

<p><b>Subject:</b></p> <p><b>GUIDANCE ON A SCHOOL'S DUTY TO VERIFY INFORMATION CONTAINED WITHIN APPLICATIONS FOR ADMISSION (Pre-school, Primary &amp; Post-Primary)</b></p>	<p><b>Circular Number:</b> 2011/20</p> <p><b>Date of Issue:</b> 15 September 2011</p>
<p><b>Target Audience:</b></p> <ul style="list-style-type: none"> <li>• Principals and Boards of Governors of all Grant-Aided Schools;</li> <li>• Proprietors of Independent Schools;</li> <li>• Education and Library Boards;</li> <li>• The Council for Catholic Maintained Schools;</li> <li>• Council for the Curriculum, Examinations and Assessment (CCEA); and</li> <li>• Education and Skills Authority Implementation Team (ESAIT)</li> </ul>	<p><b>Governor Awareness:</b> Essential</p>
<p><b>Summary of Contents:</b></p> <p>This Circular advises principals and Boards of Governors on the duty to verify information contained within applications for admission.</p> <p><b>Please note:</b></p> <p>References throughout this document to Education and Library Boards (ELBs) will apply equally to the Education and Skills Authority (ESA) once it is established.</p> <p>Throughout this Circular the term "parent" is defined as the person who has legal custody of a child. Also, the words "post primary school" include both grammar and non grammar schools and "FSME" means Free School Meal Entitled/Entitlement.</p>	<p><b>Status of Contents:</b> Advice for Principals and Boards of Governors</p> <p><b>Related documents</b> Annual pre-school, primary and post-primary admissions circulars</p> <p><b>Superseded Documents:</b> None</p> <p><b>Expiry Date:</b> Not Applicable</p>
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**GUIDANCE ON A SCHOOL'S DUTY TO VERIFY  
INFORMATION CONTAINED WITHIN APPLICATIONS FOR ADMISSION**

**Pre-School, Primary & Post-Primary**

This guidance sets out the Department of Education's recommendations on schools' duty to verify information contained within applications for admission. The guidance details the nature of a school's potential responsibilities and, in Part 2, provides a plan of action for the decision making process that should be followed. Any queries you may have on the content of this guidance should be addressed to the relevant ELB Transfer Officer or the Department's School Access Team. The guidance is arranged in the following manner:

**PART 1: THE DUTY TO VERIFY: BACKGROUND AND RATIONALE**

- Introduction (Paragraphs 1-4);
- Implications of the 2007 Judicial Review (Paragraphs 5-6);
- When Boards of Governors have a duty to verify (Paragraphs 7-12);
- What information should be verified (Paragraphs 13-15);
- How "qualifying information" should be verified (Paragraphs 16-18);
- The possible extent of a Board of Governor's duty to verify (Paragraphs 19-23);
- Implications of a Board of Governors not fulfilling its duty to verify (Paragraphs 24-25);
- Complementary action from the Department of Education (Paragraph 26);
- Conclusion (Paragraph 27).

**PART 2: A PLAN OF ACTION FOR ALL BOARDS OF GOVERNORS**

## PART 1: THE DUTY TO VERIFY: BACKGROUND AND RATIONALE

### Introduction

1. This guidance explains that, as a result of a 2007 Judicial Review, schools that are oversubscribed with applications, and who consider themselves covered by the terms of the duty to verify (see paragraph 7), should verify information within applications that qualify pupils for admission.. Verification should be carried out towards the end of admissions process (i.e. after the offer of places), and according to the practical steps outlined in Part 2 of this guidance, in particular, according to the guidance on schools managing the provision of documents within the pressured admissions timetable. The duty to verify applies particularly to the following types of information.
2. For pre-school and primary admissions the duty to verify applies to all instances where address information qualifies an applicant for admission.
3. For post-primary admissions the duty to verify applies to all instances where address information, information about a child's age, FSME registration information or unregulated entrance test result qualifies an applicant for admission. Schools that are going to use an admissions criterion giving priority to children who are FSME registered should, through their entries in the ELB Transfer Booklets, make sure that all applicants understand that their claims of registered FSME (for the purposes of post-primary application) will be checked. The Transfer Form enables Boards of Governors to fulfil this duty by including verification of the parent's claim by an ELB officer.
4. **Whilst the primary focus of this guidance is on the role played within admissions by the types of information described above, its principles apply to the role played within admissions by all types of "qualifying information".** A major role in admissions is played by familial or relational information which often qualifies an applicant for admission by virtue of, for instance, a stated relationship (e.g. sibling, son, daughter etc.) or by a stated familial position – most commonly "eldest child". Schools should ensure that they have robust procedures for verifying applications containing such qualifying information. If schools consider it difficult to establish robust procedures for certain types of qualifying information then Boards of Governors should consider whether this information should continue to have a role in determining admissions.

