DIOCESE OF Hexham & Newcastle

DEPARTMENT FOR EDUCATION

Diocesan Guidance on Admission to Catholic Schools

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Introduction

It is the responsibility of each admission authority to ensure that their admission arrangements (which include the procedure followed, the admission criteria used, and any supplementary information relied upon), are compliant with admissions legislation, and in particular, the 2021 School Admissions Code ("the Code") [1].

School admissions code - GOV.UK (www.gov.uk)

This guidance is provided by the Diocese to support admission authorities in discharging their responsibilities. It provides guidance about the construction of admission arrangements and information on the Diocese's requirements in relation to membership and practice of the Catholic faith **to which, pursuant to the Code, all Catholic schools within the Diocese must have regard[2].**

This guidance will also assist admission authorities in complying with the Diocesan protocols on admissions.

In the case of Catholic voluntary academies, this guidance is issued by the diocese to the board of directors and it is their responsibility to ensure that it is **promulgated** to local governing bodies as required. Boards of directors are also responsible for monitoring compliance by local governing bodies where necessary.

This guidance is effective from September 2024 and replaces all previous guidance issued by the Diocesan bishop.

[1] Issued under section 84 of the School Standards and Framework Act 1998 ("SSFA 1998") the governing bodies of maintained schools must have regard to the Code; academies are required by their funding agreements to comply with the Code (para 4 of the Code).
[2] Paras 1.36-1.38 of the Code.

1 Faith-based admission arrangements – the requirements of the code

1.1 The Code provides, at paragraph 1.38, that admission authorities of 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. Admission authorities **must** also consult with that body or person when deciding how membership or practice of the faith is to be demonstrated. The body or person who is the representative of the religious denomination for Catholic schools is the Diocesan Bishop.

1.2 The Diocesan Bishop requires schools to comply with this guidance unless there are clear and proper local reasons for not doing so. The expectation is that these clear and proper local reasons for non-compliance will be in the exception, and they will only occur following discussions with Diocesan officers.

1.3 This guidance complements but does not reproduce the Code. It focuses on those areas which are of most concern to the admission authorities of Catholic schools. It is important that those individuals most directly concerned with admissions and appeals against admission decisions are thoroughly familiar with both the Code and this guidance and that they attend appropriate training.

1.4 This guidance describes the primary legislation, regulations and case law most relevant to admission authorities. Whilst every effort has been made to ensure the accuracy of this guidance, it does **not** provide a definitive interpretation of the law, as this is entirely a matter for the courts.

1.5 Responsibility for determining admission arrangements and publishing legally compliant policies and procedures rests with the admission authority, not with the Diocese.

2 General principles – Catholic schools as part of the mission

2.1 Admission arrangements are a key element in preserving and developing the distinctive religious character of Catholic schools and supporting the Church's mission in education. There are a number of underlying principles which should inform admission arrangements in all Catholic schools, some of which are set out below:

2.2 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.3

2.3 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 defenceless" 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."*[4]

2.4 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.

2.5 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.

2.6 It is the responsibility of all Catholic schools, in co-operation with each other and with other admission authorities, and with the assistance of the Diocese, to ensure that the

[3] Code of Canon Law (*Codex Juris Canonici:* CJC) cann.795, 217; Gravissimum Educationis.
[4] The Common Good in Education, p.17.

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 arrangements 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, in consultation with the Diocese, to maximise parental satisfaction with their choice of Catholic school.

3 Admission policies and procedures the role of the admission authority

3.1 Admission criteria are set by the admission authority and published in its admissions policy. In determining the admission arrangements, the admission authority must comply with the law which includes having regard to this guidance.

3.2 In the case of academy companies, the admission authority is the academy company and this is therefore where responsibility for determining admission arrangements and reviewing applications lies for all schools. The board of directors of an academy company may, however, delegate responsibility for determining the admission arrangements for individual schools, and/or taking decisions on applications, to local governing bodies, but it is important that the board of directors retains oversight.

