



**Department for Schools and Colleges**

# **GUIDANCE ON SECONDARY SCHOOL ADMISSIONS**

**A FUTURE  
FULL OF HOPE**  
CLIFTON DIOCESE

August 2019

## Forward

This guidance is provided by Clifton Diocese in partnership with the Catholic Education Service to support governing bodies in discharging their responsibilities as admission authorities. It provides guidance about the construction of admission arrangements and diocesan requirements in relation to membership of the Catholic faith. All schools within the diocese **must have regard for it when drawing up their admission policy. This document is effective from September 2019 and replaces all previous guidance issued by the department on behalf of the Bishop as the appropriate religious authority for the Catholic schools situated in his diocese.** This includes all Catholic maintained schools, Catholic academies, and those in the trusteeship of a religious and/or charitable order.

The Bishop expects all his schools to comply with this guidance unless there are clear and proper local reasons for not doing so. He expects such a position to be the exception, and only to be reached following discussions with his diocesan officers.

This guidance complements, but does not reproduce, the School Admissions Code ("the Code"). It focuses on those areas that are of most concern to the governing bodies of Catholic schools.

Governors most directly concerned with admissions and appeals therefore need to be thoroughly familiar with the Code as well as this guidance.

Whilst every effort has been made to ensure the accuracy of the guidance in relation to the Code, it must be noted that it does not provide a definitive interpretation of the law. That is entirely a matter for the courts.

It must be noted that responsibility for determining arrangements and publishing policies and procedures which comply with the law, rests with the admissions authority, not with the diocese.

## 1- INTRODUCTION

Admission policies in Catholic schools are a key element in preserving and developing the distinctive religious character of the school. This guidance reflects the underlying principles which should inform admission arrangements in our Catholic schools. Some of these are;

A Catholic education must:

- encourage the formation and growth to maturity of the whole human person;
- enable physical, moral and intellectual talents to be developed harmoniously;
- teach all to know and live the mystery of salvation;
- assist all to work towards their eternal destiny;
- promote the common good of society;
- ensure that all develop a greater sense of responsibility and a right use of freedom; and
- provide formation for every person to take an active part in social life.<sup>1</sup>

In England and Wales, the Bishops have also said that ***“whether or not market forces are regulated in some way by a supervising authority, it remains the Christian duty of individual schools themselves to promote the common good and support the poor, vulnerable, powerless and defenseless” by reviewing and, where necessary, amending their admission procedures; accepting that sacrifices sometimes have to be made by individual institutions for the sake of the common good; and working at local, diocesan and national levels to ensure an equitable distribution of the resources available to education.***<sup>2</sup>

Each Catholic school is established in the diocese to form, in partnership with home and parish, an integral part of that local Catholic faith community which bears the mission of the Church; to embrace the gospel of Christ, to live by its values, and to proclaim Christ as the light of all peoples. A key role of the school is to assist parents of baptised Catholics to fulfil the responsibilities taken on at their child’s baptism. By striving to be a Christ-centred community providing excellent education, the school will also play its part in the witness and mission of the local Church.

Catholic schools are established and maintained as part of the education system, in which the Catholic community undertakes a responsibility to provide for the education of Catholic children in schools whose philosophy, recruitment, admission of pupils, delivery of the curriculum and daily life are determined by the distinctive Catholic ethos of their faith community. **As part of the diocesan community of parishes and schools, no school should act for its own perceived interests alone.**

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<sup>1</sup> Code of Canon Law (*Codex Juris Canonici*: CJC) cann.795, 217; Gravissimum Educationis.

<sup>2</sup> The Common Good in Education, p.17.

It is the responsibility of Catholic schools, in co-operation with each other and other admission authorities, and with the assistance of the diocese, to ensure that the maximum number of Catholic children are able to take advantage of a Catholic education provided at a local Catholic school. Catholic schools should therefore:

- work with each other to draw up admission policies which ensure that places are provided equitably for all local Catholic communities (including Eastern Catholic Churches and ethnic chaplaincies); and
- Co-ordinate their admission arrangements to maximise parental satisfaction with their choice of Catholic school.

## 2 - ADMISSION PROCEDURES

### Admission Authorities

In Catholic voluntary aided schools, the admission authority is the governing body. In Catholic voluntary academies, the admission authority is the academy trust company. For the purposes of this document, it has been assumed that at each academy within the Diocese, the academy trust has delegated the responsibility for admission arrangements and admission allocations to its governing body.

The term “school” is used throughout this guidance to refer to Catholic schools and academies. The term “governing body” is used throughout to refer to the admission authority under the appropriate constitutional arrangements.

