



## **Guidance on Admissions to Church of England Schools**

**(Revised August 2016)**

### **Executive Summary**

This guidance has been written in response to the **Schools Admission Code 2014**. The guidance aims to assist Governing Bodies of Aided schools, Foundation schools and Academies in developing admission policies that are clear, objective and fair. Part 1 provides the contextual and theological discussion about how admission policies should reflect the purposes of the Church of England in education. Part 2 identifies the practical matters that Governing Bodies should consider when reviewing and determining their admissions policy. Part 3 sets out key guidance from the Code. Part 4 deals with the important issue of defining Church membership.

The Governing Bodies of Church of England Voluntary Aided schools, Foundation schools and the Trustees of Academies Trusts should ensure that they consult the Diocesan Director of Education ([education@lichfield.anglican.org](mailto:education@lichfield.anglican.org)) when revising their policies.

**The Admissions policies of Church of England schools should be: -**

- **clearly written, avoiding ambiguous or imprecise language and terminology;**
- **fair, objective and transparent, allowing parent and carers to form a clear judgment of the possibility of admission;**
- **well presented, brief and accessible to all;**
- **consistent with the guidance of the Diocesan Board of Education as set out in this document.**

## **Part 1 – Context**

### **Introduction**

#### **Attendance**

Church of England schools stand at the centre of the mission and ministry of the Church. Historically Church schools had both a nurturing and a service role, providing an education for Christian families and for the local neighbourhood. Church of England schools in the 21<sup>st</sup> century are encouraged to remain true to this historic tradition – to provide schools that cater for Christian families as well as meeting the needs of the local community.

#### **Distinctive**

Church of England schools should be both distinctively Christian and inclusive communities. The admissions policy must also have regard to the school's Trust Deed. In VA and Foundation schools, the Governing Body (and in academies the Trust Board) is the admission authority and draws up the admission policy in consultation with the Diocese, the LA and all other admission authorities in the area. Admission policies must conform to the Government's **Admissions Code**.

The balance between nurture and service will depend on whether the school is primary, middle or secondary, VA, VC, Foundation or Academy, its ethos, history and tradition as well as local circumstances, which may include the number of other Church schools in the area.

#### **Inclusive**

There are several ways by which inclusiveness can be interpreted – faith, gender, Black and Minority Ethnic pupils, SEND pupils and pupils at risk of exclusion, gifted and talented pupils and those from a range of socio-economic backgrounds. The area where the school is situated may make it difficult for a school to create a diverse community, but the Church itself is a diverse community. Churches in the countryside or inner-city areas may have congregations where many are from poor, deprived areas; many church communities are also ethnically diverse. They are just as likely to include very able children and those with additional needs as the local neighbourhood. A church school may therefore have a diverse and inclusive population despite having what may be seen as a narrow policy that admits a high proportion of church applicants. However, the community of pupils is made up, all will be treated with respect.

Many Church of England schools have either converted to an academy or are in the process of consultation about converting. Voluntary Aided and Foundation schools are their own admissions authorities. The Academy Trust is the admissions authority for an academy. For a Voluntary Controlled school, the local authority is the admissions authority until the point that it converts to an academy.

## **The Purposes of Church of England Schools**

Church of England schools are integral to the ministry and mission of the Church. Church schools must therefore offer a genuine witness to the Incarnation and the creative, redemptive and transforming purposes of God.

St Irenaeus said, 'The glory of God is a human being fully alive.' Church schools are called to bring that fullness of life to all their pupils, whatever the beliefs of the children or their families. Recognition that Christ came to teach and to serve must therefore be at the heart of all discussion about the nature and purpose of Church of England schools and the contribution of their admission policies to securing their distinctive character.

## **The Policy of the Church of England**

The admissions policy for a Church of England school proclaims the nature of the school to the local community. The national policy of the Church of England is that Church of England schools should be distinctively Christian and inclusive communities, nurturing children from Christian families in the Christian faith and serving the whole community in which they are situated. The fullest expression of this policy is contained in *The Way Ahead: Church of England Schools in the New Millennium* (2001).

## **Considerations for Governing Bodies**

The kinds of issues that a governing body will need to consider when reviewing its admissions policy will include the following:

1. How does present admissions practice relate to the school's Trust Deed?
2. Does the admission policy comply with the statutory **School Admission Code**?
3. Does the policy reflect the national policy of the Church of England?
4. What is the right balance between nurture and service?
5. Is the school a distinctively Christian and inclusive community?
6. Is the school serving the local worshipping community?
7. Is the school grounded in the local community?
8. Does the admissions policy discriminate unfairly against a particular group?