3.3 Governing bodies in Catholic voluntary aided schools and academy companies acting through their board of directors in Catholic voluntary academies are legally required to comply with the Trust Deed and the school's constitutional documents in discharging their functions, including when determining admission arrangements. For Catholic voluntary aided schools, the constitutional document is their Instrument of Government and for Catholic voluntary academies it is the academy company's Articles of Association. Regardless of the type of school its constitutional documents will reflect the school's duty to serve as a witness to the Catholic faith, and to comply with the requirements of canon law.

3.4 Catholic school admission authorities have an overriding duty to offer places to Catholics first. This is a requirement of the Trust Deed and therefore a legal requirement on admission authorities. Catholic schools must not operate any policies if the consequence is to offer a place to a non-Catholic whilst denying that place to a Catholic.

Determination of admission arrangements

3.5 Admission authorities must formally determine the school's admission arrangements each year, even when the arrangements remain the same. It is important that admission authorities document the determination of the admission arrangements each year, and that records are kept in accordance with the organisation's retention policy, in order to evidence compliance with this requirement.

3.6 It should be noted that local authorities **must** refer an objection to the Schools Adjudicator if they are of the view, or suspect, that a school's admission arrangements are unlawful.[5] In addition, any person or body (including any diocese) that considers a school's admission arrangements are unlawful, or not in compliance with the Code or relevant law relating to admissions, can make an objection to the Schools Adjudicator.[6]

3.7 If notice of an objection is either threatened or received, admission authorities should seek the advice of the Diocese immediately.

[5] Para. 3.2 School Admissions Code September 2021
[6] Section 88H of the SSFA 1998

Consultation (see paras 1.45-1.48 of the code)

3.8 The Code states that where changes are proposed to admission arrangements the admission authority must consult on the arrangements before they are adopted, except where the change is to increase a school's published admissions number ("PAN").

3.9 **No changes should be proposed without the consent of the Diocese and, even though the Code does not require consultation where there is an increase in PAN, admission authorities must not increase PAN without the agreement of the Diocese.**

3.10 The reason for this is that 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 this strategic place planning responsibility and is 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.

3.11 Where an admission authority has determined a PAN that is higher than in previous years, they must notify the local authority of it, and make specific reference to the change on their website (see para. 1.51 of the Code). Where an increase in PAN would like to be explored, admission authorities must always consult with the Diocese in good time to obtain its consent to the increase.

3.12 Where no changes are made to admission arrangements over a number of years, the admission authority must 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 the consultation must take place (see para 1.46 of the Code).

3.13 The Code also sets out those with whom the admission authority is required to consult (see para 1.47 of the Code). 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.

3.14 It is important that the admission authority gives careful consideration to identifying those other persons or bodies with whom they need to consult and the means by which they might effectively do so. The Diocese will be able to provide further guidance about those persons or bodies to be consulted and the admission authority should contact the Diocese at the earliest opportunity to seek its guidance.

3.15 Once admission arrangements are determined, the admission authority must notify all those persons or bodies specified by the Code. This includes the Diocese. The admission authority must also send a copy of their full, determined arrangements to the relevant local authority. The determined admission arrangements must be published on the school's website for the whole of the school year in which offers for places using those arrangements will be made (see para 1.50 of the Code).

3.16 The admission authority must also provide all the information that the relevant local authority needs to compile the composite prospectus within the time frame required by the Code.

Allocating Places

3.17 With the exception of designated grammar schools, all maintained schools, including Catholic schools, must offer a place to every child who has applied where they have

enough places. Where there are insufficient places available the admission authority must allocate places on the basis of the determined admission arrangements.

3.18 **Where there are more applications than spaces available places must only be allocated on the basis of the admission arrangements as determined, there should be no allocation of places based on any other criteria or interpretation of the determined arrangements.**

3.19 A decision to offer, or refuse admission, must not be made by just one individual in an admission authority; the whole admission authority, or an admissions committee established by the admission authority, must make these decisions.[7] The decisions of the admission authority, or the admissions committee, must be recorded in minutes of the relevant meeting which must themselves be retained in accordance with the organisation's retention policy. A clear record of decisions should also be kept and retained as appropriate for in-year applications.