### **Implications of a 2007 Judicial Review**

5. A 2007 Judicial Review confirmed that Boards of Governors have a duty to verify information contained within admissions applications if they are to ensure the correct application of their admissions criteria. The relevant legal context for the ruling in this Judicial Review is that:
  - a) Boards of Governors are required by the Education Order, 1997, to select children for admission to school by the application of their admissions criteria;
  - b) Appeal Tribunals are required by the Education Order, 1997, to direct a Board of Governors to admit an appellant if it appears to them that the Board of Governor's admissions criteria were not correctly applied (except where it appears that the appellant would still not have been admitted had the admissions criteria been correctly applied).
6. The judgment in this Judicial Review can be viewed on the DE website at [http://www.deni.gov.uk/st\\_cecilia\\_s\\_college\\_-\\_judicial\\_review\\_judgment-3.pdf](http://www.deni.gov.uk/st_cecilia_s_college_-_judicial_review_judgment-3.pdf) The key principle it has established is that, in specific circumstances (and these are explained below), if Boards of Governors do not verify "qualifying information" contained within applications, then Boards of Governors cannot be considered to have correctly applied their admissions criteria. This presents substantial grounds for appeal for any applicant not admitted by a school and, therefore, requires the measures that this guidance recommends.

### **When Boards of Governors have a duty to verify**

7. As confirmed by the judgment in this Judicial Review, Boards of Governors have a duty to verify "qualifying information" contained within applications to their school if, at the point of applying their admissions criteria, they have "**general knowledge or belief**" of a problem with false information within applications. If at this point, and in possession of such knowledge or belief, Boards of Governors do not verify "qualifying information" then they present all rejected applicants with substantial grounds for appeal and face the effective negation of their ability to act as Admissions Authority for their school.

8. Clearly a Board of Governor's correct determination of whether or not they have "general knowledge or belief" of a problem with false information within applications is a very important decision. Given the 2007 Judicial Review and its accompanying media coverage, it may be difficult for a Board of Governors that makes admissions decisions using address information, to determine that it has no such knowledge or belief. It will certainly be difficult for a Board of Governors that considered itself to have this knowledge or belief in respect of admissions for previous years to consider that it does not have this knowledge or belief in respect of current admissions. This difficulty extends not only to schools that have set their own residency-based admissions criteria but also to schools for whom the current legal requirement to give priority to all applicants resident in the North (Article 16(4) of the Education Order, 1997) is an active concern. The Department is considering the future of this requirement but, currently, it remains law.

9. **Any Board of Governors of a post-primary school who will be using a criterion giving priority to applicants registered as FSME should assume that they have a duty to verify this information.** The Transfer Form enables Boards of Governors to fulfil this duty by including verification of the parent's claim by an ELB officer.

10. **Any Board of Governors of a post-primary school who will be using a criterion giving priority to applicants on the basis of unregulated entrance test results should assume that they have a duty to verify this information.**

11. The judgment in the 2007 Judicial Review was clear that a duty to verify is established at the point where a school applies its admissions criteria. The duty to verify will apply to schools who find themselves oversubscribed (it cannot arise for undersubscribed schools as they do not apply admissions criteria) and who have the "general knowledge or belief" of a problem with false information within applications. Depending on the type of false information the school suspects, the duty to verify will require the school to verify that information in all the applications where it has proved decisive. Only at this point will a school have completely fulfilled its duty to verify and no longer present rejected applicants with grounds for appeal.

12. However, an important general rule is that if a school becomes aware, at any stage prior to enrolment, that an applicant has gained a place by using false information within their application, then the school must take action to ensure it is fulfilling its legal obligation to apply its admissions criteria correctly. The action this obligation would require of the school is the withdrawal of the incorrectly offered place and its allocation to the applicant “next in line” according to the school’s admissions criteria. Schools may also judge that such an instance may indicate a wider problem with false information within their applications. If this could reasonably be considered then, regardless of how advanced the admissions process is (i.e. it could be at the appeals stage), the school will have to do all it can be reasonably expected to do in the time available (prior to the actual start of the school year), to verify the necessary applications and withdraw any incorrectly offered places.