## Part 2 – Consultation and Review of Admission Policies

### Admission Authorities for Each Type of School in England

Type of School	Who is the admission authority?	Who deals with complaints about arrangements?	Who is responsible for arranging/providing an appeal against refusal of a place at a school or academy?
Academies	Academy Trust	Schools Adjudicator	Academy Trust
Community Schools	Local Authority	Schools Adjudicator	Local Authority
Foundation Schools	Governing Body	Schools Adjudicator	Governing Body
Voluntary Aided Schools	Governing Body	Schools Adjudicator	Governing Body
Voluntary Controlled Schools	Local Authority	Schools Adjudicator	Local Authority

### The Diocesan Board of Education's Recommendations

The Diocesan Board of Education sets out the following principles in respect of admissions policies for Voluntary Aided and Foundation Church of England schools:

- The admissions policy should seek to ensure that the school is a distinctively Christian community, whilst being strongly related to the local community in its diversity.
- All Church school should provide some places for children of other faiths and those of no faith.
- All Church schools should provide some places for children living outside the local community.

### Consultation

The Diocesan Board of Education recommends that the governing body of Church of England schools and academies review their admission policy each year, even if no change is proposed. This is to ensure that the school is meeting the needs of the children and families it has been established to serve.

The **Diocesan Boards of Education Measure 1991** empowers the DBE to give advice on admissions to Church of England schools and academies within the diocese. Therefore, the governing body of all Church of England schools/academies must consult the DBE before consulting others.

The **Schools Admissions Code 2014** states that when changes are proposed to admission arrangements, all admission authorities **must** consult on their admission arrangements that will apply for admission applications the following year. Where the admission arrangements have not been changed from the previous year there is no requirement to consult, subject to the requirement that admissions authorities **must** consult on admission arrangements at least every 7 years, even if there have been no changes during that period.

From 2016, consultation must be for a minimum of **6 weeks** and must take place between **1 October** and **31 January** in the determination year.

Admission authorities **must** consult with:

1. parents of children between the ages of two and eighteen;
2. other persons in the relevant area who in the opinion of the admission authority have an interest in the proposed arrangements;
3. all other admission authorities within the relevant area (except that primary schools need not consult secondary schools);
4. whichever of the governing body and the local authority who are not the admission authority;
5. any adjoining neighbouring local authorities where the admission authority is the local authority; and
6. in the case of schools designated with a religious character, the body or person representing the religion or religious denomination.

All local authorities must share their full proposed admission arrangements (including the proposed PAN) on their website together with the details of the person within the admission authority to whom comments may be sent.

### **Reviewing Admissions Policies**

When reviewing an admission policy, governing bodies and academy trusts should consider the type of school community it wishes to create. If governing bodies and academy trusts recognise the dual purpose of church schools explained in part 1, they will wish to examine the impact of the admissions policy on both the Christian community and those from the local community who may adhere to a different faith or have no faith.

### **Questions for Consideration for Governing Bodies and Trust Boards**

1. Are governors and trust boards clear about their objectives in setting the admission criteria?

2. Are the admission criteria seen to be scrupulously fair, strictly followed in the stated order of priority, and are they an authentic expression of Christian values?
3. Is the policy clear and easily comprehensible?
4. Are the over subscription criteria objective so that parents and carers can assess the likely prospect of their application being successful?
5. Are parents and carers able to make an informed decision when applying for a school place?
6. Does the mission statement contained in the admissions policy make a clear statement about the Christian basis upon which the whole life of the school is conducted?
7. Does the admissions policy reflect the views of the DBE, the local worshipping community or other Christian bodies?
8. Does the admissions policy allow the pupil population of the school or academy to reflect the ethnic balance of the local community, including those for who English is an additional language?
9. Does the admissions policy take into account children of other faiths and the enriching contributions they may bring to the life of the school or academy?
10. Does the admissions policy take into account children who have no faith?
11. What provision does the policy make for siblings and proximity to the school?
12. Do the governing body and trust board provide parents and carers with the required information about admissions to schools and academies?

13. Is the appeals procedure adequately explained to parents and carers?

14. Do the persons from whom the appeals panel may be constituted reflect the ethnic and social mix of the community and have all persons undergone recent and relevant training?