3.20 It is important that in-year admissions applications are processed as quickly as possible so as to avoid any delay in a child starting school. The Code provides that parents must be informed of decisions within 15 school days, but the aim should be to notify them within 10 school days. Admission authorities should pay careful attention to the paragraphs in the Code which relate to in-year admissions.[8]

3.21 Where an admissions committee has been established the relevant regulations for maintained schools 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.[9] For academies, the constitution of any such committee will be set by the board of directors.

3.22 The headteacher should be a member of any such admissions committee; however, they have no individual role in school admissions and may not be delegated the power to accept or refuse admissions on their own.

3.23 It is important that parish priests are not members of any admissions committee where they might be reviewing applications made by parishioners because they will have a pastoral role to play in their capacity as parish priest which should not influence any decision to admit an individual child. In addition, parish priests are also likely to be requested to provide Certificates of Catholic Practice (if required in relation to the particular school's oversubscription criteria), and the parish priest's membership of an admissions committee might result in a conflict of interest for him.

3.24 It is often difficult to arrange meetings of the admissions committee on short notice to deal with ad hoc in-year applications. The regulations applicable to maintained schools do, however, provide that the governing body may approve alternative arrangements for committee members to participate or vote at meetings of a committee including by, but not limited to, telephone or video conference[10]. It should be noted that the requirement is for a *meeting* of the committee so an exchange of emails would not constitute participation in a meeting. For academies this ability will be set out in any terms of reference or committee procedures set by the board of directors.

[7] Para. 2.7 of the Code.
[8] Paras 2.23 - 2.31.
[9] Reg. 22(2) School Governance (Roles, Procedures and Allowances) (England) Regulations 2013
[10] Reg. 26(10) School Governance (Roles, Procedures and Allowances) (England) Regulations 2013

3.25 It is therefore advisable that the admission authority, when establishing the admissions committee, 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.

3.26 The admission authority must maintain a waiting list in respect of each relevant age group i.e. the age group at which pupils are, or will normally be, admitted to the school until at least 31st December of each school year[11]. The Diocese recommends however that a waiting list is maintained by the admission authority for the whole of the school year, this is reflected in the Diocesan model arrangements. The waiting list arrangements must be set out in the admission arrangements and the arrangements must make it clear that each child added to the list will be ranked in accordance with the published oversubscription criteria. Priority must not be given to a child based on the date their application was received or their name added to the list. Looked after children, previously looked after children, and those allocated a place through any local Fair Access Protocol, must take precedence over those on the waiting list, in accordance with the school's admissions criteria (see para. 2.15 of the Code). Admission authorities should also refer to the local authority's co-ordinated scheme which may refer to arrangements for waiting lists in order to ensure that their waiting list process complies with the co-ordinated scheme.

The role of the Local Authority

3.27 The local authority is the body which co-ordinates applications for admission to schools within its area, in the normal admissions round.

3.28 Each year all local authorities must formulate a scheme to co-ordinate admission arrangements in respect of all publicly funded schools within their area (see para. 2.22 of the Code) and they are required to publish the scheme on their website. All admission authorities within that area, including at all Catholic schools, are required to participate in that co-ordination and provide the local authority with the information it requires, by the dates agreed within the scheme. It is important that admission authorities review the co-ordinated scheme and ensure that their admission arrangements, particularly in relation to in-year applications, follow the requirements of the co-ordinated scheme.

3.29 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). Where additional information is required by an admission authority to enable it to allocate places, the admission authority may provide supplementary information forms (SIF). The SIF must only request information which has a direct bearing on decisions about oversubscription criteria or for the purpose of selection by aptitude or ability (see para 2.4 of the Code).

3.30 No information should be requested on the SIF if it has already been requested on the CAF. There is a request for a small amount of information on the diocesan model SIF, some of which may be available on the CAF (e.g. parent contact details), because this ensures that the information on the SIF can be cross referenced to the correct application on the CAF, it also ensures that admission authorities can contact parents with queries about the information provided, if they have any.