It is the responsibility of admission authorities to ensure that admission arrangements i.e. the overall procedure, practices, criteria and any supplementary information to be used, in deciding on the allocation of school places and any device or means used to determine whether a school place is to be offered, are compliant with admissions legislation, and the 2014 School Admissions Code (“the Code”) – <https://schools.cliftondiocese.com/wp-content/uploads/2018/05/Admissions-Code-2014.pdf>

issued under section 84 of the School Standards and Framework Act 1998 (“SSFA 1998”).

The Code states, in paragraph 1.38, that *“Admission authorities for schools designated as having a religious character **must** have regard to guidance from the body or person representing the religion or religious denomination when constructing faith-based admission arrangements, to the extent that the guidance complies with the mandatory provisions and guidelines of the Code.”*

### Role of the Governing Body

Over-subscription criteria are set by the governing body and published in its admissions policy. In deciding on the admission arrangements for the school, the governing body must comply with the law, including to have regard to this diocesan guidance.

Governing bodies are required by law to comply with the Trust Deed (Bye Laws) for Schools and Colleges and with their constitutional documents when determining admission arrangements. For maintained schools the constitutional

document is their Instrument of Government and for academies it is their Articles of Association.

The constitutional documents include the school's duty to serve as a witness to the Catholic faith, and to comply with the requirements of canon law.

Catholic school governing bodies have an over-riding duty to offer places to Catholics first, to legally comply with their constitutional documents and the Trust Deed as appropriate. Therefore, Catholic schools **must not** implement any policy or include any criteria that offers a place to a non-Catholic, thereby denying that place to a Catholic child.

### **Determination of Admission Arrangements**

Governing bodies **must** formally determine the school's admission arrangements **annually**, even when they decide that their admission arrangements will remain the same. It is important that governing bodies ensure that its decision to determine the admission arrangements each year is documented and easily accessible should they be required to provide evidence.

Once admission arrangements are determined, the governing body **must notify** all those persons or bodies specified by the Code including the diocese. The governing body must also send a copy of their full, determined arrangements to their local authority.

The governing body must also provide all the information that their local authority needs to compile the composite prospectus (parent's guide booklet) within the time frame required by the Code.

It is important to note that the determined admission arrangements **must be** published on the school's website for the whole of the school year in which offers for places are made.

### **Consultation in the event of changes (see paras 1.42-1.45 of the Code)**

Where changes are proposed to the admission arrangements the governing body must consult on the arrangements before they are adopted, except where the change is to increase a school's published admissions number ("PAN"). (See note below about PAN.)

Where no changes are made to admission arrangements over several years, the admission authority **must**, nevertheless, carry out a public consultation, every 7 years. Consultation must be for a minimum of 6 weeks, and the Code sets out the specific time frame within which that consultation must take place (see para 1.43 of the Code). It is recommended that the clerk keeps a record of when the last consultation occurred to ensure compliance.

The Code also sets out those with whom the governing body are required to consult. This includes consultation with the appropriate religious authority. Catholic schools must therefore, consult with the diocese, since the appropriate religious authority is the diocesan bishop.

It is important for the governing body to carefully consider those persons or bodies with whom they need to consult (within their Relevant Area), and how they might effectively do so. The diocese will be able to provide further guidance about the persons or bodies to be consulted and the governing body should contact the diocese at the earliest opportunity to seek its guidance.

### **Published Admission Number (PAN)**

The governing body is required to set an admission number for each 'relevant age group' i.e. the age group at which pupils are, or will **normally** be, admitted i.e. Year 7 and to the sixth form (if applicable) at Year 12.

The governing body **must not**, increase its PAN without the agreement of the diocese. Canon law provides that each diocesan bishop has strategic responsibility to commission sufficient school places to meet the needs of baptised Catholic children resident in his area. The expansion of any Catholic school is part of the strategic place planning and therefore, within the canonical responsibility of the diocesan bishop. All Catholic schools are required by their governing documents to comply with the requirements of canon law.

Where the governing body determines a PAN that is higher than in previous years, they must notify the local authority that they have done so and make specific reference to the change on their website as soon as determined (see para. 1.48 of the Code). The governing body should always consult with the diocese in good time to obtain its consent to the increase in its PAN, allowing sufficient time for it to be factored into the next admission round if approved.

### **Allocating Places**

As the admission's authority, it is the responsibility of the governing body of a Catholic school to allocate places in line with its published admissions arrangements.

With the exception of designated grammar schools, all maintained and academy schools, must offer a place to every child who has applied where they have enough places. Where there are insufficient places available **the governing body must allocate places in line with their determined admission arrangements only.**

A decision to offer, or refuse, admission **must not** be made by one individual in an admission authority. The whole governing body, or an admissions committee established by the governing body, **must make** these decisions.<sup>3</sup>

**The decisions of the governing body, or the admissions committee, must be recorded in the minutes of the meeting of the governing body and the minutes must be retained in accordance with the school's record retention policy.**

It is important that the school's Parish Priest is not a member of any admissions committee as they are likely to be the Parish Priest for many of the families which are making an application for a place. He will, in that capacity, have a pastoral role to play which should not influence any decision to admit an individual child.

