**' or '**must not**' are used, they represent a mandatory requirement.

¹ Please refer to the Code for full explanation of mandatory requirements. The relevant sections of the Code are indicated for ease of reference.

² The Secretary of State has the power to vary this requirement in cases of demonstrable need (§ 4).

3 The law: social justice and fair access

3.1 The system promoted in the Codes is based on the ideals of equity for all children and community cohesion (See Section 4 below). These principles are in harmony with Catholic social teaching and Catholic schools will want to support them.

3.2 **Local Authorities** retain their statutory duty to promote every child's educational potential, ensure fair access to opportunities, increase parental choice, secure choice and diversity and improve community cohesion. LAs **must** run a coordinated admission scheme for all maintained schools.

LAs **must** provide assistance to all parents and children when they are expressing a preference. Governors should work with their LA's Choice Advice service to ensure that Catholic families are advised of the best way of securing a Catholic secondary education for their child, and where the Catholic secondary schools are not oversubscribed, that other families who might wish a Catholic education for their child are also advised of the Catholic schools to which they could apply.

3.3 **Governors** of aided schools retain the right to determine their own admission arrangements. They **must** ensure that the criteria and practices used to decide the allocation of school places are faire, clear and objective. Admission arrangement **must** also be compatible with and *not* undermine the local coordination scheme.

3.3 **Dioceses** determine definitions of church membership and religious practice for governing bodies. **Thus they must be consulted when deciding how membership or practice of the faith is to be demonstrated.** Dioceses may refer any school's arrangements to the Adjudicator.

3.4 **Parents** also have the right to refer admission arrangements to the Adjudicator.

3.5 **Schools Adjudicators** may consider objections made by any of the above **by 30 June for 2015 and by 15 May in future years.** They may uphold, partially uphold or reject an objection. Their determination is binding. Objections cannot be made about an admission authority's decision to increase its PAN.

4 Social equity and community cohesion

4.1 The standard Government definition of community cohesion is of stable, harmonious communities with a common vision and a sense of belonging, where diversity is appreciated and positively valued, all have similar life opportunities and strong, positive relationships are developed between people of different backgrounds in schools, neighbourhoods and the workplace.

Although Ofsted no longer formally reports on how Governing bodies promote community cohesion, we urge governors to continue supporting the principle of social equity.

4.2 In the context of social justice, governing bodies should consider the impact of their admission criteria on both their local and their faith communities. They '**must** ensure that their admission arrangements will not disadvantage unfairly, either directly or

indirectly, or a child from a particular social or racial group, or a child with a disability or special educational need, and that other policies around school uniform or school trips do not discourage parents from applying for a place for their child.' (Code § 1.8, p. 10). It may happen that, because of the lawful application of faith criteria, some racial groups with fewer Catholics are underrepresented. In the interests of social equity and community cohesion, governing bodies may then wish to consider how to forge greater links with these communities.

5 **Published Admission number (PAN)** (Code § 1.2-4, p. 9)

All schools **must** set an admission number of each 'relevant age group', i.e. 'an age group in which pupils are or normally will be admitted to the school in question.' This number **must** be in line with the school's net capacity and applies to all children who are admitted to the school for the first time.

VA Governing Bodies are now *not* required to consult on any proposed increase to the PAN in any consultation on their admission arrangements. However, they **must** notify the LA [of their intention to increase the school's PAN and reference to the change should be made on the school's website. Where a school decides to admit above its PAN](#), it **must** notify the LA in good time to allow the LA to deliver its co-ordination responsibilities effectively. This should also be reported on the school's website. Admission authorities may also admit above their PAN in-year.

[Governors considering the possibility of *decreasing* their PAN will need to consult. Please get in touch with NORES in the first instance.](#)

Schools **must not** limit the number of non-Catholic children when the school is not full. This means that where schools are unlikely to fill all available places with Catholics, they must think very carefully what other criteria will best help them to preserve the Catholic ethos of their school, e.g. giving preference to baptised/practising children of other Christian denominations fully supported by their priest or Minister. Criteria stipulating that parents or pupils of other faiths or denominations should support the ethos of the school in practical ways **must not** be used.

6 **Oversubscription criteria**

6.1 Admission authorities **must** formally agree admission arrangements annually. However, if there are no changes admission arrangements **must** only be consulted on every 7 years. All schools **must** have oversubscription criteria for each 'relevant age group'.