3.31 There is no requirement for local authorities to co-ordinate in-year applications for schools for which they are not the admission authority. Admission authorities must provide

[11] Para 2.15 of the Code.

information relating to in-year applications to local authorities as set out in para. 2.24 of the Code and certain information must also be set out on the school's website (see para 2.26 of the Code).

3.32 A parent can apply to a school for a place for their child at any time outside the normal admission round. They can do so directly to the school, except where the school is part of the co-ordinated scheme (see para 2. 23).

3.33 **It is important to note that, where the local authority co-ordinates in-year applications, it does not make the decision about whether to offer a place at the school; since the governing body in the case of catholic voluntary aided schools or the academy company in the case of Catholic voluntary academies is the admission authority, it is for the admission authority to make all decisions about admission to the school, including in-year applications.**

3.34 The admission authority is legally able to delegate decisions on admissions to the local authority where the local authority's Scheme for co-ordinated admissions makes provision for such delegation.[12] However, the right of the admission authority of a Catholic school, to make decisions in relation to admissions has always been central to the protection of the Catholic character of Catholic schools and accordingly admission authorities should not agree to the inclusion of any such provisions in the Scheme.

3.35 Local authorities are required to formulate a Scheme by 1st January in each year and to consult (including with each admission authority) in the event that changes are made which make the Scheme substantially different from that adopted for the preceding academic year, or otherwise every six years.[13] It is likely that existing Schemes will already include a provision allowing for a local authority to make certain decisions on admissions; where that is the case admission authorities must, at the next opportunity, make clear to the local authority that it has rescinded any previous delegation of its authority to the local authority and will henceforth make all future decisions itself in relation to admissions and ensure that the Scheme does not include any provision which is inconsistent with this position.

3.36 The admission authority must, on receipt of an in-year application, notify the local authority of the application and its outcome ideally within two days[14]. This allows the local authority both to keep up to date figures on the availability of places in the area and 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 therefore extremely important that this information is provided to the local authority without delay.

Fair access protocol

3.37 Each local authority must have a Fair Access Protocol (FAP) agreed with the majority of schools in its area (see paras 3.14 and 3.15 of the Code) and all admission authorities must participate in it (see para 3.15 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.

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[12] The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012.

[13] Reg. 27 The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012.

[14] Para 2.30 of the Code.

3.38 It should be stressed that not all children applying for a place in-year will fall within the FAP. The list of children to be included in the FAP should be agreed with the majority of schools and is intended to apply to children who have difficulty securing a school place. The Code, at para. 3. 17, sets out a list of the children to be included in the FAP.

3.39 Outside the normal admission round the admission authority may give absolute priority to a child where admission is requested under any locally agreed FAP, even where this would mean admitting the child would exceed the school's PAN (subject to the infant class size exceptions).

The role of the Diocese

3.40 A diocese is the portion of the people of God entrusted to a bishop. It constitutes a particular Church in which and from which the one and only Catholic Church exists.

3.41 The Diocesan Bishop governs the particular Church entrusted to him as Vicar of Christ: he has proper, ordinary and immediate jurisdiction, exercised by him personally in Christ's name. A Catholic school is one which is recognised as such by the Diocesan Bishop and as has already been set out, 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.

3.42 As works of the apostolate, all Catholic schools are subject to the jurisdiction of the Diocesan Bishop, even those that are not in Diocesan trusteeship. **Canon 806§1** provides 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.

3.43 Published admission arrangements must make clear how membership or practice is to be demonstrated. The Code provides that the admission authority must consult with the religious authority, which in the case of Catholic schools is the Diocesan Bishop, when deciding how membership or practice of the faith is to be demonstrated. Therefore, in determining faith-based admission arrangements, admission authorities may only use the methods and definitions laid out in this guidance. Admission authorities must have regard to this guidance in accordance with para. 1.38 of the Code, unless the guidance does not comply with the mandatory provisions and guidelines of the Code, or the admission authority can demonstrate that it has considered and engaged with the guidance but has a clear and proper reason to depart from it. It will be particularly difficult for an admission authority 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.