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<sup>3</sup> Para. 2.7 School Admissions Code December 2014

## Closing and Offer Days

The national closing day for the submission of applications for 2021-22 is; midnight on 31 October 2020.

The national offer day for 2021-22 is 1 March 2021.

## In-Year Admissions

It is important that applications for in-year admissions are processed as quickly as possible to avoid any delay in a child starting school. Usually the governing body will establish an Admissions Committee to which the governing body will delegate responsibility to make the decisions about admission to the school. The relevant regulations require that the quorum for any meeting of such committee must be determined by the committee, but in any event, must be not less than three governors who are members of the committee.<sup>4</sup>

It is often difficult to arrange meetings of the committee on short notice to deal with ad hoc in-year applications. The regulations do, however, provide that the governing body may approve alternative arrangements for committee members to participate or vote at meetings of a committee including, but not limited to by telephone or video conference ('virtual attendance').<sup>5</sup> It should be noted that the requirement is for a **meeting** of the committee, albeit not necessarily in person. An exchange of emails would **not amount** to participation in a meeting and therefore would not be compliant with the regulations.

In order to have 'virtual attendance' at meetings, schools must have a written policy on virtual attendance. It is therefore advised that the governing body, when establishing the Admissions Committee, should include within the delegation, an approval of alternative arrangements to facilitate a virtual meeting, in order to ensure that decisions in relation to in-year applications are not delayed.

**The governing body may delegate the responsibility for considering applications to a committee and, if it does so, the head teacher should be a member. However, head teachers have no individual role in school admissions and may therefore not be delegated the power to accept or refuse admissions on their own.**

## Waiting List

The Code requires that the governing body maintains a waiting list until **at least 31<sup>st</sup> December** of for each relevant age group, which is the age group at which pupils are, or will normally be admitted to the school e.g. year 7 and year 12. **The diocese recommends that a waiting list is maintained by the governing body, for all year groups, until the last school day for pupils in July of the summer term. Whilst your LA may be able to assist with this, the function must not be delegated to the LA.**

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<sup>4</sup> Reg. 22(2) School Governance (Roles, Procedures and Allowances) (England) Regulations 2013

<sup>5</sup> Reg. 26(10) School Governance (Roles, Procedures and Allowances) (England) Regulations 2013

The admission arrangements must set this out, and state that each child added to the list will require it to be ranked again in accordance with the published oversubscription criteria. Priority must not be given based on the date a child's application is received or their name was added to the list.

## **Role of the Local Authority**

The local authority co-ordinates applications for admission to schools within its area for **new intake** admissions.

Each year, all local authorities must formulate a scheme to co-ordinate **new intake** admissions for all publicly funded schools within their area (see para. 2.20 of the Code) by 1st January in each year. They are required to consult with a range of bodies including each governing body if changes are made to the Scheme which make it substantially different from the Scheme adopted for the preceding academic year. In the event of no changes and therefore no consultation they must consult every six years. The agreed Scheme must be published on their website. All admission authorities in that area, including all Catholic schools, are required to participate in co-ordination and provide the local authority with the information it needs to co-ordinate admissions by the dates agreed within the scheme.

Local authorities must provide a common application form (CAF) to enable parents to express their preference for a place at any publicly funded school, with a minimum of 3 preferences in rank order, allowing them to give reasons for their preferences (see para 2.1 of the Code). There is no requirement for local authorities to co-ordinate **in-year** applications, but they must provide information in the composite prospectus, (published by the local authority), on how in-year applications can be made and will be dealt with. A parent can apply for an in-year place for their child at any time to any school. They can do so directly to the school, except where local arrangements are in place whereby it has been agreed that the local authority will co-ordinate in-year applications (see para 2.21). However, it is important to note that, for both the coordinated new-intake admissions and where the local authority (LA) co-ordinates in-year applications, the LA must **not** make the decision about whether to offer a place at the school. The right of the governing body of a Catholic school as the admission authority and, therefore, the body which is entitled to make decisions in relation to admissions, has always been central to the protection of the Catholic character of the school. **Governing bodies should not, therefore, agree to the inclusion of any such provisions in the Scheme.** The governing body is the admission authority of our Catholic schools and so it is for the governing body to make all decisions about admission to the school including in-year applications.

Whilst a local authority may assist Catholic schools in their consultation process of their policy by sending it to all other bodies or people within the **Relevant Area** governors should **not** assume that they will do this. Governors need to check that they provide this service. In many instances, LA's now charge for doing so, so governors also need to check the costs involved. It must be remembered that it is ultimately the governor's responsibility to ensure consultation has been carried out



appropriately. It is however, the responsibility of the school's LA to set a **Relevant Area**. Schools should therefore contact their LA to find out what their Relevant Area is, so you know the area within which, you should be consulting.

