

**Subject:**

**OPEN ENROLMENT IN PRIMARY SCHOOLS**

**Circular Number:**  
2008/15

**Date of Issue:**  
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**Target Audience:**

- Principals and Boards of Governors of all Grant-aided Primary Schools; Nursery Schools and Preparatory Departments of Grammar Schools;
- Education and Library Boards; and
- The Council for Catholic Maintained Schools.

**Summary of Contents:**

This Circular sets out for Principals and Boards of Governors the arrangements for the admission of pupils to grant-aided primary schools under open enrolment. This circular will be supplemented by the issue in September of revised guidance for schools and pre schools on their 'duty to verify' information contained within application forms.

The timetable for 2009/10 is set out in the Annex.

**Please note:** The text below contains references to the Education and Library Boards (ELBs) and the Council for Catholic Maintained Schools (CCMS). During the course of this coming academic year it is planned that the ELBs and CCMS will be dissolved and their functions will transfer to the new Education and Skills Authority (ESA). Therefore all references in this circular to the ELBs and CCMS should be interpreted as applying to ESA when it comes into operation.

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Essential

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Advice for Principals and  
Boards of Governors

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Circular 2003/2  
Circular 1990/27

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Circular 2006/11  
Circular 2007/13

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Not Applicable

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The possibility has been raised of a conflict between Article 16(4) of the 1997 Education Order (for primary and post-primary schools) and Article 32(4) of the 1998 Education Order (for pre-schools) and EU law. Articles 16(4) 1997 and Article 32(4) 1998 provide for children resident in the North of Ireland to be given priority in schools' admissions criteria. Such a priority may be in breach of EU law.

Article 16(4) was raised as an issue in the 2007 Judicial Review involving St Cecilia's College, Derry. In that case I noted the Judge's careful scrutiny of a very complex collection of issues.

The case highlighted that schools in the North are currently required by primary legislation to give priority to children resident in the North. As stated above, such legislation may be in breach of EU law. In any event, I am currently in the process of reviewing the current legislation, with a view to changing it. In doing so, it is my intention work in close co-operation with my counterpart in the South and have written to Minister O'Keeffe on this matter.

It is the Department's policy to maximise the extent to which parents are enabled to send their children to their first school of choice. That principle is at the heart of our enrolment and admissions policies and there is no logical reason as to why families living along the border corridor should be unfairly affected. I shall be talking to all interested parties on this issue.

In light of the circumstances set out above this circular is issued as an interim guide for schools and it will be reviewed on an ongoing basis taking into account a number of relevant issues not least the outcome of my discussions with all interested parties.

**CAITRÍONA RUANE MLA**

Ardaíodh an féidearthacht faoi choimhlint idir Alt 16(4) an Ordaithe Oideachais 1997 (do bhunscoileanna agus d'iarbhunscoileanna) agus Alt 32(4) an Ordaithe Oideachais 1998 (do réamhscoileanna) agus reachtaíocht an AE. Déanann Alt 16(4) 1997 agus Alt 32(4) 1998 foráil do leanaí atá ina gcónaí i dTuaisceart Éireann ó thaobh tosaíochta a thabhairt dóibh sna critéir iontrála scoileanna. D'fhéadfadh tosaíocht mar seo a bheith mar shárú ar reachtaíocht an AE.

Ardaíodh Alt 16(4) mar cheist in Athbhreithniú Breithiúnach na bliana 2007 a bhain le St Cecilia's College, Doire. Sa chás sin rinne mé suntas de scrúdú cúramach an Bhreithimh ar bhailiúchán ceisteanna atá fíor-chasta.

Léirigh an cás go bhfuil dualgas ar scoileanna sa Tuaisceart i láthair na huaire, trí reachtaíocht phríomhúil, tosaíocht a thabhairt do leanaí atá cónaitheach sa Tuaisceart. Mar atá luaite thuas, d'fhéadfadh reachtaíocht mar seo a bheith mar shárú ar reachtaíocht an AE. Ar chaoi ar bith, tá athbhreithniú á dhéanamh agam faoi láthair ar an reachtaíocht reatha, agus é ar intinn agam í a athrú. Le linn na hoibre seo, tá sé ar intinn agam oibriú go dlúth leis an Aire Oideachais sa Deisceart agus tá scríofa agam chuig an Aire O'Keefe ar an ábhar seo.

Is é beartas na Roinne ná uasmhéadú a dhéanamh ar ábaltacht na dtuismitheoirí a gcuid leanaí a chur chuig scoileanna atá mar chéad rogha acu féin. Tá an prionsabal seo mar chroílár dár mbeartais rollaithe agus iontrála agus níl aon chúis loighciúil ann go gcaithfí go míchothrom le teaghlaigh atá ina gcónaí ar chonair na teorann. Beidh mé ag dul i gcomhairle leis na páirtithe ar fad ar spéis leo an cheist seo.