Criteria *must* reasonable, clear, objective, procedurally fair and comply with all relevant legislation. Parents must easily be able to understand how they will be satisfied. They must be compatible with the Code and all other relevant legislation (see below).

Governors must ensure that parents can easily understand how faith-based criteria will reasonably satisfied.

6.2 The Code specifies that it is for the religious authority to decide how membership and practice are to be demonstrated. In determining faith criteria, therefore, **governing**

bodies *must only* use the methods and definitions agreed by the Diocese (for instance, in determining membership and practice - see definitions at the end of this chapter). Thus **all schools must consult NORES on their proposed admission arrangement, including any Supplementary Information Form, before going out to statutory consultation** (see Section 7 below).

Dioceses may now refer a school's proposals to the Adjudicator.

6.3 Admissions policies **must** state clearly that there is no cost related to admissions, including the level of voluntary contributions, and they should limit expenses relating to uniforms etc.

6.4 The Code carries a list of criteria which are considered unfair and **must not be used** (§1.9, pp. 10-12). This means that there must be:

- **no** conditionality (e.g. giving priority to parents applying to other faith schools)
- **no account taken of previous school attended (other than feeder schools)**
- **no** first preference or ranking of schools
- **no** new introduction of selection by ability
- **no** consideration of any practical or financial support parents may give
- **no** request for financial support or support to the ethos of the school (although governors can ask applicants to be 'in sympathy with' the school's ethos)
- **no** priority relating to the status or background of parents (except for children of staff, see below, and children eligible for the pupil or early years pupil premium)
- **no** account taken of reports from previous schools regarding child or family
- **no** account taken of relatives' behaviour in admission process
- **no** discrimination against disabled children or those with special educational needs
- **no discrimination against those applying for admission outside their normal age group where the admission authority has agreed to this**
- **no** membership of clubs or other organisations required (except religious)
- **no** requests for financial contributions
- **no** interviews of children or parents as part of the admission process
- **no** priority given on account of alphabetical order or date of birth
- **no** request for photographs or 'long' birth certificates throughout the admissions application process (except photographs to identify a child during selection tests)
- *in designated grammar schools, no* priority for siblings where children are to be ranked according to a pre-determined pass mark.

This list is not exhaustive. Please note priority should not be given on account of alphabetical order, date of birth or date of application.

6.5 **Statemented children *must*** be admitted if their statement names the school even where the school is already full. The Local Authority is the admissions authority for statemented children and governors have no discretion of their admission, so statemented children **must NOT** be listed in the actual oversubscription criteria. Instead, governors should explain clearly in their policy that any statemented child with a statement naming the school **will** be admitted in accordance with regulations.

6.6 **Looked after children** (children 'in care') and previously looked after children are considered a highly vulnerable group (see definitions in the Code, § 1.7 and Notes 16-19). Catholic looked after/**previously looked after** children may be given priority over all

other children, with looked after/[previously looked after](#) children other than Catholic then given priority over all non-Catholic criteria. Alternatively, governors may choose to place *all* looked after/[previously looked after](#) children as their top criterion (Code, §1.37). There are no other alternatives permitted.

- 6.7 **Siblings** (1.11-12): it has long been regarded as good practice to give priority to siblings of existing pupils, especially in primary schools. ‘Sibling’ **must** be defined clearly.

If an admission authority wishes to give some priority to siblings of former pupils, it **must** set out a clear and simple definition of such former pupils and how their siblings will be treated in the oversubscription criteria. This includes giving priority to children on the basis that they have an older sibling at another school with which they have close links.

- 6.8 **Catchment areas** (§ 1.14) **must** be designed so they are reasonable and clearly defined. If the designed area corresponds to a parish or parishes a map should be made available to parents if required. This does not prevent parents who live outside the area thus defined from expressing a preference for the school

- 6.9 **Feeder schools** (§ 1.15)

Secondary schools **must** name ALL their feeder schools in their criteria. Fee-paying independent schools **must not** appear as feeders of state-maintained schools.

- 6.10 **Social and medical need** (§ 1.16)

If using this criterion admission authorities must set out clear how this need will be defined and what supporting evidence will be required.

- 6.11 **Selection by ability and aptitude** (§ 1.17-1.24).

Only designated Grammar schools are permitted to select their entire intake on the basis of high academic ability. All selective schools must publish their entry requirements. Where arrangements are wholly based on selection by reference to ability, no priority needs to be given to current or previous looked-after children.