The governing body **must**, on receipt of an in-year application, notify the local authority of both the application and its outcome. This allows for the local authority to keep up to date figures on the availability of places in the area. It also allows for the local authority to ensure that children in the area receive the offer of a school place and are not out of school for a significant period. **It is extremely important that this information is provided to the local authority without delay.**

*It should be noted that local authorities **must** refer an objection to the Schools Adjudicator if they are of the view, or suspect, that the admission arrangements of a school are unlawful.<sup>6</sup> In addition any person or body (including any diocese) who considers that the admission arrangements of a school are unlawful, or not in compliance with the Code or relevant law relating to admissions, can make an objection to the Schools Adjudicator.<sup>7</sup>*

### **Fair Access Protocol**

Each local authority must have a Fair Access Protocol agreed by the majority of schools in its area (see para 3.9 of the Code) and all admission authorities must participate in it (see para. 3.11 of the Code). This is to ensure that, outside the normal admission round, unplaced children are offered a place at a suitable school as quickly as possible.

It should be stressed that not all children applying for a place in-year will fall within the Fair Access Protocol. The list of children to be included in the Fair Access Protocol should be agreed by the majority of schools and is intended to apply to children who have difficulty securing a school place. **The Code, at para. 3.15, sets out a list of the children to be included in the Fair Access Protocol as a minimum.**

Outside the normal admission round the governing body may give absolute priority to a child where admission is requested under any locally agreed Fair Access Protocol, even where this would mean admitting the child would exceed the school's PAN.

### **The Role of the Bishop and the Diocese**

Canon law provides that each diocesan bishop has strategic responsibility to commission sufficient school places to meet the needs of baptised Catholic children resident in his area (diocese). A Catholic school is one which is recognised as such by the diocesan bishop.

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<sup>6</sup> Para. 3.2 School Admissions Code December 2014

<sup>7</sup> Section 88H of the SSFA 1998

All Catholic schools therefore are subject to the jurisdiction of a diocesan bishop, even those that are not in diocesan trusteeship. **Canon 806§1** states that '*the diocesan bishop has the right of supervision, visitation and inspection of Catholic schools in his diocese, even those established or directed by members of religious orders*'. He also has the right to issue directives concerning the general regulation of Catholic schools.

As mentioned above the religious authority for all Catholic schools is the diocesan bishop. In accordance with the Code the admission authority must consult with the religious authority (the diocesan bishop) when deciding how membership of the faith is to be demonstrated. As the local ordinary, it is for the diocesan bishop to decide how membership is to be demonstrated **and in the Diocese of Clifton the bishop has determined that faith (for admissions purposes), can only be evidenced by a baptismal certificate\***. **Published admission arrangements must make clear how membership is to be demonstrated in line with this guidance.**

*\*where a child has been baptised into another Christian denomination and subsequently received into the Catholic Church, a reception certificate or other evidence of reception, is also acceptable.*

In determining faith-based admission arrangements the governing body **must** follow the diocesan guidance. The governing body **must** have regard to the guidance in accordance with para. 1.38 of the Code unless; it does not comply with the mandatory provisions and guidelines of the Code or the school can demonstrate that it has considered and engaged with the guidance and has a clear and proper reason to depart from it. It will be particularly difficult for the governing body to demonstrate a clear and proper reason for departing from this guidance if that departure:

- (i) fundamentally undermines the core or underlying principles of the guidance;
- (ii) is expressly forbidden by or in conflict with the guidance; or
- (iii) is substantially different in a material respect from the guidance.

The governing body is required to consult with the diocese before making any changes to the school's admission arrangements.

The diocese recognises that dealing with admissions can be one of the most difficult tasks facing governing bodies and so it is hoped that this guidance will be of some

assistance. Where governing bodies have any uncertainty or concern about any aspects of admissions and the process, they should contact the diocesan Governance Officer who will be happy to assist.

### 3 – OVERSUBSCRIPTION CRITERIA

As a Catholic school the governing body is required by law to comply with its constitutional documents (i.e. Instrument of Government or Articles of Association, plus the Trust Deed) when determining its admission arrangements. In order to comply with these documents, Catholic school governing bodies, have an over-riding duty to offer places to Catholics first. This is a requirement of the Trust Deed and is in accordance with the Bishops' directive, and therefore a requirement on governing bodies. Catholic schools must not therefore draw up or implement any oversubscription criteria that would offer a place to a non-Catholic and deny that place to a Catholic child.

#### **Objectivity and Construction of Oversubscription Criteria**

The Code requires that oversubscription criteria must be reasonable, clear, objective, procedurally fair and comply with all relevant legislation, including equalities legislation. Parents should be able to easily understand how their application will be handled and what chance their child's application has of succeeding (see Para. 1.8 of the Code).