#### **What information should be verified**

13. The duty to verify extends only to information contained within an application to a school and which, according to the school’s published admissions criteria, may qualify the applicant for admission. The clearest examples of such “qualifying information” that are standard within applications are:

- a) **An applicant’s address:** this can qualify an applicant for admission through criteria that give priority to those resident in a stated geographical area or through criteria that give priority to those whose residence is nearest to the school;
- b) **A child’s age:** this can qualify an application for admission through criteria that prioritise applicants according to the age of the child (for instance “chronological order or oldest-first” criteria);
- c) **A child’s relationship to a person specified within admissions criteria:** this can qualify an application for admission through criteria that prioritise applicants if they have or have had

relatives attendant at, or associated with, the school, as pupils, as members of staff or on the Board of Governors;

d) Information demonstrating that the child has “special circumstances” or particular educational needs, which can qualify an application for admission through criteria prioritising accordingly;

e) For a post-primary school, an applicant’s claim that they are **registered with their ELB as FSME**; and

f) For a post-primary school, an applicant’s grade or performance **results in a school’s unregulated entrance test.**

14. The crucial role often played within admissions decisions by an applicant’s address was the focus of the 2007 Judicial Review. Boards of Governors are most likely to find that their duty to verify relates to information concerning an applicant’s stated residential address or, in respect of applications to post primary schools, information relating to an applicant’s claimed FSME registration. However, if a Board of Governors, at the point when it is applying its admissions criteria, has “general knowledge or belief” of a problem with false information within (b), (c) or (d), or additionally in the case of a post-primary school (e), then they will also have a duty to verify that information.

15. In relation to (f), Boards of Governors of post-primary schools that are using unregulated entrance tests must take steps to ensure that their academic admissions criteria are verifiably applied to the grade/result that each applicant obtained in their entrance test.

#### **How “qualifying information” should be verified**

16. **Our recommendation is that schools who are oversubscribed with applications, and who consider themselves covered by the terms of the duty to verify, should verify information within applications towards the end of admissions process (i.e. after the offer of places).** As before, verification of information should only be carried out on information that would qualify the

applicant for admission and only for those applicants who qualified for admission on the basis of that information. Verification should be carried out according to the practical steps outlined in Part 2 of this guidance, in particular, according to the guidance on schools managing the provision of documents within the pressured admissions timetable.

17. For post-primary schools this process will mean that all Transfer Forms received throughout the application process should, if they include a parental claim of FSME registration, also include an ELB officer's verification of that claim. Action will only be required by a post primary school if, on an applicant's Transfer Form, the ELB officer has indicated that an applicant claiming to be FSME registered is in fact not FSME registered with the ELB. In such cases, and before making an admissions decision about this applicant, the post primary school should contact the ELB and establish with certainty the FSME registration status of the applicant.

18. For schools generally, and for all other types of qualifying information (e.g. address) the process is as follows:

- Over-subscribed schools establish a final rank order of applicants prior to placement letters issuing. In so doing they identify those applicants who are to qualify for admissions by virtue of their age or address etc;
- The placement letter makes it clear that, in the case of these identified applicants, the offer of a place is subject to verification.
- In the case of applicants who have qualified for the offer of a place because of their address or because of age etc, this verification will require the applicant providing, by the necessary deadline, documents of verification, as requested by individual schools coincident with the issue of placement letters.
- Applicants must **in total be given a period of 4 weeks** to respond to a school's request for documents, from the date of issue of this request.

- However, schools should present an **initial two-week deadline** to applicants. This is important not just to encourage the speedy provision of documents. It will allow schools, on this date, to communicate to applicants who have failed to provide verifying documents, that they will not be offered a place. *This will mean that these applicants can at this point be provided with a fair deadline for appealing their unsuccessful application – within 10 days, as is the norm for all applicants.* The applicants in question will, however, be given **one further two-week period** to provide the documents requested and secure the “return” of the place originally offered to them.
- Only after 4 weeks has elapsed should an applicant’s failure to provide verifying documents lead to the absolute withdrawal of a place allocated to a child, with that place allocated to the child who is “next in line” for a place according to the school’s rank order of applicants.

