



Department for Formation

Office for Education

BRIEFING NOTES

ADMISSIONS FOR SEPTEMBER 2016

Diocesan Education Office
Cathedral Centre
3 Ford Street
Salford
M3 6DP

Canon T A McBride
Episcopal Vicar for Formation

Mr K Quigley
Director of Education

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The Admission of Pupils to Catholic Schools

The ***Schools Admissions Code*** published by the Department for Education in October 2014 came into force on 19 December 2014. It applies to admissions in the year 2016 and future years until amended. There is currently no published review date. The School Admissions Code 2012 is rescinded. This guidance note supersedes all previous guidance from the Diocese of Salford.

Like the previous Code, the *School Admissions Code* ('the Code') is statutory and has the force of law. Its requirements are mandatory. The Code applies to all maintained and publicly funded independent schools.

The purpose of this note is to offer guidance to Catholic schools on the application of the Code in the particular circumstances of the Catholic school. It should not be read as a substitute for the Code itself. It is not the intention or purpose of this guidance to repeat provisions set out in the Code. Those responsible for admissions in Catholic schools should read the Code first and assume all provisions apply unless modified or amended for Catholic schools in this guidance.

The Code may be accessed via the following link

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/389388/School_Admissions_Code_2014_-_19_Dec.pdf

It is the duty of the governing body to ensure that the school's admissions policy is compliant with the Code. Where governing bodies choose to exercise discretionary powers which are permitted by the Code but not recommended by the Diocese, the Diocese may be unable to provide support in the event of any challenge.

There can be no absolute guarantee that the advice in this guidance is 'lawful': That is a matter for the Courts. The question of whether an admissions policy is fair or reasonable is a matter for the Schools Adjudicator.

A Summary of the Changes to the Regulations for Admission in 2016 and Beyond

The School Admissions Regulations 2014 came into force on 19 December 2014, the same time as the new School Admissions Code. The Regulations and the Code update the versions published in 2012. The changes to the Regulations mostly concern timing.

The significant changes are

- The frequency with which the admissions authority must consult on their published arrangements where no changes are proposed is now at least once in every seven years;
- The dates by which the admissions authority must consult on and determine the arrangements are changed for admissions in 2016 and change again for 2017 and thereafter;
- The date by which a local authority (LA) must publish school admission arrangements for its area has changed
- The date by which objections must be received by the Schools Adjudicator has changed;
- The frequency with which a local authority is required to consult on a qualifying scheme is now at least once every even years;

- The date by which a local authority must inform the Secretary of State whether they have secured the adoption of a qualifying scheme is now 28 February in the qualifying year. If this is not done, the Secretary of State may make and impose a scheme.
- Priority formerly accorded to Looked After Children (LAC) is extended to include formerly looked after children.

Other Significant Changes

1. All state funded schools **may** now able to give priority in their admission arrangements to children eligible for pupil premium or service premium funding, which was previously enjoyed only by academies and free schools.
2. Primary schools **may** now give priority to children eligible for the early years pupil premium, pupil premium or service pupil premium who attend a nursery which is part of the school.
3. **All** children whose statement of Special Educational Needs (SEN) or Education Health and Care (EHC) Plan names the school **must** be admitted.
4. All schools must determine and publish criteria to be applied where there are more applications than places. The highest priority **must** be given, unless otherwise provided in the Code to looked after children and all previously looked after children.

Priority to Catholic Applicants

In circumstances where there are fewer applications than places (i.e. the Published Admission Number has not been reached), the governing bodies of Catholic schools are required by law to offer places to all applicants, whether Catholic or not.

Where there are more applicants than places, the Code allows the governing body of a Catholic school to use faith-based oversubscription criteria and allocate places by reference to faith.

Catholic schools are founded by the Catholic Church for the advancement of the Catholic religion. It follows therefore that the governing bodies of Catholic schools must, wherever possible confer priority to Catholic applicants. Applicants who are not Catholic should be given priority only in exceptional circumstances.

The governing bodies of Catholic maintained and publically funded independent schools must also bear in mind that in England and Wales, they form a vital and valued part of the overall pattern of state provision and that children from the wider community in urgent need of a place in a local Catholic school, even when they are not themselves Catholic, should not be neglected.