3.44 Admission authorities are required to consult with the Diocese before making any changes to admission arrangements, and they must provide any changes to their admission arrangements to the Diocese for approval, in advance of going out to wider consultation. Admission authorities are also required to provide the Diocese with a copy of their determined admission arrangements.

3.45 The Diocese recognises that dealing with admissions can be one of the most difficult tasks facing admission authorities. It is hoped that this guidance will be of some assistance.

Where admission authorities are uncertain or have any concerns about any aspects of admissions they should contact the Diocese for assistance.

4 Drafting (structure) of admission policies

General

4.1 Governing Bodies of Catholic voluntary aided schools and academy companies in the case of Catholic voluntary academies are required by law to comply with the Trust Deed and their constitutional documents in discharging their functions, including when determining admission arrangements. For voluntary aided schools the constitutional document is their Instrument of Government and for academies is their Articles of Association. The constitutional documents reflect the school's duty to serve as a witness to the Catholic faith, and to comply with the requirements of canon law.

4.2 Admission authorities have an overriding duty to offer places to Catholics first. This is a requirement of the Trust Deed and accordingly a legal requirement on admission authorities. Catholic schools must not operate any policies if the consequence is to offer a place to a non-Catholic whilst denying that place to a Catholic.

Objectivity and construction of oversubscription criteria

4.3 Oversubscription criteria must be reasonable, clear, objective, procedurally fair and comply with all relevant legislation, including equalities legislation. Parents should be able to understand how their application will be handled and what chance their child's application has of succeeding.

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

4.5 The criteria themselves should be 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. The Diocesan model admission arrangements include a short list of clear, unambiguous oversubscription criteria and any detail needed to understand how the criteria will be met is included in the notes.

4.6 Admission authorities should avoid a proliferation of unnecessary criteria. For instance, a school which is routinely heavily oversubscribed with Catholic children is unlikely to require criteria which distinguishes between different types of non-Catholic children; you should however always remember to include as the final criterion "any other children" so as to avoid inadvertently excluding any applicant. It is recommended that oversubscription criteria are reviewed at regular intervals in order to determine whether each category is still required.

4.7 Schools should use the Diocesan model admission policies. Any variation to the model policy must first be agreed by the Diocese.

Religious criteria: Diocesan Bishop's guidance

4.8 The religious authority for all Catholic schools is the Diocesan Bishop.

4.9 The Code provides at paragraph 1.38 that admission authorities of 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. It also requires the admission authority to consult that body or person when deciding how membership or practice of the faith is to be demonstrated.

4.10 In accordance with the Code therefore, the admission authority must consult with the Diocesan Bishop who is the religious authority for all Catholic schools, when deciding how membership or practice of the faith is to be demonstrated. In determining faith-based oversubscription criteria, the admission authority should only use the methods and definitions agreed by their Diocesan Bishop and they must follow this guidance, unless it is contrary to 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. Published admission arrangements must make clear how membership or practice is to be demonstrated in line with the guidance provided by the Diocesan Bishop.

Highest priority for Catholics

4.11 Catholic schools in the Diocese are required by the Diocesan Bishop to give priority to Catholic children, as defined in this guidance, when determining admission criteria.

4.12 **No exceptions will be permitted except where the Diocesan Bishop has issued a written dispensation.**

4.13 Admission authorities must therefore ensure that none of their criteria could have the effect of giving non-Catholic children preference over those from Catholic families.

Definition of 'catholic' for the purposes of admission criteria

4.14 For the purposes of admission 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 twenty-three Eastern Catholic Churches which are in full communion with the See of Rome. Members of these Churches have the full rights of any member of the Catholic Church and must not be discriminated against, either directly or indirectly.

4.15 In admission arrangements, the designation 'Catholic' is to be preferred to any other, and the term 'Roman Catholic' is not to be used.