The way that oversubscription criteria are constructed should be clear to those reading them. It is advisable to set out the criteria in a numbered list, with those who fall within criterion 1 being admitted before those in criterion 2, and so on.

The number of criteria should be as few as possible and as simple as possible. Definitions, clarifications, and requirements in relation to supporting evidence should, be included in explanatory notes which form part of the admission policy.

#### **Definition of 'Catholic' for the purposes of oversubscription criteria**

For the purposes of oversubscription criteria, the term 'Catholic' means a baptised person who is a member of any Catholic Church that is in full communion with the See of Rome. This includes members of the Eastern **Catholic** Churches in full communion with the See of Rome (see list below). Members of these Churches have the full rights of any member of the Catholic Church and must not be discriminated against in any way, directly or indirectly.

***NB Eastern Catholic Churches must not be confused with the Eastern Christian Churches. In a change to previous guidance, it is now recommended that arrangements do **not** include any provision for Children from Eastern Christian Churches within admission arrangements.***

In admission arrangements, the terminology 'Catholic' should be used. The term 'Roman Catholic' should not be used.

Membership of a Catholic Church is gained in one of two ways.

(a) an unbaptised person becomes a Catholic by baptism in a Catholic Church. This is recorded in the Church's Baptismal Register.

(b) other baptised Christians become Catholics by being received into a Catholic Church. This is recorded in the Church's Register of Receptions or, exceptionally, in

the Church's Baptismal Register.

Governing bodies should therefore require, and must accept either of the following as evidence of membership of a Catholic Church:

(a) a certificate of baptism from a Catholic Church, or

(b) a certificate of reception into the Catholic Church.

Since it is possible for parents to obtain duplicate certificates when required, it is reasonable for governing bodies to require the production of one of these documents to support an application for admission to the school or, in exceptional circumstances, other documentary evidence acceptable to the governors.

Arrangements should state that whilst a copy of the certificate may be accepted, the governors may request sight of the original. The governing body may also request additional supporting evidence if the written documents that are provided do not clarify the fact that the child was baptised, e.g. where the name and address of the Church is not on the certificate or where the name of the Church does not state whether it is a Catholic Church or not.

There may occasionally be difficulty in obtaining written evidence of baptism or reception into the Church. In such cases, contact may be made with the Parish Priest for advice on 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. The Priest may seek advice from Clifton Diocese.

### **'Practicing Catholic'**

The definition of membership of the Catholic Church in Clifton, defined by Bishop Declan for admissions is 'baptism or reception, evidenced by a certificate or statement from the parish in which the baptism or reception took place'

**Whilst some schools can be heavily oversubscribed and may wish to include over-subscription criteria that give priority to those who are 'practicing' Catholics or who 'regularly worship' etc., the Bishop does not support this and so it must not be used.**

We recommend Governing bodies **do not** request certificates, references or other information from priests about sacraments other than baptism e.g. First Confession or First Holy Communion.

### **Catechumens**

We recommend, that as advised by the Catholic Education Service, Governing bodies make explicit provision for children who are catechumens.

Catechumens are persons who wish to be baptised and have been accepted into the Order of Catechumens by the appropriate liturgical rite.

We recommend that children who are Catechumens should be given priority over all other non-Catholic applicants (except looked after and previously looked after children).

Acceptance into the catechumenate is normally demonstrated by a certified copy of the entry in the Church's Register of Catechumens and evidence of this should be provided.

### **Other Christian Denominations and Other Faiths**

The Diocese recommends that schools **do not** include these within their criteria. Determining what is acceptable as evidence of membership of other denominations/faiths can be extremely difficult (particularly for those from smaller or not commonly known ones) and can be challenged resulting in a breach of the equality laws.

Whilst our Catholic Schools constitutional documents and the Trust Deed, requires preference is given to Catholic children, schools should operate in all other ways as inclusively as possible. By not having criteria for those of another denomination or faith or of none, schools are seen to be being inclusive to **all** other children, and this minimises the risk of legal challenge.

### **'Looked After' and 'Previously Looked After Children'**

Highest priority must be given to Catholic 'looked after children' and 'previously looked after children'. Governing Bodies should refer to para. 1.7 of the Code and the relevant footnotes, which sets out the definition of these terms.

The Code sets out the provisions of the relevant admission regulations at para.1.7. In most dioceses, Catholic schools are legally required to give priority to Catholic children. The law permits Catholic schools to differentiate between Catholic and non-Catholic 'looked after' and 'previously looked after children' in order to fulfil their constitutional documents, plus the Trust Deed. However, they must give the highest priority to Catholic 'looked after' and previously looked after children' above all other Catholic children. They must also give priority to non-Catholic 'looked after' and 'previously looked after' children above other non-Catholic children including those with a sibling at the school.