The Diocesan Board of Education recommends that schools' and academies' admission policies contain an introductory statement explaining that a Church of England school accepts children from all backgrounds, faiths and no faiths. Schools and academies may wish to use the following model statement:

“As well as being an inclusive neighbourhood school, as a Church of England School St (X's) has a distinctive Christian character and ethos that reflect the teaching of Jesus Christ and Christian values. We ask all parents and carers applying for a place here to respect this ethos and its importance to the school community. We hope that all children who come to the school will be able to participate (as appropriate) in the religious life of the school (including collective worship and religious education). This does not affect the rights of parents and carers who are not Christians to apply for a place. Indeed, through our commitment to inclusion, we actively welcome families from other faiths and those with no faith.”

(Where such a statement is included, reference should be made within the admissions policy to the legal rights of withdrawal from collective worship and religious education.)

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

The Code states:

As part of determining their admission arrangements, all admission authorities must set an admission number for each relevant age group. (The age group at which pupils are or who will normally be admitted to the school. E.g. reception, year 7 and year 12 with the exception of middle schools.)

All schools and academies must offer places up to the PAN. Own admission authorities are not required to consult on their PAN where they propose either to increase or keep the same PAN. For Voluntary Controlled schools, the local authority (as admission authority) **must** consult at least the governing body of the school where it purposes to either increase or keep the same PAN. Admissions authorities **must**

notify their local authority of their intention to increase the school or academies' PAN and reference to the change should be made on the school or academy website.

All schools **must** have oversubscription criteria for each 'relevant age group' and the highest priority **must** be given to looked after children and all previously looked after children. (Previously looked after children are children who were looked after but ceased to be so because they have been adopted or subject to a child arrangements order or special guardianship order) and comply with all relevant legislation, including equalities legislation. Admission authorities **must** ensure their arrangements will not disadvantage unfairly, either directly or indirectly, a child from a particular social or racial group, or a child with a disability or special educational needs, and that other policies around school uniform or school trips do not discourage parents and carers from applying for a place for their child.

### **Interviews and the Role of the Clergy**

Section **88A** of the **Schools Standards and Framework Act 1998** makes it unlawful to interview parents, carers and prospective pupils prior to admission. This raises the question of whether an incumbent meeting with a parent or carer to verify the accuracy of a church commitment form constitutes an interview under the **Schools Admission Code**. The DBE advises that any such meeting is purely to verify facts and would not constitute an interview. There is a case for caution and avoiding the possibility of challenge in the increasingly complex areas of appeals.

## **Part 3 – Key Guidance from the Schools Admission Code 2014**

### **Siblings**

Admission authorities must state clearly in their arrangements what they mean by 'sibling' (e.g. whether this includes step siblings, foster siblings, adopted siblings and other children living permanently at the same address or siblings who were former pupils of the school).

### **Distance from the School**

Admission authorities **must** clearly set out how distance from home to the school will be measured, making clear how the 'home' address will be determined and the point in the school from which all distances are measured. This should include provision for cases where parents have shared responsibility for a child following the breakdown of their relationship and the child lives part of the week with each parent.



## Catchment Areas

Catchment areas must be designed so that they are reasonable and clearly defined. Catchment areas do not prevent parents and carers who live outside the catchment of a particular school from expressing a preference for the school. The Greenwich Judgment (1989) states that pupils should not be discriminated against in relation to admission to the school simply because they reside outside the local authority area in which the school is situated.

## Social and Medical Need

If admission authorities decide to use social and medical need as an oversubscription criterion, they **must** set out in their arrangements how they will define this need and give clear details about what supporting evidence will be required (e.g. a letter from a doctor or social worker) and then make consistent decisions based on the evidence provided.

## Faith Based Oversubscription Criteria in Schools Designated with a Religious Character

Schools of a religious character are required to offer every child a place, whether of the faith, another faith or no faith, a place at the school if there are places available. Schools designated by the Secretary of State to have a religious character may use faith based over subscription criteria and allocate places by reference to faith where the school is oversubscribed. Admission authorities **must** ensure that parents and carers can easily understand how any faith-based criteria will be reasonably satisfied. Admission authorities may give priority to all looked after children and previously looked after children whether or not of the faith, but they **must** give priority to looked after children and previously looked after children of the faith before other children of the faith.

## Children Eligible for Pupil Premium or Service Premium

Admission authorities may give priority in their over subscription criteria to children eligible for the early years pupil premium, the pupil premium and also children eligible for the service premium. Admission authorities should clearly define in the arrangements the categories of eligible premium recipients to be prioritised.

Admission authorities may give priority in their oversubscription criteria to children eligible for the early years pupil premium, the pupil premium and the service premium who:

- a) are in a nursery class which is part of the school; or
- b) attend a nursery that is established and run by the school. The nursery **must** be named in the admission arrangements and its selection must be transparent and made on reasonable grounds.