4.16 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.

4.17 Admission authorities 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.

Here the term 'certificate' means a certified copy of an entry in the appropriate register.

4.18 Since it is possible for parents to obtain duplicate certificates when required, it is reasonable for admission authorities 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 admission authority.

4.19 The admission authority may 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.

4.20 The Diocesan model admission policies refer to situations where there may be difficulty in obtaining written evidence of baptism or reception into the Church. In such cases contact should be made with the parish priest who, after consulting with the Bishop, 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.

'Catholic' as the basic category

4.21 Normally schools should use 'Catholic' as the basic first category, and this should be followed by other (e.g. geographical etc.) criteria, worked out with the diocese and other schools in the area so that there are no groups of the faithful who are effectively denied a Catholic education.

'Practising Catholic'

4.22 For the purposes of admission criteria, a 'practising Catholic' is a baptised Catholic child with a Certificate of Catholic Practice. A 'Certificate of Catholic Practice' means a certificate given by the family's parish priest, or the priest in charge of the Church where the family practises in the form laid down by the Bishops' Conference of England and Wales.

4.23 A higher test than 'Catholic' (i.e. that of 'practising Catholic') must not be used unless there is an absolute shortage of places in the locality. An absolute shortage of places is not to be confused with oversubscription at a particular school. When there are sufficient places in Catholic schools within the locality for all Catholic children, other criteria should be used to distribute the available places on an equitable basis. In order for admission authorities to decide whether they need to use the test of 'practising Catholic', they will need to seek the agreement of the Diocese, since the Diocese will have information about the availability of places in Catholic schools in the locality.

4.24 Schools themselves must not make judgements on pastoral matters such as Catholic practice: it is the role of a priest to determine whether applicants meet the requirements of canon law sufficient for him to provide the Certificate of Catholic Practice. The role of the admission authority is to devise and publish a policy and, subsequently, to apply that policy to all applicants, giving priority to those who have a Certificate of Catholic Practice.

4.25 Schools **must not** use criteria related to the following or similar matters: financial contributions, registration in parishes, active participation of parents or pupils in parish, parish related or other Church activities, or service in Church ministry in any capacity. Such criteria may contravene the Code, since any such requirement exceeds what the Diocesan bishop has set out in this guidance as the test of what is needed to demonstrate that a person is a practising Catholic i.e. that the person is in receipt of a Certificate of Catholic Practice.

4.26 Admission authorities **must not** request certificates, references or other information from priests about sacraments other than baptism. In particular, information may not be requested relating to First Confession or First Holy Communion. Criteria based on worship at a particular parish or church may **not** be used. Such criteria are unlawful under the Equality Act because they disproportionately discriminate against certain ethnic groups

such as members of Eastern Catholic Churches or those who choose to worship at an ethnic chaplaincy.

Catechumens and members of other eastern Christian churches

4.27 Admission authorities must make explicit provision for two particular categories of persons whom the Church regards as having a particular and special status, namely **catechumens** and **members of other Eastern Christian Churches**.

4.28 ***Catechumens*** are persons who wish to be baptised and have been accepted into the Order of Catechumens by the appropriate liturgical rite; acceptance into the catechumenate is normally demonstrated by a certified copy of the entry in the Church's Register of Catechumens. It is worth noting that a Catechumen is not generally a child waiting to be baptised unless that child has also been entered on the Register of Catechumens as this is a regulated status.

4.29 The ***Eastern Christian Churches*** (other than the Eastern Catholic Churches) include the Orthodox Churches and other Eastern Churches whose sacraments are recognised by the Catholic Church; membership of an Eastern Christian Church is normally demonstrated by a certificate of baptism or a certificate of reception from the authorities of that Church.

4.30 Both of these categories should be given priority over all other non-Catholic applicants (except looked after and previously looked after children).

Other Christian denominations and other faiths

4.31 Admissions legislation allows for priority to be given not only to those who are members of the school's own faith designation, but also to those of other faiths. **Where such criteria are adopted they must always rank below Catholic criteria and below looked after and previously looked after children.**

4.32 If a school is routinely heavily oversubscribed with Catholic children, it will not require criteria which distinguish between different types of non-Catholic children.