Despite the request issued by the DfE in July 2018, schools must **not** include any category within their criteria/admission arrangements, for Children who appear to have been in state care outside of England and ceased to be in state care as a result of being adopted. It is not a legal requirement to do so. Contact the Diocesan Governance Officer if you require any further information.

### **Residence in Parishes or Deaneries**

The governing body may give higher or lower priority to children from particular parishes or deaneries (effectively a 'catchment area') but, if so, these parishes or deaneries must be named in the oversubscription criteria. **Arrangements must not appear to guarantee a place to a resident of a catchment area/parish/deanery as oversubscription may prevent this being able to be fulfilled.**

Many parishes of the Diocese are linked with secondary schools. Schools must give priority to Catholic children from within their designated parishes, over children from outside their designated parishes. Governing bodies **must** consult the diocese and any

appropriate schools, if they wish to alter the selection of the parishes or deaneries they currently serve, as it may affect the admission arrangements of other Catholic schools in the area.

Paragraph 1.14 of the Code requires designated areas to be clearly defined, so a map showing the boundaries of any such parishes or deaneries must be provided with the admission arrangements and included in any consultation process of the arrangements. This provides clarity for any criteria related to parishes and enables a parent to determine if they fall within the parish or not. Maps should also be posted on the school's website (in the same place as the arrangements) and **must** include the appropriate Ordnance Survey License label.

### **Siblings/brothers/sisters**

Priority for children with a sibling attending the school helps bond links between the school and families. It also provides a degree of domestic convenience for parents. However, schools must always give priority to Catholic children before those with a sibling-link, otherwise to first admit a non-Catholic child with a sibling, may deny a place to a Catholic child.

To make it clear for parents, particularly those for whom English is not their first language, the Diocese recommends that schools do not use the term 'sibling' but uses 'brother or sister'. The Code requires admission authorities to state clearly what 'brother or sister' means in their arrangements; whether the term refers to step/foster/adopted/brothers or sisters and other children living in the same household.

Governors should ensure that any such criterion is written in the singular and not the plural i.e. 'Children with a brother or sister attending the school.....etc.' – and not 'Children with brothers or sisters (or siblings) attending the school.....etc.' – otherwise a child would need to have at least 2 x brothers or sisters attending the school to meet the criterion.

The policy should make clear if the brother or sister must be attending the school at the time of *application* or at the time of *admission*? If it says 'at the time of *application*' – please be aware that this will include an older brother/sister who may be in their final year, e.g. Year 11 or 13, at the point of application - and so will not be there when the younger child starts at the school in the September.

The following is an example of a definition of brother or sister:

“To be considered as a brother or sister a child must be living at the same address for the majority of the time\* as a full, half, step or adoptive brother or sister. Full and adoptive brothers/sisters are defined as children who have the same either biological or adoptive parents. Half-brothers/sisters are defined as children who share only one either biological or adoptive parent. Step brothers/sisters are defined as children who are not necessarily related biologically (including Foster children) but are living in the same household for the majority of the time\* at the address considered to be the address of the child for whom the application is made.

\* A child must be living at an address for at least 50% of the time to be considered as living there for the majority of the time.”

A brother or sister must be attending (or is expected by the school and/or the Local Council to be attending) the school at the time of admission.”

### **Children with a Catholic Parent**

Governing bodies may wish to give priority to un-baptised children with a baptised Catholic parent. If such a category is used it must be placed after all other Catholic categories and after 'Other looked after children and previously looked after children' and 'Children who are Catechumens'. Evidence of baptism or reception into the Church must be provided as for baptised Catholic children.

### **Feeder Primary Schools**

Attendance at a particular Catholic feeder primary school is a legitimate criterion. However, in areas where the demand for Catholic primary places exceeds the supply of places, care must be taken not to disadvantage Catholic children who have not been able to obtain a place in a Catholic primary school. We recommend including Catholic children whose parent has evidence to confirm that they have been unable to obtain a place at their local primary school.

The selection of feeder schools must be made on reasonable grounds. To ensure this the governing body **must** consult the diocese, which will be able to advise them about how the selection of the feeder schools fits with the admission arrangements of other Catholic schools in the area. In this way, the governing body should be able to demonstrate that the selection is reasonable and avoid inadvertent disadvantage of Catholic children not attending the feeder schools.

### **Children of staff**

Schools may give priority to children of staff in certain circumstances. However, the Diocese does not support this if to do so would lead to Catholic children not gaining places in a Catholic school. If used, such a criterion must not differentiate between Catholic and non-Catholic staff. By giving priority to Catholic staff, it could be subject to challenge by those members of staff who are not Catholic. If used, priority to children of staff should only be given after all criteria for Catholic children, Other Looked After Children and Children who are Catechumens.