I bhfianaise na gcúinsí atá leagtha amach thuas, eisítear an imlitir seo mar threoir eatramhach do scoileanna agus déanfar athbhreithniú uirthi ar bhonn leanúnach, le líon ceisteanna ábhartha á dtógáil san áireamh, agus torthaí na gcainteanna agam féin leis na páirtithe ar spéis leo an cheist seo go lárnach sna cúrsaí seo.

**CAITRÍONA RUANE MLA**

## INTRODUCTION

1. **Part III of the Education (Northern Ireland) Order 1997** sets out the statutory requirements for the admission of pupils to grant-aided schools under open enrolment. **The main arrangements which operated for the 2008/09 school year will continue.** These provide open and explicit arrangements for decisions on applications and admissions to be made by parents and schools. Education and Library Boards, however, have a key role as it is they who are required to make the arrangements to enable parents to express their preferences as to the primary school they wish their children to attend and also give publicity to the arrangements which will apply.

## SUMMARY

2. The main features of open enrolment in primary schools are:-

- i. **the Department** determines maximum enrolment and admissions numbers for each school.
- ii. **Education and Library Boards** make arrangements to enable parents to express their preference as to the primary school they wish their children to attend;
- iii. **parents** have the right to:-
  - express their preference as to the primary school they wish their children to attend; and
  - appeal to an independent appeal tribunal only if they consider that a school has not applied its admissions criteria or has not applied them correctly.
- iv. **schools** are required to:-
  - admit pupils up to their admissions number [see paragraphs 7 to 10 on the Class Sizes policy];
  - comply with a preference expressed by a parent for admission of a child to a year group (other than one to which the admissions number refers) if the school's enrolment number has not been reached, unless to do so would prejudice the efficient use of resources (see also paragraph 58);
  - publish the criteria they will use to select pupils in the event of their being over-subscribed. These criteria must be capable of selecting pupils down to the last available place and criteria cannot include the order of parental preference, ie "first preference" etc is not permissible; and
  - give priority to Northern Ireland residents.

## APPLICATION OF CIRCULAR

3. The arrangements set out in this Circular will apply to admissions to primary schools for the 2009/10 school year and for future years. They will apply to the admission of children who have not attained the lower limit of compulsory school age as well as to those who have, and to the admission of children who are already enrolled in an approved nursery class at a school.

4. These arrangements do not apply to admissions to nursery schools, nursery classes in primary schools (in some cases referred to as a nursery unit or wing), or to preparatory departments of grammar schools. See, however, paragraph 57 in relation to nursery classes in primary schools.

## ROLE OF THE DEPARTMENT

5. The Department of Education will notify the provisional enrolment number and provisional admissions number for each school to the Board of Governors at the beginning of the preceding school year. For example, provisional September 2009 enrolment and admissions numbers will be notified early in September 2008.

6. This information will also be made available to Education and Library Boards (ELBs) and the Council for Catholic Maintained Schools (CCMS). All will have the opportunity to make comments to the Department on individual schools' enrolment and admissions numbers. The Department intends that final enrolment and admissions numbers for 2009/10 will be notified to schools no later than 15 October 2008 (see also paragraphs 10 to 34).

## CLASS SIZES POLICY

7. With effect from the 1999/2000 school year, the Government's policy that all classes in the 4 years of Key Stage 1 are limited to a maximum of 30 pupils became statutory. Schools are required to comply with the statutory limit, subject to any exceptions approved by the Education and Library Boards. Circular 2003/2, which issued in February 2003, explains how the policy to restrict class sizes in Key Stage 1 should be applied, and in what circumstances a school might be eligible for additional funding to ensure implementation.

8. Education and Library Boards can permit exceptions to the statutory limit. The circumstances where exceptions to the statutory limit are permitted are tightly constrained, eg where a child is admitted to a school following the decision of an admissions Appeal Tribunal, or where compliance with the class sizes policy would lead to unreasonable expenditure.

9. The policy applies to the Foundation Stage and Key Stage 1 (Years 1 to 4) and the Department will continue to monitor class sizes to ensure that all primary schools continue to meet the requirements of the policy.

10. Schools should note that if a school, enrolls a class of more than 30 pupils in the Foundation Stage and Key Stage 1 in 2009/10 without the Board's approval to an exception, consideration may have to be given to zero rating such extra pupils for LMS purposes.

## SCHOOL ENROLMENT AND ADMISSIONS NUMBERS

11. **A school's enrolment number** = the **maximum number** of pupils which may be enrolled in any school year.

**A school's admissions number** = the **maximum number** of pupils which may be admitted in any one school year in the normal

age group for the admission of pupils to the school.

12 Schools may not exceed their enrolment or admissions numbers **without the specific approval** of the Department, unless it is to admit a child:

- for whom a Board is maintaining a statement of special educational needs;
- who is the subject of a school attendance order;
- where a direction has been made under Article 42 of the Education (Northern Ireland) Order 1996 to admit a child to a specified school; or
- in compliance with the findings of an Appeal Tribunal.