Schools that have arrangements to select by aptitude must not allocate more than 10% of the total number of places available on that basis.

- 6.12 **Random allocation** (§ 1.34)

Any arrangements for random allocation **must** set out clearly how this will operate, ensuring that arrangements are transparent and that looked after children and previously looked-after children are prioritised (see above). [The random allocation process must be supervised by someone independent of the school and a fresh round used each time a child is to be offered a place from a waiting list.](#)

- 6.13 **Children of staff** (§ 1.39) may be given priority in oversubscription where either the member of staff has been employed at the school for two or more years when the application is made, or the member of staff is recruited to fill a vacant post for which there is a demonstrable skill shortage.

- 6.14 **Children eligible for pupil premium or service premium** (§ 1.39 A/B)

[Admission authorities may choose to give priority in their oversubscription criteria to children who are eligible for the early years pupil premium, the pupil premium and also the service premium. The categories of eligible premium recipients to be prioritised](#)

should then be defined clearly in the arrangements. If priority is to be given to children in a nursery class which is part of or run by the school this nursery should be named in the admissions arrangements.

- 6.15 **Details of admission arrangements** should, as currently, include admission number(s), application procedures and timetables, oversubscription criteria in order of priority, any separate entry requirement and oversubscription criteria for Year 12 or nursery places, information about any tests of aptitude or ability, any waiting list and procedures for late applications.

7 Ethos of the school and religious affiliation

- 7.1 Governing bodies should also make clear how a **statement of religious affiliation** will be checked for admission purposes (e.g. baptism certificate) and what references will be required from the family's priest.

- 7.2 Admission authorities **must not** state that they want parents to support the ethos of the school. However, they may include a factual statement of the school's ethos in their admission arrangements. The template originally provided by the DCSF is as follows:
The ethos of the school is ... [insert or paraphrase your mission statement here]. We ask all parents applying for a place here to respect this ethos and its importance to the school community. This does not affect the right of parents who are not of the Catholic faith to apply for and be considered for a place here.
Admission authorities **must not** prioritise on the basis of the ethos statement.

- 7.3 **Supplementary information forms (SIF) must** be used **only** to seek to establish parents' or children's membership of the Catholic Church and their religious practice. **No information must be requested which is not absolutely necessary for the governors to implement their determined policy.**

The new Code reiterates that admission authorities **must not** ask parents for any financial contribution or to agree to support the ethos of the school in a practical way, **Moreover, SIFs must not** ask for any personal details about parents and families, the first language of parents or child, details of parents' or child's disabilities, special educational needs or medical conditions, practical support for the ethos of the school, or for both parents (or the child) to complete the form.

The SIF is an integral part of the admission arrangements and must be sent to the diocese together with all other documentation sent to prospective parents.

8 Consultation and determination of admission arrangements (§ 1.42-50, pp. 18-20)

8.1 Consultation

When changes to the arrangements are proposed, all admission authorities **must** consult on their arrangements (including SIF) that will apply for admission applications the following school year. After 1 September 2015, consultation **must** be for a minimum of 6 weeks and must take place between 1 October and 1 March in the determination year. A list of consultees if provided in the Code (§1.44, p. 18)

Governing bodies also have a statutory duty to consult the Diocese (i.e. NORES) about their admission arrangements at the time of general consultation. They should **consult NORES by 15 February**. Consultation must be completed by 15 March.

Admission authorities **must** consult at least once every seven years, even if there have been no changes during that period. Consultation **must** be for a minimum of 6 weeks and must take place between 1 October and 31 January in the determination year.

8.2 **Determination**

All admission authorities **must** determine (formally agree) admission arrangements every year by 28 February, even if they have made no changes to these arrangements. The procedure and timeline for the process are explained in the Code.

Admission authorities **must** then notify the appropriate bodies and publish a copy of the determined arrangements on the website.

9. **Admissions process: applications and offers**

9.1 **Normal admissions round**

Local Authorities **must** provide a Common Application Form (CAF) that enables parents to express their preference for a place at any state funded school, with a minimum of three preferences in rank order.

Offers of primary and secondary places **must** be sent by the home LA³ and schools **must not** contact parents about the outcome of their applications until these offers have been received. Admission authorities **must not** provide any guarantees to applicants regarding the outcome of their application.