A pupil with a statement of Special Educational Needs or an Education, Health and Care Plan which names the school must be admitted whether Catholic or not. The governing body must be consulted and allowed to make representations before the school is named. This provision does not need to be set out in the school's admissions policy.

In certain other specific circumstances, the Diocese recommends that priority should be given to applicants even where they are not Catholic:

No distinction should be made between Catholic and non Catholic looked after and formerly looked after children. In accordance with the spirit of the Code, all children in this category should be accorded first priority.

Children who are members of Particular Catholic churches other than the Latin Catholic church, for whom there is no suitable alternative provision may be accorded priority. The question of whether an applicant may be regarded as being 'Catholic' for the purposes of admission will be decided by the Episcopal Vicar for Formation on a case by case basis. There is no requirement to define what is meant by 'Catholic' in the school's published policy.

The following 'non Catholic' children should not normally be accorded priority:

- 'Non Catholic' siblings where Catholic children are unable to secure places;
- All the children from a named Catholic feeder primary school, whether the children are Catholic or not. A place in a Catholic primary school for a child who is not Catholic should not be treated as a guarantee of a place in a Catholic secondary school at the expense of Catholic applicants.

It is recommended that schools include within their policies a statement explaining that the admission of a non Catholic child in a year when there are vacancies remaining after the demand from Catholics is met does not guarantee a place for a sibling in a year where the Catholic demand is greater.

'Catholic' means

- Holding a certificate of baptism signed by a priest of the Latin Catholic Church;
- Holding a certificate of reception of baptised Christians into the Latin Catholic Church.

Any applicant experiencing difficulty obtaining written evidence of baptism or reception in to the Catholic Church with good reason may still be considered as baptised Catholics following consultation with the appropriate diocesan authority, normally the Episcopal Vicar for Formation.

The practice of the Catholic faith by the child's parents is not a relevant factor in determining whether the child is Catholic.

The Code allows the governing bodies of Faith Schools to confer priority to applicants from other Faiths if they wish. There is no expectation on the part of the Diocese that this should be considered, since Catholic schools are provided for Catholic children, not children from other Christian traditions or other Faiths. However, where this is considered necessary or desirable, great care must be taken to define what evidence must be produced by the parents and how the evidence will be used when giving higher priority to some 'non Catholic' children ahead of others.

The recommendation of the Diocese is that no religious discrimination should be attempted other than between Catholic and all other applicants.

Statutory Timescale For Admission in 2016/17

Consultation on proposed changes must be for a minimum of 8 weeks and must be concluded by **1 March 2015**.

The governing body must determine the policy no later than **15 April 2015**.

The policy must be published (as a minimum on the school website) and copied to the local authority no later than **1 May 2015**

Any objections to the policy must be submitted to the Schools Adjudicator by **30 June 2015**

The governing body must supply all the information needed by the local authority by **8 August 2015**.

The composite prospectus compiled by the local authority must be published on line and in hard copy by **12 September 2015**

For Admission in Subsequent Years

Consultation on proposed changes must be for a minimum of **6** weeks and must be take place between **1 October and 31 January**.

The governing body must determine the policy no later than **28 February**

The policy must be published (as a minimum on the school website) and copied to the local authority no later than **15 March**.

Any objections to the policy must be submitted to the Schools Adjudicator by **15 May**.

The governing body must supply all the information needed by the local authority by **8 August**.

The composite prospectus compiled by the local authority must be published on line and in hard copy by **12 September**.

Model Admission Policy

This model policy is not prescriptive. It offers a suggested form of words appropriate for a Catholic school. Other forms of words may be equally compliant with the Code.

The model is for a primary school assuming admission aged rising 5. Junior or Secondary schools admitting at age 7 or 11 may wish to confer priority to Catholic children attending **named** feeder schools. It is essential feeder schools are named.

Significant physical features such as rivers, canals and main roads may be used to define catchment areas, but local authority boundaries must not. Parish boundaries may be used.

[.....] CATHOLIC PRIMARY SCHOOL

ADMISSION POLICY AND ARRANGEMENTS 2016/2017

[...] is a Catholic School in the trusteeship of the Diocese of Salford. It is maintained by [Name of local authority] and is a voluntary aided School. The Governing Body is the Admissions Authority and is responsible for taking all decisions on applications for admissions. The co-ordination of admissions arrangements is undertaken by the Local Authority.