With the exception of the above, schools/academies cannot give priority to children attending the school's nursery.

### **Waiting Lists**

The admission authority **must** maintain a clear, fair and objective waiting list until at least **31 December** of each school year of admission, stating in their arrangements that each added will require the list to be ranked again in line with the published over subscription criteria. Priority **must not** be given to children based on the date their application was received or their name was added to the list. Looked after children, previously looked after children, and those allocated a place at the school in accordance with a Fair Access Protocol, **must** take a precedence over those on a waiting list.

### **Infant Class Sizes**

Infant classes (those where the majority of children will reach the age of 5, 6, or 7 during the school year) **must not** contain more than 30 pupils with a single school teacher. Additional children may be admitted under limits exceptional circumstances. These children will remain an 'excepted pupil' for the time they are in an infant class or until the class numbers fall back to the current infant class size limit. The excepted children are:

- a) children admitted outside the normal admissions round with statements of special education needs or Education Health and Care Plans specifying a school;
- b) looked after children and preciously looked after children admitted outside the normal admission round;
- c) children admitted, after initial allocation of places, because of a procedural error made by the admission authority or local authority in the original application process;

- d) children admitted after an independent appeals panel upholds an appeal;
- e) children who move into the area outside the normal admissions round for whom there is no available school within a reasonable distance;
- f) children in the UK service personnel admitted outside the normal admissions round;
- g) children whose twin or sibling from a multiple birth is admitted otherwise than an excepted pupil;
- h) children with special educational needs who are normally taught in a special education need unit attached to the school, or registered at a special school who attend some infant classes within the mainstream school.

### **Admission of Children outside their Normal Age Group**

Parents and carers may seek a place for their child outside their normal age group, for example, if the child is gifted and talented or has experienced problems such as ill health. In addition, the parents of a summer born child may choose not to send that child to school until the September following their fifth birthday and may request that they are admitted out of their normal age group – to reception rather than year 1. Admission authorities **must** make clear in the arrangements the process for requesting admission out of their normal age group.

### **Children from Overseas**

Admission authorities **must** treat applications for children coming from overseas in accordance with European Union law or Home Office rules for non-European Economic Area nationals. Non-statutory guidance on this is available on the website of the Department for Education.

### **Right to Appeal**

When the admission authority informs a parent of a decision to refuse their child a place at a school for which they have applied, it **must** include the reason why the admission was refused; information about the right to appeal; the deadline for lodging an appeal and the contact details for making an appeal. Parents and carers **must** be informed that, if they wish to appeal, they **must** set out their grounds for appeal in writing. Admission authorities **must not** limit the grounds on which appeals can be made.

## **Children with Challenging Behaviour and those who have been Excluded Twice**

Admission authorities must not refuse to admit children in the normal admissions round on the basis of poor behaviour elsewhere. Where a child has been permanently excluded from two or more schools there is no need for an admission authority to comply with parent preference for a period of two years from the last exclusion. The twice excluded rule does not apply to children who were below compulsory age at the time of the exclusion, children who have been re-instated following a permanent exclusion (or would have been had it been practicable to do so), and children with special educational need statements or Education, Health and Care Plans.

## **Part 4 –Defining Church Criteria**

The Diocesan Board of Education (DBE) here provides some overarching principles for governing bodies to address. However, it will still be necessary for governing bodies together with the local church to consider for themselves how religious commitment should be defined. Each governing body must decide for itself what is appropriate to the local circumstances. Evidence of Christian commitment should be sought from the clergy and this should be stated in the policy. Governing bodies should consider whether parents ought to include evidence of religious commitment with their application, if appropriate. Advice should be sought from the Diocesan Board of Education when defining commitment.

Governing bodies should consider how they wish to define "church" in the policy. Is admission open to members of:

- (a) The local parish church?
- (b) Other Anglican churches?
- (c) Other Christian denominations (e.g. Churches Together in Britain and Ireland, the Evangelical Alliance, Anglican/Methodist Covenant or any Local Ecumenical Partnership or covenant.)

### **Defining Commitment**

Governing bodies should be as clear as possible about definitions of commitment. If the admissions policy refers to "families" in relation to Christian commitment, does this mean the parents/carers or children, or both? This should be made explicit.