The criterion must comply with Paragraph 1.39 of the Code and should make clear if it applies to all staff who work on the school site, (including staff who may work on the site for outside contractors e.g. catering staff,) or whether it only applies to staff who are directly employed by the school. If it is only for those employed directly by the school, the following wording could be used:

*“Children with a parent who has been a member of [NAME OF SCHOOL] staff for two or more years at the time of application, or who was recruited to fill a vacant post for which there is a demonstrable skills shortage. This does not include staff who work on the school site for other employers.”*

## Children of UK Service Personnel

It is permissible to include a category for such children, particularly for schools that serve an area that includes a military base, but there is no requirement to do so. Applications for children from service families moving into the area should be considered with all other applications in the normal admission round but proof of posting may be needed.

## Social, Medical or Pastoral Need

Some governing bodies may wish to include provision for pupils in exceptional circumstances. However, the inclusion of such categories can complicate the application and allocation process and unduly raise parent's expectations of obtaining a place. The Diocese does **not** recommend including such categories. If they are used, extreme caution is needed, as such a criterion can easily be seen as lacking in objectivity. Where governing bodies decide to include this criterion, the following factors should be borne in mind.

- The admission arrangements **must** make it clear what circumstances are envisaged, and what evidence will be needed to demonstrate this.
- Evidence, or claims under this criterion **must** be made at the time of application. Governing bodies should not accept a case which is put forward retrospectively.
- The needs should be the needs of the child, **not** the social or domestic convenience of the family.
- The case must be made for a place at the particular school in question **not** a general need.

## Distance Measurements

Catholic children living within a school's designated parish(es) should be treated equally and must **not** be penalised for living further away from the school than other Catholic children living within the same parish(es). Schools that are designated to serve more than one parish, should ensure that children from all of these parishes are treated equally and that there is no advantage for those living within one designated parish over another.

In addition, where housing costs near the school may be more expensive, children should not be penalised for living in more affordable accommodation, that is further away from the school. For these reasons the Diocese recommends that priority is **not** given to those living closest to the school but that schools use 'Random Allocation' It believes it is a much fairer method of allocation and avoids a challenge of discrimination.

Where distance is used, it must be calculated on a robust system and arrangements must state how the distances will be measured making clear how the home address will be determined and the point in the school from which all distances are measured. Local authorities may be prepared to provide calculated distances for a charge, but schools should ensure they will be able to afford the charge and satisfy themselves that the LA service will be available.



To allow for occasions when distances for two or more children will be identical, admission arrangements **must** still include an effective tie-breaker (see below) such as Random Allocation (as described below).

### **Random Allocation**

The drawing of lots is the most common method of random allocation used and the Code requires that a separate draw is made for each round of allocations. It **must** always be carried out by governors and supervised (but **not** done by) someone independent of the school. This method ensures that children are treated equally.

### **Tie-Break**

The Code requires that arrangements have an 'effective, clear and fair' tie-breaker for when applications cannot be separated. The Diocese recommends that 'Random Allocation' (as detailed above) should be used as a tie-breaker within all admission arrangements.

### **Other Oversubscription Criteria**

If the governing body wish to include any other criteria than those referred to in this guidance, they should always consult the diocese. This will help to ensure that they are complying with the requirements of the Bishop and their over-riding duty to offer places to Catholics first.

## **4 - GENERAL**

### **Statements of support for the school's aims and ethos**

Governing bodies **must not** give priority in their oversubscription criteria to applicants who indicate that they are willing to give support to the aims and ethos of the school or include any statement to this effect.

It is, however, important for the Catholic character, and the school's aims and ethos, to be clear so that parents understand what is expected of them, and their children, once the child is a pupil. This enables them to make an informed choice about whether it is a suitable school and environment for their child. It is therefore appropriate for governing bodies to provide a factual statement about the school's aims and ethos in the preamble to the policy.

### **Children with an Education, Health and Care Plan (EHCP) (previously referred to as Statemented pupils)**

The admission arrangements must clearly state that children with an EHCP, which names the school, will be admitted to the school (as legally required) above all other applicants. They must be counted towards the admission number when considering the number of places available for other children without plans during the allocation of places. Where they fall outside the normal admissions round then they must still be admitted, even if you have reached your admission number.

### **Priority within each criterion**

Due to coordinated admission arrangements, **all** applications must be ranked,

regardless of whether the number of places within a category exceeds the PAN or if all the applications from all categories exceed the PAN. Governors therefore must rank each application, from first to last individually strictly in accordance with the oversubscription criteria, before returning the ranked lists to their Local Authority (for new year 7 Intake applications as part of the Coordinated Admissions Scheme). Arrangements should therefore state something like:

*“Priority within each criterion will be given to ..... etc.” [list whatever sub-categories you wish and ensure you end with a tie-break – see ‘Tie-Breaks above].*

This will ensure that every child from first to last is individually ranked.