For the school's year commencing September 2016, the Governing Body has determined that the number of children to be admitted to [the relevant year] will be [...].

The school's role is to participate in the mission of the Catholic Church by providing a curriculum, including Catholic religious education and worship, which will help children to grow in their understanding of the Good News and in the practice of their faith. The school will help the children develop fully as human beings and prepare them to undertake their responsibilities as Catholics in society. The school requires all parents applying for a place here to understand and respect this ethos and its importance to the school community. This does not affect the rights of parents who are not of the Catholic faith to apply for a place here.

Admissions to the school will be determined by the Governing Body. Parents must complete a Local Authority Preference Form or apply online via the website [insert link] If you wish to have your application considered against that school's religious criteria then you must **ALSO** complete the Supplementary Form which is available from the school.

If there are fewer than [PAN] applications, all applicants will be offered places. If there are more applications than the number of places available, the following oversubscription criteria will be applied:

1. Looked After Children and previously Looked After Children.
2. Children with an exceptional social, medical, educational or religious need which can be best met, or only met at this school;*
3. Baptised Catholic children who have a sibling in the school at the time of admission.
4. Baptised Catholic children resident in the parishes of [parishes must be named].
5. Other baptised Catholic children.
6. Other children who have a sibling in the school at the time of admission.
7. All remaining applicants.

*Exceptional needs of this kind will occur very rarely. It is strongly recommended that a written application is submitted in advance of the normal admissions timetable.

If it is not possible to offer places for all applications within any criterion above, priority will be given to those living closest to the school measured by [the method used by the local authority]. In the event of distances being the same for 2 or more applicants, places will be allocated by [method used by the local authority].

Notes for Applicants:

- a. All applications will be considered at the same time and after the closing date for admissions which is 15 January 2016. Applications received after this date will be **treated as a late application** and will not be considered until **after** the main allocation of places has taken place.
- b. A Looked After Child is a child who is (a) in the care of a Local Authority, or (b) being provided with accommodation by a Local Authority in the exercise of their Social Services functions (under section 22(1) of the Children Act 1989. A previously Looked After Child is one who immediately moved on from that status after becoming subject to an adoption, residence or special guardianship order.
- c. For a child to be considered as a Catholic evidence of a Catholic Baptism or reception into the Catholic Church is required. Written evidence of reception into the Catholic Church can be obtained by referring to the Register of Receptions, or in some cases a sub-section of the Baptismal Registers of the Church in which the Rite of Reception took place. If, for example, a child has been baptised in the Church of England and the parents are subsequently admitted to the Catholic Church through the RCIA programme, the child must also be admitted to the Church by the Rite of Reception.

The Governing Body will require written evidence in the form of a Certificate of Reception before applications for school places can be considered for categories of 'Baptised Catholics'. A Certificate of Reception is to include full name, date of birth, date of reception and parent(s) name(s). The certificate must also show that it is copied from the records kept by the place of reception.

Those who have difficulty obtaining written evidence of baptism for a good reason, may still be considered as baptised Catholics but only after they have been referred to the parish priest who, after consulting with the [appropriate diocesan authority] will decide how the question of baptism is to be resolved and how written evidence is to be produced in accordance with the law of the Church.

- d. Home Address is considered to be the address where the child normally lives. Where care is split and a child moves between two addresses, the household in receipt of the child benefit would normally be the address used but the admission authority body reserves the right to request other evidence as fit the individual circumstance. Applicants should not state the address of another relative or person who has daily care of the child.
- e. 'Sibling' is defined in these arrangements as full, half or step brothers and sisters, adopted and foster brothers and sisters who are living at the same address and are part of the same family unit. This does not include cousins or other family relationships.