#### **The possible extent of a Board of Governor’s duty to verify**

19. Within Annex A of this duty to verify guidance you will find guidance on the kinds of documents that can be used for the purposes of verification. These are suggestions based on established practice in verification procedures generally. It will be up to schools to request from applicants the number and type of documents they require. All schools departing from the suggested methods of verification should ensure that the different method(s) they employ would reasonably be considered as just as capable of verifying applications as the documents suggested by the Department within Annex A. Schools should note, for instance, that it will be their responsibility to manage the duty to verify in exceptional circumstances where, for entirely legitimate reasons, the “standard” documents cannot be provided (i.e. traveller-families or those “between addresses”). In such instances schools may be required to agree a method of verifying applications alternative to that within their standard request. It will be for schools to ensure that this alternative method of verification would be considered to be as capable of verifying an application as the standard method of verification. If a school is in any doubt about agreeing an alternative

method of verification with an applicant then it should contact its ELB Transfer Officer or the Department's School Access Team.

20. For pre-school and primary admissions a child's age can be a type of "qualifying information", with verification facilitated by the requirement for the applicant to submit a Birth Certificate for the child in question.

21. **Original documents:** whether schools decide to request originals or copies is a matter for them but our strong recommendation is that the provision of copies is open to abuse and that originals should be requested. We recommend that schools make arrangements for applicants to present their documents to the school in person, because this will mean that there are no issues relating to the school's retention and return of important original documents. For the future purposes of Appeals Tribunals schools should, however, take copies of verifying documents and keep an exact record of what applicants have provided in order to verify their applications. An illustrative example of how this may be done is included at Annex D.

22. **Pressures:** many oversubscribed schools will need to request and receive documents in only a small number of cases and should find the time available to be ample. Some oversubscribed schools, however, will need to ensure the provision of documents for large numbers of applicants. This will be the case for schools who apply address based admissions criteria as one of their higher-order criteria. It will also be the case particularly for schools within reasonable travelling distance of the South of Ireland. By virtue of the legislative requirement on schools to give priority in admissions to applicants resident in the North, these schools, in effect, have address-based criteria as their first criterion. If these schools determine that they have a duty to verify (which is very likely – as these schools should consider that they have important characteristics in common with the case of the school that established the duty to verify), then they will need to have requested and received documents verifying the address of all successful applicants. These schools will need to ensure this is managed within four weeks of the date by which they must have established a final rank order of applicants prior to the issue of placement letters.

23. Schools likely to be pressured by this requirement may judge that they can manage the process within the four weeks available. Some schools likely to be pressured may however wish to consider taking steps outside of those within the action plan at Part 2. In particular, these schools may wish to consider making “early” requests for documents from applicants who, whilst the process remains incomplete, can nevertheless be identified as certain to be offered a place. In this way the request and provision of significant numbers of documents could be conducted at an early stage, reducing the pressure on the four-week period following the issue of placement letters.

#### **Implications of a Board of Governors not fulfilling its duty to verify**

24. Schools need to manage actively the requesting and receiving of verifying documents to ensure that the necessary exchanges of documents take place within the time available at the latter end of the admissions process. The Department is not likely to grant temporary variations for schools who face an exceeding of their admissions number either through choosing an approach to their duty to verify that places unmanageable burdens upon them, or through ineffective management of those burdens. Indeed, schools that face an exceeding of their admissions number for either of these reasons will risk incurring one or more of the sanctions outlined below.

25. If the Department becomes aware that a school intends not to fulfil its duty to verify (i.e. that it intends not to apply its admissions criteria correctly) then it may use its power under Article 101 of the Education Order, 1986, to direct the school to fulfil its duty to verify. Further, if a school has clearly failed to fulfil its duty to verify and is directed to admit successful appellants by an Appeals Tribunal, it should be noted that the Department will consider any or all of the following options:

- a) Using Article 101 of the Education Order, 1986, to direct the school, even at this late stage, to discharge its duty to apply its admissions criteria correctly (i.e. by verifying information) and withdraw places allocated to those found to have submitted false information;

- b) Zero-rating for LMS purposes those children admitted to the school in excess of the school's agreed admissions number. This zero-rating can be for all the years those children are attendant at the school;
- c) Taking other steps to ensure that the school's numbers are adjusted back to their correct levels as soon as possible.