## Attendance

Many admission policies require parents to attend church services either weekly, or once or twice a month for at least a year. However, attendance at Sunday worship is not the only means of establishing commitment, and governing bodies should consider whether this is an appropriate measure. It is important that single-parent families are not disadvantaged. Consideration should also be given to a parent's ability to attend Sunday worship.

Some parents may find it is easier to be involved with mid-week services and some may have jobs which require them to work on Sundays, e.g., hospital staff, shop assistants, police; others may have one parent working abroad for extended periods. Some parents may express their commitment by supporting church-based activities or groups whilst attending church itself irregularly. All these issues need to be considered.

## Active Involvement in the Church

Involvement can be interpreted differently in different churches: for families who have moved recently governing bodies should consider previous commitment in another church. Evidence should be sought from the previous minister. Some examples of evidence of involvement are given below.

1. Participation in church activities.
2. Membership of church committees.
3. Responsibilities in the church, e.g., steward, sides person, youth leader, Sunday school/Junior church teacher.
4. Leading worship.

No one definition of Christian commitment will be suitable for all church schools. A small number of Aided schools prefer to use (the child's) baptism as their criterion for membership. Each governing body should work out for itself what is appropriate to the circumstances of their community.

## Recommendations about the Definition of Commitment

The National Society issued a document) **Distinctive and Inclusive (2007)** to diocesan boards of education suggesting a three-tiered approach to the definition of faith commitment (i.e. "known to the church"; "attached to the church" and "at the heart of the church"). The Diocesan Board of Education has considered the National

Society's suggestions but has concluded that this tri-partite approach is itself ambiguous and that the terminology is open to interpretation. If governing bodies adopt the National Society's model of describing commitment, they should ensure that definitions are as clear and precise as possible, eliminating ambiguity.

In place of the National Society model, the Diocesan Board of Education recommends that, where a measure of church commitment is needed, as a rule governing bodies should normally expect attendance at a church service (or an explicitly defined church activity) on a Sunday or weekday on **at least two occasions per month for at least two years**. This may be varied according to individual church/school circumstances.

We recommend that admissions policies use the phrase *regular and faithful worshipper* to describe faith commitment. This term should be defined within the policy (in a glossary of terms or note).

Where a school or academy is significantly oversubscribed, the requirement to attend a church service or activity at least twice per month for two years may not provide enough differentiation between applications. Where this is the case, alternative measures may be necessary, which aim to quantify commitment, e.g. by assessing the **length** of commitment to a place of worship, the **frequency** of worship and/or **involvement** in church activities. These criteria should be stated in order of priority. As a rule, we recommend that length of commitment should take precedence over frequency of worship.

If they so choose, schools may use the fact of the child's baptism as their criterion for church membership. However, it is the clear preference of the Diocesan Board of Education to encourage attendance at Church and/or involvement in church activities since it believes this is a more effective means of determining faith commitment and active participation in the life of the Church. Where schools or academies use baptism as their criterion, they should consider how this will be evidenced (normally through the submission of a baptismal certificate or minister's reference). Schools and academies must not discriminate against those baptised in parish churches other than their own or in other Christian denominations.

### **Family or Parent?**

In considering faith commitment, governing bodies may consider the commitment of the parent/carer, or family, and, in secondary schools or academies, that of the pupil. Again, it is important to define the terms used. If a governing body means to restrict

"family" to parents and guardians, this should be made clear in the policy. If a broader definition is meant, e.g., including grandparents, this should also be explained. Admissions policies **must not** take into account past pupils or parents' history (or lifestyle choices), or other extraneous matters (e.g. parents' financial, marital, employment, educational or social status).

### **Supplementary Forms**

Where relevant, the minister's reference should be used to differentiate commitment, providing this is structured in such a way as to deliver an objective and consistent means of assessing faith commitment. The supplementary form must only ask for information needed to apply the admission criteria which is not supplied through the Common Application Form. In general, this will only relate to denominational/faith criteria.

It is important that supplementary forms are available from the school or academy. Parents and carers should not be required to obtain these from the parish priest/minister. It is recommended that supplementary forms (faith references) are returned direct to the school. Such forms should normally be signed by the parish priest/minister, but it is permissible for churches to delegate this task to the Churchwardens with the approval of the Parochial Church Council.

## Appendix

### Relevant Legislation

This appendix sets out the primary legislation, regulations and guidance relevant to admission decision for Church of England schools and academies.

*Equalities Act 2010*

*Human Rights Act 1998*

*School Standards and Framework Act 1998*

*Greenwich Judgment 1998*

*Schools Admissions Code 2014*

*National Society Guidance 'Distinctive and Inclusive' 2007*