9.2 **Applying for places at Sixth Form**

Children and their parents applying for sixth form places may use the CAF but are not required to do so if they are already on the roll. However, admission authorities may set academic entry criteria for sixth forms which **must** be the same for both external and internal places.

9.3 **Withdrawing offers of places** (§ 2.12-13)

An admission authority **must not** withdraw an offer unless:

- a) it has been offered in error
- b) the application is found to have been fraudulent or intentionally misleading, in which case it must be considered afresh and a right of appeal offered if relevant
- c) a parent has not responded to the offer of a school place within a reasonable time, in which case the admission authority **must** give the parent a further opportunity to respond, explaining that the offer may be withdrawn if they do not.

Once the child has started school the place **must not** be withdrawn, except where the place was fraudulently obtained.

9.4 **Waiting lists** (§ 2.14)

³ Under **Fair Access Protocols** LAs **must** ensure that no school is asked to take a disproportionate of children who have been excluded from other schools or have challenging behaviour. LAs retain the power to direct the admission authority of any of its maintained schools to admit a child even when the school is full. The governing body can appeal by referring the case to the Schools Adjudicator within 15 days (7 days in the case of looked after children). The LA **must** be informed and **must not** make a direction until this time has elapsed.

Each admission authority **must** maintain a clear, fair and objective waiting list until at least 31 December of each admission year. Governing bodies **must** state this clearly in their published admissions arrangements and **must** make clear that children on the waiting list will be ranked in line with the published oversubscription criteria. Looked after children and previously looked after children, and those allocated a place under the Fair Access protocol, **must** take precedence over those on the waiting list.

9.5 **Infant class size** (§ 2.15)

Infant class size legislation still applies. However, additional children may be admitted under limited exceptional circumstances. They are:

- a) Children admitted outside the normal admissions round with a statement of SEN or Education, Health and Care Plans specifying the school
- b) Looked after/previously looked after children outside the normal admission round
- c) Children admitted after a procedural error in the original application process
- d) Children moving into the area outside the normal admissions round
- e) Children of UK service personnel admitted outside the normal admissions round (see Code § 2.18)
- f) Children whose twin/sibling from a multiple is admitted otherwise than as an excepted pupil
- g) Children with special educational needs normally taught in a SEN unit attached to school or registered at a special school who attend some infant classes within the mainstream school.

9.6 **Children below compulsory school age and deferred entry to school** (§ 2.16)

Admission authorities **must** provide for the admission of all children in the September following their fourth birthday. Arrangements must make it clear that the child is entitled for a full-time place from the September, but that parents can defer the date of admission until later in the school year, and the child may attend part-time until later in the school year. Full guidance is given in the Code.

Admission of children outside their normal age group (§ 2.17/2.17A/2.17B)

Parents may seek a place for their child outside of their normal age group. Parents of a 'summer-born child' (i.e. a child born between 1 April and 31 August) may choose not to send that child to school until the September following their fifth birthday and may request that they are admitted out of their normal age group (e.g. reception rather than Year 1). The process of requesting admission outside the normal age group **must** be explained clearly in the admission arrangements.

Admission authorities **must** make decisions on the basis of the circumstances of each case and in the best interests of the child concerned. Full guidance is given in the Code.

9.7 **Children of UK Service Personnel and UK Armed Forces**
Please refer to the Code § 2.18-2.19, pp. 25-26)

9.8 **Offering a place**

Where schools are oversubscribed applications **must** be ranked strictly in accordance with the determined arrangements. All offers **must** be made on the same day: 1 March or next working day for secondary schools, and 16 April or next working day for primary schools.

9.9 **Admission arrangements outside normal round**

There is no requirement for LAs to co-ordinate in-year applications but LAs **must** explain in their prospectus how in-year applications can be made and will be dealt with. Own admission authorities **must**, on receipt of an in-year application, notify the LA of both the application and its outcome. They **must** also inform parents of their right of appeal if a place is refused (Code, § 2.21-22)

In Year Access Protocols run by the LA in partnerships will all schools ensure quick access to education. Children should be admitted as directed.

10 Voluntary parental contributions and extended schools

A number of schools use voluntary schemes to which parents may choose to contribute. When these schemes are publicised or made known to prospective parents, governing bodies **must** make clear that a commitment to donate is neither a requirement **not** a factor for consideration in determining whether a child should be allocated a place.