### **Previous Years Figures**

It is not necessary to include details of the number of applications/allocations from the previous year. These are not available at the time of consultation anyway and the numbering of criteria may vary from one year to another, meaning that the categories will not always correspond. However, you may like to include the following statement:

***‘Information about the number of applications received and the number of places allocated within each category for previous years is available from the school office and/or NAME OF Local Authority.’***

### **Admission appeals**

There is no requirement to include any reference to appeals within admission arrangements and we would recommend not doing so. However, schools must ensure they provide information to parents about the right to appeal and the appeal process when refusing any applications.

Each school should have at least one person designated to present the school’s case at any appeal hearings. At least one person from each school should therefore attend any Diocesan training on appeal presentation and also any training provided by your LA.

### **Admissions outside the normal age group**

Admission arrangements must state clearly the process for requesting a child to be admitted outside their normal age group.

### **Children from Multiple Births**

Where a child from a multiple birth, e.g. twins, qualifies for a place but not the other(s), to avoid the children being separated, schools may wish to allocate a place(s) over their admission number. We recommend that this is stated within school’s arrangements.

## Late Applications

Applications submitted after the closing date for applications must be considered by governors. If all places have been filled, parents must be offered the opportunity of placing their child's name on the waiting list. This does not prevent parents from exercising their right to appeal against the decision not to offer a place and parents must be informed of this right in the letter of refusal.

Legislation requires the LA Coordinated Admission Scheme to specify how applications submitted after the closing date will be processed - so whilst the governing body will consider late applications – it is the LA Coordinated Admission Scheme, not the school admissions policy, that specifies how a late application will be processed. Therefore, the school admission policy should not state how late applications will be processed and only needs to refer to the Coordinated Scheme of the home LA.

## Supplementary Information Form

Where governing bodies require information over and above the information on their local authority Common Application Form (CAF), they are permitted to make use of a Supplementary Information Form (SIF). However, the Diocese recommends **not** using a SIF as it can complicate the application and allocation process, particularly as for most schools a copy of a baptism certificate is the only supplementary information needed. To do so increases the risk of asking for information that you should not legally ask for.

If a SIF is used the Code stipulates that it must always be included with the admission arrangements and may only request **additional** information that has a direct bearing on decisions about oversubscription criteria (or for the purposes of selection if by aptitude or ability). It must **not** request information that is already included on the local authority CAF. This includes such things as addresses.

Completion of a SIF may only be requested – it must **not** be obligatory. A school that received a copy of the baptism certificate from an on-time application, but failed to accept someone as a baptised Catholic because they had not completed a SIF, would be being 'unreasonable' in legal terms. So long as the governing body has the relevant information and supporting evidence, e.g. baptism certificate, when they are ranking the applications, then the child should be ranked in the relevant criterion regardless of the lack of a SIF.

## Churches in Communion with the See of Rome

Children/parents who are members of a Church that is in Communion with the See of Rome must be included within the admission arrangements, as appropriate, and considered equally and in the same way as other Catholics. As for Catholics, membership is evidenced by a baptismal certificate.

***NB as this list of Churches in Communion with the See of Rome is subject to change, it is recommended that it is not included within admission arrangements but***

*that it is made available at the school office and website with the caveat included that it is subject to change.*

## **Oriental Rite (or Eastern Catholic) Churches in union with Rome**

### **Alexandrian**

Coptic Catholic Church

Ethiopian Catholic Church ('Gheez rite') (Includes Eritrean Catholic Church)

### **Antiochean (West Syrian)**

Syrian Catholic Church

(Syro-)Maronite Catholic Church

Syro-Malankar Catholic Church

### **Armenian**

Armenian Catholic Church

### **Chaldean (East Syrian)**

Chaldean Catholic Church

Syro-Malabar Catholic Church

### **Constantinopolitan (Byzantine)**

Albanian (Byzantine) Catholic Church

Belarussian Catholic Church

Bulgarian (Byzantine) Catholic Church

Georgian Catholic Church

Greek (Hellenic) Catholic Church

Greek-Melakite Catholic Church

Hungarian (Byzantine) Catholic Church

Italo-Albanian (Byzantine) Catholic Church

Church of the Byzantines of the Diocese of Krizevci (Krizevci Catholic Church)

Macedonian Catholic Church

Romanian (Greek) Catholic Church

Russian Catholic Church

Ruthenian (Byzantine) Catholic Church

Slovak (Greek) Catholic Church

Ukrainian (Greek) Catholic Church.

## **Members of Eastern Orthodox churches**

There are a number of Eastern Orthodox Churches with similar names that are **not** in union with the See of Rome and so should **not** be included with the Churches that are (see list below), within over-subscription criteria. The general rule is Eastern Rite Churches in union with the See of Rome will have the word Catholic in their titles. Churches with the word Orthodox in their titles are not in union with the See of Rome.

If you have any doubts or queries about what may be considered, please contact the Diocese.