- f. A waiting list for children who have not been offered a place will be kept and will be ranked according to the Admission Criteria. The waiting list does not consider the date the application was received or the length of time a child's name has been on the waiting list. This means that a child's position on the list may change if another applicant is refused a place and their child has higher priority in the admissions criteria.
- g. For 'In Year' applications received outside the normal admissions round, if places are available they will be offered to those who apply. If there are places available but more applicants than places then the published oversubscription criteria will be applied.
- h. If an application for admission has been turned down by the Governing Body, parents may appeal to an Independent Appeals Panel. Parents must be allowed at least twenty school days from the date of notification that their application was unsuccessful to submit that appeal. Parents must give reasons for appealing in writing and the decision of the Appeals Panel is binding on the Governors.
- i. The Governing Body reserve the right to withdraw the offer of a school place where false evidence is received in relation to the application.
- j. It is the duty of governors to comply with regulations on class size limits for children aged between rising five and seven. The Governing Body may exceed the regulations for twins and children from multiple births where one of the children is the 30th child admitted. This also applies to in-year applicants who are looked after/previously looked after, children of UK service personnel or children who move into the area for whom there is no other school available within a reasonable distance.
- k. If a child is a "summer born child", parents may request that the date their child is admitted to school is deferred to later in the school year. However, the child must start school before the end of that school year. If a parent wishes their child to be educated out of their normal school year (kept back a year), they must discuss this with the school before applying. However, the final decision on this rests with the headteacher.
- l. Parents may request that their child attend school part-time until he/she reaches his/her fifth birthday.

Further Notes for Governing Bodies

Acceptable Variations

The following are generally considered to be acceptable additions or variations to the outline model policy.

- Children of staff at the school may be conferred priority where the member of staff has been employed at the school for two or more years at the time the application is made or the member of staff is recruited to fill vacant post where there is a demonstrable skill shortage.
- Admission authorities may confer priority to the siblings of former pupils but this is not recommended.

In Year Fair Access Protocols

Each local authority is required to prepare and agree with the majority of schools a 'fair access protocol' the purpose of which is to ensure that the most vulnerable and hard to place children (as defined in the protocol) requiring places outside the normal admissions cycle are offered school places as quickly as possible.

By virtue of section 96 of the School Standards and Framework Act, 1998, the local authority retains a very broad power to direct schools to admit what were in 1998 described as 'hard to place' children. The purpose of the protocol is to ensure that this power of direction is used fairly and according to agreed criteria. It must include arrangements for monitoring so it can be demonstrated that schools are being treated equitably.

It is therefore in the interests of schools to co-operate with the local authority in carrying out this challenging and sometimes controversial duty.

The Fair Access protocol is not required to take account of the faith designation of the school (although some do) or of class size legislation.

Governing bodies must not refuse to admit a child thought to be potentially disruptive or likely to exhibit challenging behaviour.

The fair access protocol must not require a school automatically to admit another child with challenging behaviour to replace a child excluded from the school.

The Admission of Children with Special Educational Needs.

By virtue of Section 324 of the Education Act 1996, Governing Bodies are obliged to admit a child with a statement of special educational needs that names their school. However in advance of that process the Local Authority must provide either a copy of the proposed statement and appendices or, where they are proposing to amend part 4 of an existing statement, either the proposed amended statement or the amendment notice together with a copy of the existing statement, and in either case, the appendices and give the governing body the opportunity to make observations.

The governing body may object to the direction on the grounds that the school is unsuitable to the child's age, ability, aptitude or special educational needs, or that the placement would be incompatible with the efficient education of the other children with whom the child will be educated, or with the efficient use of resources. The Local Authority has a duty to consider such objections and may consider these sufficient to warrant the naming of another school.

In turn the parents may also appeal against that decision to the Special Educational Needs and Disability Tribunal (SENDIST)

For the child's needs to be best addressed it is important that the process outlined is applied thoroughly and with a clear understanding of the responsibilities resting on all parties.

Consultation

Where changes are proposed, arrangements for entry in September 2016 must be subject to consultation for a minimum of 8 weeks and must be completed by 1 March 2015.

Admissions authorities must consult with:

- Parents of children between the ages of 2 and 18;
- Other persons in the relevant area who, in the opinion of the admissions authority have an interest in the proposed admissions;
- All other admission authorities including the local authority within the relevant area except that primary schools need not consult secondary schools;
- Any adjoining local authorities where the admission authority is the local authority and;
- In the case of faith schools, the body or person representing the religion or religious denomination.

For the duration of the consultation, the admission authority must publish a copy of their full proposed admission arrangements, including the proposed PAN on their website together with details of the person within the admission authority to whom comments may be sent and the areas on which comments are not sought. Admission authorities must also on request a copy of the proposed admission arrangements to any of the persons or bodies listed above inviting comment. Failure to consult effectively may be grounds for subsequent appeals or complaints.