Similarly, the Code makes clear that the cost of extended services a school should not discourage disadvantages families for applying for a place for their child(ren).

11 Transport

The Education and Inspection Act 2006 extended rights to free home to school transport to maintained schools for children from low income families (defined as children entitled to free school meals or whose families receive the maximum level of Working Tax Credit).

For **primary school** children transport will only be provided to the nearest suitable school, but for children aged 8-11 in low income families, LAs **must** ensure that free transport is provided if they more than two miles from the school. For **secondary school** pupils, LAs **must** ensure that those from low income families have free transport to any one of the three nearest suitable schools, where the distance is between two and six miles. **LAs must also ensure that transport is provided to the nearest secondary school preferred on the grounds of religion or belief where this is between 2 and 15 miles away.**

Governing bodies **must** explain clearly whether or not school transport will be available under the LA's transport policy as it applies to their school, and at what cost, at least six weeks before entry they should indicate who is the relevant LA officer or department for further information. They should also give details of any additional transport scheme they operate or support.

In order to promote sustainable, healthy travel to school, admission authorities of primary schools are encouraged to promote sustainable and healthy travel where possible.

12 Admission appeals

- 12.1 [Guidance on school admission appeals is available on the DfE website on https://www.gov.uk/government/publications/school-admissions-appeals-code](https://www.gov.uk/government/publications/school-admissions-appeals-code)
- 12.2 Because of the popularity of Catholic schools governors may not be able to admit all children that apply. The new Codes reiterate that Governors **must** inform parents of the reason a place was refused, remind them of their right to appeal and include information about deadlines and contact details. Parents must be informed that they must set out the grounds for any appeal in writing. Admission authorities **must** not limit the grounds on which appeals can be made. Pupils refused a place in Year 12 also have a right of appeal.
- 12.3 VA governing bodies **must** establish **independent appeal panels**. These should be made up of three or five members appointed by the governors, including at least one lay member and one person with experience of education. Governors (or former governors) and employees of the school or LEA may not serve on the appeal panel.
- VA governing bodies no longer have a duty to advertise every three years for lay members willing to serve on admission panels, but they **must** ensure that panel members are and remain independent and properly trained. LAs organise training for admission panel members but this is usually geared towards community schools. For further advice please contact NORES.
- Admission authorities generally should work together with their Local Authority to bring greater consistency and independence to the appeals process. Local Authorities delegate funds for appeals to their voluntary aided schools. Schools are encouraged to keep under review the amount delegated and discuss this with their LA as appropriate.
- 12.4 Parents will now have 20 school days to lodge an appeal against a school's decision not to admit their child. Headteachers or other representatives of the school to which the appeals applies **must not** support individual parents' appeals for their school.
- 12.5 In the interest of social equity and justice, the Codes lay great emphasis on practices which could be construed as discrimination against any social, religious or ethnic group, or discourage disadvantages families from applying. Any criterion infringing this principle is liable to be the subject of an appeal.
- 12.6 Appeals may be heard on school premises.
- 12.7 Further details on the regulations, including the procedures followed at appeal hearings and the decision-making process can be found in the Admission Appeals Code.

For further advice or guidance please refer to the Code or contact NORES.

Appendix 1

Admission and Admission Appeals

Definitions

- **Catholic** means baptised in accordance with the rites of the Catholic Church, or enrolled in a baptismal programme.
- **Practice** means weekly attendance at Sunday mass.
- **Christian** means a member of either Churches Together in Britain and Ireland, or [Churches Together in England](#). A list of member churches can be found respectively on the CTBI website <http://www.ctbi.org.uk/AJE/226> and the CTE website <http://www.cte.org.uk/>

However, because the list may occasionally change, it is recommended that 'Christian' should be defined as 'a member of one of the churches *in full membership with Churches Together in [Britain and Ireland] [England] at the time when admission decisions are made.*' Proof of church membership must be provided by the appropriate church leader.

Please note that the use of CTBI and CTE membership as a definition for 'Christian' is under review by the Catholic Education Service. Further guidance will be provided as soon as it becomes available.

Relevant legislation

School Standards and Framework Act 1998
Human Rights Act 1998
Equality Act 2010
Education and Inspection Act 2011
The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012
The School Admissions (Infant Class Sizes) (England) Regulations 2012
The School Admissions (Appeals) (England) Regulations 2012
The School Admissions Code 2014