### **Complementary action from the Department of Education**

26. A prefatory note from the Department at the front of all the ELB Admissions Booklets will further alert applicants that application to many schools may require the applicant to provide verification materials at a later stage. It will also advise applicants that the provision of false or incorrect information or the failure to provide information within the deadlines set by schools can result in the withdrawal of a place and the inability to offer a place on the part of any school nominated on the application form.

### **Conclusion**

27. Clearly, the 2007 Judicial Review's confirmation that the Board of Governors of schools have a duty to verify places additional burdens on them. This guidance attempts to minimise this burden and add verification to the admissions process with clarity and common sense.

## PART 2: A PLAN OF ACTION FOR ALL BOARDS OF GOVERNORS

This plan of action is recommended for all schools. However, oversubscribed schools that admit large numbers of applicants by reference to address information (which will include oversubscribed schools that may attract applicants from the South of Ireland) should particularly note that this guidance will require them to verify the address information of significant numbers of their applicants.

<b>BEFORE FINALISING ADMISSIONS CRITERIA FOR PUBLICATION</b>	
<b>Step 1</b>	<p>Boards of Governors should include a short general statement either immediately before or after their admissions criteria, in the manner of the following:</p> <p><i>“The Board of Governors reserves the right to require such supplementary evidence as it may determine to support or verify information on any applicant’s Transfer/Application Form”.</i></p> <p>Applicants should also be told the consequences of providing false information. The following wording is recommended:</p> <p><i>“The provision of false or incorrect information or the failure to provide information within the deadlines set by schools can result in the withdrawal of a place and the inability to offer a place on the part of any school nominated on the Transfer/Application Form.”</i></p> <p>In addition, if the Board of Governors of a post-primary school is intending to use a criterion giving priority to applications that claim registered FSME, they should also include a statement in the manner of the following:</p> <p><i>“If you state within your application that your child is currently registered as Free School Meal Entitled, and that claim is decisive in qualifying him/her for admission, then that information will be verified. If it is found to be incorrect, then any place offered because of it will be withdrawn”.</i></p> <p>Post-primary schools should not request that applicants submit verifying documents appended to the Transfer Form. The duty to verify applies at the point at which rank orders have been finalised and places offered.</p>
<b>BEFORE APPLYING ADMISSIONS CRITERIA</b>	
<b>Step 2</b>	<p>Before they apply their admissions criteria (so only if they are oversubscribed), Boards of Governors should determine whether they have “general knowledge or belief” of a potential problem with false information (most likely to be false address and/or information about a child’s age) within applications.</p>

If they determine that they do have such “general knowledge or belief” then Boards of Governors have determined that they have a duty to verify and should proceed to Step 3. If they determine that they have no such “general knowledge or belief”, or if their school is undersubscribed then Boards of Governors need to take no further action (but should note the general rule at the end of this action plan).

If the Board of Governors of a post-primary school intends using a criterion giving priority to applications that claim registered FSME, then the Department recommends that they assume that they have a duty to verify this part of these applications.

All Transfer Forms received by post primary schools throughout the application process should, if they include a parental claim of FSME registration, also include an ELB officer’s verification of that claim. Action will only be required if, on an applicant’s transfer form, the ELB officer has indicated that an applicant claiming to be FSME registered is in fact not FSME registered with the ELB. In such cases, and before making an admissions decision about this applicant, the post primary school should contact the ELB and establish with certainty the FSME registration status of the applicant.