4.33 Admission authorities are advised to check with the Diocese in cases of doubt as to whether a Christian denomination or faith meets the requirements of the definition contained within a school's admission arrangements.

Other oversubscription criteria

4.34 In the event that the admission authority wishes to include any other criteria which are not faith-based, for example to allow priority for children of staff at the school, they should always consult the Diocese. This will help them to ensure that they are complying with the requirements of their Bishop and, in particular, with their overriding duty to offer places to Catholics first.

Diocesan model admission policy

4.35 The Diocesan model policy has been carefully drafted to help schools comply with admissions legislation, including the Code, and schools are expected to use them. This will minimise the risk of schools producing policies which are non-Code compliant. It also aims to ensure that admission authorities continue to give priority to Catholic children.

4.36 Use of the Diocesan model policy will also afford a level of consistency across Catholic schools in the Diocese, which in turn will provide a level of strength in upholding the Catholic requirements and mean that parents should have a clearer understanding of how their children may gain admission to their local Catholic schools.

Statements of support for the school's aims and ethos

4.37 Admission authorities **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 on the Supplementary Information Form.

4.38 It is however important for both 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 will enable them to be in a position to make an informed choice as to whether the school is a suitable one for their child. The Diocese expects admission authorities to include a factual statement about the school's aims and ethos in the preamble to the policy and such a statement is included in the Diocesan model policies.

Published admission numbers

4.39 Admission authorities are 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. For primary schools this is likely to be reception, but there may be other entry points, and if so the admission number for that age group must also be specified in the policy.

4.40 Secondary schools are likely to have entry points at year 7 and year 12. These entry points are included in the model policy but, should there be any other points of entry, the admission number for this age group must also be specified.

Supplementary information form

4.41 Where admission authorities require information over and above the information on their local authority Common Application Form (CAF), they are permitted to provide Supplementary Information Forms (SIF). A model SIF is included at Appendix 3.

4.42 The SIF may only request information that has a direct bearing on decisions about oversubscription criteria or for the purposes of selection by aptitude. It must not request information that is already included on the local authority CAF. A small amount of information is requested on the model SIF to ensure that the SIF can be matched to the correct CAF.

4.43 In the event that the SIF, together with all supporting documentation, is not returned to the school by the closing date given in the policy, a child can still be ranked within the appropriate criteria if the relevant information is provided subsequently. As long as the admission authority has the relevant information and supporting documentation at the point at which applications are processed, then the child should be ranked in the relevant criteria. If information is provided and all that is missing is a SIF, then the child should be ranked in the relevant criteria based on the information provided, regardless of the lack of a SIF.

'Looked after' and 'previously looked after children'

4.44 Highest priority must be given to 'looked after children' and 'previously looked after children'. Admission authorities should refer to para. 1.7 of the Code and the relevant

footnotes, which set out the definition of these terms. Admission authorities should also note the inclusion of children who appear (to the admission authority) to have been in state care outside of England.

4.45 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'. They must give the highest priority to Catholic 'looked after' and previously looked after children' above other Catholic children. They must also give priority to non-Catholic 'looked after' and 'previously looked after' children above other non-Catholic children.

Residence in parishes or deaneries

4.46 Admission authorities 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 over subscription criteria. Care must be taken not to appear to guarantee a place to a resident of a catchment area/parish/deanery.

4.47 Such a criterion may be particularly appropriate when taking account of alternative Catholic schools available to parents. The selection of the area covered by the parishes or deaneries must be reasonable. To ensure this the admission authority must consult the Diocese, which will be able to advise the admission authority about how the selection of the parishes or deaneries fits with the admission arrangements of other Catholic schools in the area. It is recommended that any residence requirements are reviewed periodically in order to ensure that they are still relevant, and that records are kept (and retained in accordance with the appropriate retention period) of the reasons for decisions made in case they are ever subject to challenge.