**ONCE ADMISSIONS CRITERIA HAVE BEEN APPLIED AND A FINAL RANK ORDER OF APPLICANTS HAS BEEN ESTABLISHED**

**Concurrently...**

<p><b>Step 3</b></p>	<p><u>The communication of a successful application</u></p> <p>Typically, at the end of the admissions process a Board of Governors will write to the ELB Transfer Officer to provide notification of the applicants they will be admitting.</p> <p>Once the ELB Transfer Officer receives this information then “placement letters” can issue to applicants telling them the outcome of the admissions process. This placement letter should contain the following proviso:</p> <p><i>“As a result of the “duty to verify” procedures which are referred to at the front of the Transfer/Admissions Booklet, the offer from the school may be conditional upon you providing the school with documents verifying important information contained within your</i></p>	<p><u>The school’s first request for verifying documents</u></p> <p>Coincident with the issue of placement letters, the school should request verifying documents from those applicants in respect of whom the school has a duty to verify.</p> <p>For instance, if a school considered (under Step 2) that it had “general knowledge or belief” of a problem with false <i>address information</i>, this will mean requesting address verifying documents from those applicants who have currently qualified for admission through the address they provided within their application. If a school considered that its problem lay with <i>age information</i> – then it should request age verifying documents from those applicants who have currently qualified for admission through the age information they provided within their application.</p>
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	<p><i>application. Please read carefully any correspondence issued separately from the school and ensure that you provide the documents requested before the deadline stated by the school”.</i></p> <p>From this point and unless otherwise notified in the future, ELB Transfer Officers will consider all placement letters to be final.</p>	<p>It is extremely important that this written request is clear about the documents applicants are asked to provide, the importance of the provision of documents, and the significance of the deadlines involved. A template for this letter is therefore provided at Annex A.</p>
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**N.B. The template at Annex A reflects four important points:**

- A. *Having taken legal advice, the Department recommends that an applicant should not be considered to have failed to provide verifying documents unless they have not done so within 4 weeks of the date on which the school sent to the applicant its first letter requesting documents, normally coincident with the issue of placement letters. This is the reason why we recommend schools issue this first letter at the earliest possible opportunity and we recommend further, therefore, that this first letter should, in order to manage the process better, give applicants a deadline of two weeks for the provision of documents (i.e. two weeks from the issue of placement letters).*
- B. *Applicants should be told that unless they provide the documents necessary to verify their application within two weeks of the issue of placement letters, then the school place currently allocated to them will be withdrawn.*
- C. *These letters, and all requests for verifying documents, should ask applicants for original documents and should ask them to present them to the school in person.*
- D. *The template letter at Annex A contains for schools the Department’s suggestions on the types of verification documents they should request of applicants. These suggestions are based on good practice within verification procedures generally. It may be necessary, however, for schools to verify applications by reference to other documents or through other means: for entirely legitimate reasons, for instance, some applicants may not be able to provide the specific documents listed in a school’s standard request. All schools departing from the suggested methods of verification should ensure that the different method(s) they employ would reasonably be considered as just as capable of verifying applications as the documents suggested by the Department in Annex A.*

**PURSuing THE INITIAL REQUEST FOR DOCUMENTS**

<p><b>Step 4</b></p>	<p>In respect of requests made of applicants currently allocated places (those who were sent the letter at Annex A):</p>
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	<p>If, in response to a school's first request for verifying documents, an applicant has not provided them within the initial two week deadline, then we recommend that a school should write to the applicant (copying in the Transfer Officer of the relevant ELB) communicating to the applicant the withdrawal of the previously offered place due to the applicant's failure to respond to the school's request (either through not providing documents requested or because the documents provided do not verify the information within the child's application), and informing the applicant of their ability to appeal their unsuccessful application. The applicant will be given 10 days to bring an appeal – the period of notice provided to all applicants upon the communication of an unsuccessful application.</p> <p>However, this letter will inform applicants that if, within a further two weeks from the date of this letter they can fulfil the terms of a school's request for verifying documents, then the withdrawn place will be allocated to them once again.</p> <p>A template for the key parts of this letter is at Annex B.</p>
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**FURTHER PURSUIT OF DOCUMENTS BEFORE FOUR-WEEK DEADLINE EXPIRES**

<p><b>Step 5</b></p>	<p>Following the issue of the school's second letter (at Annex B), it will be for schools to judge what further action may be necessary to ensure that applicants have received the school's request for verifying documents. In view of what may result, we would urge schools actively to try all that could reasonably be expected of them to contact applicants at this stage.</p>
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**FOLLOWING THE RECEIPT OF DOCUMENTS WITHIN THE FOUR WEEK PERIOD**

<p><b>Step 6</b></p>	<p>When the school receives the verifying documents from applicants it should check that these documents establish that the important information within the application was correct and that the school place has been allocated correctly.</p> <p><u>Documents/information provided and place confirmed</u>  If this is the case, then: (i) for the future purposes of Appeals Tribunals, schools should take copies of verifying documents and keep an exact record of what has been provided in order to verify applications; and (ii) schools may or may not judge it necessary also to write to the applicant formally notifying them that they have fulfilled the conditions and have a place.</p> <p><u>Documents/information provided and place withdrawn</u>  If the documents provided by the applicant in respect of address etc, do not verify the information contained within the applicant's application then schools may consider pursuing further documents within the 4 week timeframe. Schools should follow step 4 and adapt the template letter at Annex B for this purpose. However, if a school has discovered, through an applicant's failed attempt to verify qualifying information, that an application contained falsified information and should not have originally qualified for admission, or if the ELB cannot verify in respect of an applicant's claim of registered FSME</p>
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(where applicable), then (adapting the draft letter at Annex C and copying the letter to the Transfer Officer of the relevant ELB) the school should withdraw the place currently allocated to the applicant and begin the process of allocating it to the applicant next in line (see Step 7).

**AT THE FOUR WEEK DEADLINE**

**Step 7** At this point all applicants from whom the school requested documents will either have:

- provided them and confirmed their place;
- provided documents which fail to verify the information contained within their application. These applicants should now receive a letter (to be copied to the Transfer Officer of the relevant ELB) confirming the withdrawal of the place previously allocated to them (Annex C);
- not provided documents. These applicants should now receive a letter ( to be copied to the Transfer Officer of the relevant ELB) confirming the withdrawal of the place previously allocated to them (Annex C).

Late Offers

What remains, therefore, is the allocation of places that have lately become available due to the withdrawal of places previously allocated. These places must be allocated to applicants who, by application of the school’s admissions criteria, are next in line. Once again (as at Step 3), if these applicants are applicants in respect of whom the school has a duty to verify – the school must request verifying documents from these applicants. We recommend schools adapt the template at Annex A for this purpose.

When late offers are accepted and any verification requirements are completed – schools should inform the Transfer Officer of the relevant ELB of the late admission.

In making such “late” offers to applicants schools must note that they should still give these applicants a total of 4 weeks to provide verifying documents (as per the note under Step 3). Generally, and in the interests of bringing closure to their processes, we advise that late offers requiring the provision of documents should be actively managed by schools and completed as soon as possible.

**APPEALS AND CLOSURE**

**Step 9** If schools have followed our advice on taking copies of the documents presented to them by applicants, then it will be important for schools to hold these copies in case they are required for a subsequent Appeals Tribunal or Judicial Review hearing. Each school must decide how long to hold on to these papers before destroying them according to its individual circumstances.

## GENERAL RULE

Notwithstanding all of the above, if a school becomes aware, at any stage prior to enrolment, that an applicant has gained a place by using false information within their application, then the school must take action to ensure it is fulfilling its legal obligation to apply its admissions criteria correctly. The action this obligation would require of the school is the withdrawal of the incorrectly offered place and its allocation to the applicant "next in line" according to the admissions criteria. Schools may also judge that such an instance may indicate a wider problem with false information within their applications. If this could reasonably be considered then, regardless of how advanced the admissions process is (i.e. it could be at the appeals stage), the school will have to do all it can be reasonably expected to do in the time available (prior to the actual start of the school year), to verify the necessary applications adapting the guidance in the steps described above.

**First letter from a school to applicants currently qualified for admission, requesting the provision of verifying documents (to issue coincident with the issue of placement letters)**

[must be dated]

Dear [name]:

Following your child's application to [school name], the Board of Governors has applied its admissions criteria and identified your child's application as currently qualifying for admission. This means that you will be offered a place at [school name] subject to your timely response to this letter.

Your application qualified for admission by virtue of your [insert type of qualifying information to be verified]. Therefore, I am requesting that you provide us with documents verifying this important information within your application.

By [two weeks after date of this letter], would you please present to [school name] in person with the following documents in their original form:

*[here schools should choose the documents that they wish to request:*

***Any one of the following original documents can verify child-age:***

- *the child's Birth Certificate*
- *a letter awarding Child Benefit to the child or another letter relating to this benefit*
- *the child's Medical Card.*

***And more generally, any of the following original documents may be required credibly to verify address [DE recommends that schools ask applicants to provide 2 documents to verify address]:***

- *a bank or building society statement which shows the address at which the child is resident;*
- *a utility bill (for instance electricity, gas, Television Licence, telephone) which shows the address at which the child is resident;*
- *a letter awarding Child Benefit to the child or another letter relating to this benefit;*
- *the child's Medical Card]*

Please note that other documents equally capable of verifying your information, or other equally capable means of verification, will be considered at the discretion of the Board of Governors. If, therefore, you are unable to provide the specific documents listed above then please contact the school [contact details] to establish how you can verify your application.