4.48 Where geographical areas such as parishes or deaneries are used, a map showing the boundaries of any such parishes or deaneries should be provided with the admission arrangements. This enables the criteria to make it clear that, if there is any dispute as to the identity of the boundary, the map given to parents at the time will prevail.

4.49 Schools which serve more than one parish or deanery may wish to ensure that children from the more distant areas of the parishes or deaneries served are not disadvantaged. There are two widely used strategies to accommodate this difficulty.

4.50 The first is that places may be offered as priority to children from a named parish or deanery for whom this is the nearest Catholic school. This potentially displaces children who live nearby but for whom there are nearer alternatives, thereby releasing places for children at a distance for whom there is no alternative.

4.51 The second option is setting 'quotas' for children in named parishes. The policy would need to be explicit about the number of places available and alert parents to the possibility of not securing a place. The procedures for offering places where the quota is exceeded should be clear and applicants should have the opportunity of being considered for any places remaining within the overall total, on an equal basis with other applicants.

4.52 Any admission authority contemplating using either option must work closely with the Diocese and other local Catholic schools. This will ensure that the criteria fit well with those of other local schools and that no group of Catholics is disadvantaged by the system.

Feeder primary schools

4.53 Attendance at one or more Catholic feeder primary schools is a legitimate criterion. However, in areas where the demand for Catholic primary education 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.

4.54 The selection of feeder schools must be made on reasonable grounds. To ensure this, admission authorities 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, admission authorities should be able to demonstrate that the selection is reasonable and avoid the inadvertent disadvantage of Catholic children not attending the feeder schools. It is recommended that feeder school criteria are reviewed periodically and that appropriate records are kept, (and retained in accordance with the school's retention policy), of the rationale for identifying specific schools in case the decision to include a feeder school or change a feeder school policy is challenged.

4.55 It should be noted that it is not reasonable for a secondary school in a multi academy trust to list as feeder schools all primary schools in the same multi academy trust. The feeder school status provided to each school would need to be considered separately and determined to be reasonable.

Social, medical or pastoral need

4.56 Admission authorities may wish to give themselves scope to offer a small number of places to pupils in exceptional circumstances, should the need arise. Extreme caution is needed, however, as such a criterion can easily be seen as lacking in objectivity. Where admission authorities 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 in support of meeting this criterion must be provided at the time of application. Admission authorities 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 and the evidence provided should refer specifically to the school and why it is the most appropriate school to meet the identified need.
- Admission authorities may wish to consider how they will ensure that decisions relating to social, medical and pastoral need are decided consistently. Having a consistent panel to look at these applications can assist in ensuring that decisions are made consistently year-on-year.

4.57 The diocesan model policy allows for priority to be given to a child where evidence has been provided at the time of application that the child has an exceptional social, medical or pastoral need which can most appropriately be met at the school. The child will be placed at the top of the criterion under which the application has been made, if that particular criterion is oversubscribed. Where the criterion is not oversubscribed the child would, in any event, be offered a place at the school.

Siblings

4.58 Priority for siblings helps bond links between the school and families. It also provides a degree of domestic convenience for parents. However, schools must not operate a 'siblings first' policy where the effect is to admit a non-Catholic sibling but thereby deny a place to a Catholic child who may be the first or only child from a Catholic family. For this reason, the Diocesan model policy allows for priority to be given to siblings who will be placed at the top of the criterion under which the application has been made, if that particular criterion is oversubscribed.

4.59 It is important to use the definition of brother and sister in the Diocesan model policy, it is not restrictive and aims to give flexibility to enable decisions to be made in the best interests of children regardless of their family circumstances.

Home address

4.60 The Diocesan model policy provides that the home address of the child is the address listed on the local authority's common application form. This enables parents to provide the most appropriate address for the child and ensures that arbitrary measures relating to the amount of time a child spends at a particular home are not taken into account. The definition in the Diocesan model policy aims to give flexibility to enable decisions to be made in the best interests of children regardless of their family circumstances.