Upon receipt the school will take a copy of your documents but will retain this copy only until the admissions procedure (including Appeals Tribunals) is complete.

Your provision of these documents is essential if we are to offer your child a place at [school name]. By law, [school name's] Board of Governors has a duty to verify the important information within your child's application in order to ensure that it has applied its admissions criteria correctly and that the admissions process is accurate and fair. If you do not provide the requested documents by the deadline given above, then we must regrettably withdraw the place currently allocated to your child. Similarly, if the documents you provide fail to verify the information within your application that has currently qualified you for a place at [school name], then this place will be withdrawn.

Thank you in advance for your co-operation.

**Template for a school's letter to applicants who have been currently allocated places at a school but who have failed to respond to the school's first request for verifying documents.**

[must be dated]

[should be copied to Transfer Officer of relevant Education and Library Board]

Dear Applicant:

I wrote to you on [date] to notify you that your child was in line to be offered a place at [school name] subject to your fulfilment of the request for documents verifying important information within your child's application. You were asked to provide these documents by [date].

As you have not provided [these documents] by the required date, [school name] Board of Governors consider that your child will not be offered a place at [school name]. You should now contact the Transfer Officer of the [appropriate] Education and Library Board on [telephone contact details] who will be able to provide you with information on schools with places available.

The [appropriate] Education and Library Board advise that there is provision for you to appeal against the decision of the Board of Governors in not selecting your child for admission.

An appeal can only be made on the grounds that the Board of Governors did not apply or did not correctly apply its criteria for selecting pupils for admission to the school(s), in deciding not to admit your child. An Appeal Tribunal cannot uphold an appeal on any grounds other than those related to a school's admissions criteria.

If you would like information on the appeals procedure telephone [contact number of ELB Clerk of the Appeal Tribunal/Transfer Officer].

If you still wish to appeal you must write to:

[address details of ELB Clerk of the Appeal Tribunal/Transfer Officer].

Your intention to appeal must be received in writing by [date in ten calendar days' time]. Please give your child's name, address, date of birth, primary school attended and the name of the school(s) you wish to appeal against. Details of the appeal procedure will be sent to you by return. However if you do not receive an official appeal form within 7 working days please contact [contact number of the ELB Transfer Officer]

If, however, you can provide by [date two weeks from date of letter] the documents that [school name] Board of Governors requested of you in their letter of [date] and can enable them to verify the important information contained within your application, then [school name] Board of Governors will still offer you a place at [school name]. **If therefore you are able to produce the documents that [school name] Board of Governors has requested of you, you should contact the school and arrange for the provision of these documents immediately.**

**Template for a school's letter to applicants who have been currently allocated places at a school but who have failed to respond/provide suitable documents in relation to a school's second request for verifying documents.**

[must be dated]

[should be copied to Transfer Officer of relevant Education and Library Board]

Dear Applicant:

I wrote to you on [date] to notify you that your child was in line to be offered a place at [school name] subject to your fulfilment of the request for documents verifying important information within your child's application. You were asked to provide these documents by [date].

I further wrote to you on [date] to advise you that as you had not provided [the documents] by the required date, [school name] Board of Governors considered that your child will not be offered a place at [school name]. The letter also advised you of your right to appeal against the decision of the Board of Governors. Additionally the letter advised that if you provided the documents that [school name] Board of Governors requested of you by [final date] then [school name] Board of Governors would still offer your child a place.

As you have [not responded to these requests/not provided documents that verify the information within your child's application] the [school name] Board of Governors may not now re-allocate the place to your child. You should now contact the Transfer Officer of the [appropriate] Education and Library Board on [telephone contact details] who will be able to provide you with information on schools with places available.

**ILLUSTRATIVE EXAMPLE OF HOW TO RECORD VERIFICATION OF APPLICANT INFORMATION**

Name	D.o.B	Bank Statement	Utility Bill	Child Benefit	Med. Card	Other Doc.	Verified by Principal/BoG
A.N. Other	27/09/98	Yes	Yes				Yes
Child	23/10/98	Yes				Yes (1)	Yes

(1) Letter from Social Services