### **CONSULTATION ON ENROLMENT AND ADMISSIONS NUMBERS**

13. **Articles 10, 11 and 12 of The Education (Northern Ireland) Order 1997** require the Department to determine an enrolment number and an admissions number respectively for each primary school, in consultation with Boards of Governors and having also considered any representations made by the CCMS (council for Catholic maintained schools) and the Education and Library Boards in relation **to all schools in their area.**

14. In determining the enrolment number for a school, the Department is required to have regard, in particular to:-

- the requirements as to school premises under Article 18 of the Education and Libraries (Northern Ireland) Order 1986 (as amended); and
- the accommodation available for use by pupils at the school.

15. In determining the admissions number of a school, the Department is required to have regard in particular to:-

- the requirements of Article 18 of the 1986 Order (as amended);
- the requirements of Article 16 of the 1998 Order; and
- the school's enrolment number.

### **ENROLMENT NUMBER**

16. The Department will determine the enrolment number for each school, having regard to the teaching accommodation available for use by pupils. Rooms excluded are those not suitable for teaching purposes, such as:-

- rooms required for storage and areas required for circulation;
- Principal's office, general office, staff-room, medical inspection room etc;
- rooms so constructed or adapted as to be unsuitable for, or provided other than for, general teaching purposes, including Assembly/PE halls; and

- rooms and areas used by nursery units and special units.

17. In considering the accommodation available, account is taken of the actual floor space available for teaching purposes; the area devoted to storage within each room is deducted from the overall area of the room.

18. The calculation of a school's enrolment number is determined in 2 stages:-

- i. each room with **50 m<sup>2</sup>** or more available for teaching purposes is regarded as having a capacity of 29 pupils; and
- ii. for rooms with less than **50 m<sup>2</sup>** available for teaching purposes, the total area of those rooms (excluding storage) is aggregated and divided by 1.72. The resulting figure, rounded down to the nearest whole number, is the total capacity for those rooms.

The total of i. and ii. is the school's enrolment number.

19. It should be noted that this is solely the method of determining the enrolment number of a school. It continues to be a matter for school Principals to determine the number of pupils in each class in the school, taking account of the accommodation available, the needs of pupils, the deployment of teaching staff and the class sizes policy in Key Stage 1.

20. If the enrolment number determined by this method, is less than the number of pupils enrolled, the Department will determine the enrolment number in respect of September 2009 taking into account the approved September 2008 enrolment number, the accommodation available for teaching purposes and the school's specific circumstances.

21. The Department will aim to be as flexible as possible in determining future enrolment numbers of schools whose current enrolments are greater than their accommodation-based enrolment number. It will wish to be satisfied that the enrolment number it determines is consistent with the ability of the accommodation to provide the educational experiences necessary for the statutory curriculum.

22. In a small number of schools, the Department will consider carefully the accommodation available in conjunction with enrolment trends and with the accommodation and enrolments at neighbouring schools. Where suitable alternative places are available, the Department may consider it necessary to provide for a phased adjustment to the enrolment number, which would be derived by using the accommodation-based method as set out in paragraph 18.

23. This would be achieved by the Department:-

- i. using the accommodation-based methods to establish a guideline for the school's enrolment number; and
- ii. examining the school's specific circumstances regularly and setting admissions numbers to align the number of pupils enrolled and the enrolment number as soon as this can be practically achieved.

24. The position would be reviewed in light of any changes to the accommodation available in the school.

## ADMISSIONS NUMBER

25. A school's admissions number will normally be determined by dividing its approved enrolment number by the number of year groups of children of compulsory school age in the school. For most primary schools the number of year groups in the school will be 7, but, where the school is an infant or junior school, the year groups will be 3 and 4 respectively. Where appropriate, the Department will adjust a school's admissions number to facilitate the implementation of the class sizes policy.

## TEMPORARY VARIATION OF ENROLMENT AND ADMISSIONS NUMBERS

26. There will, inevitably be variations from year to year in the number of pupils seeking admission to schools. It would be unrealistic, particularly in small schools and in some rural areas where alternative schools are not always available, to expect a school's admissions number never to exceed one-seventh of the enrolment number. The Department therefore enables schools to exceed their admissions number in any one year, **subject to paragraphs 7 to 10 above (Class Sizes policy)**, without requiring the Department's approval, as follows:-

<b>Enrolment Number</b>	<b>Permitted maximum % increase on admissions number</b>
0-42	50%
43-70	30%
71-140	20%
141-350	10%

Schools with an enrolment number of more than 350 will be able to admit above their admissions number, in any one year by up to a maximum of 5 pupils, without requiring the Department's approval.

27. In **all** cases to which paragraph 26 applies, any variation of an admissions number **must** be contained within the enrolment number determined by the Department.

28. The Department's **prior approval** must be sought in circumstances where a school wishes to:-

- i. admit pupils in excess of the variation permitted in paragraph 26;
- ii. exceed its enrolment number; or
- iii. reduce its enrolment and admissions numbers.

29. In seeking such approval, the Board of Governors should provide full details of:-

- i. the number of applications for places and the number of pupils to be admitted in that year;
- ii. the anticipated admissions number in future years;
- iii. the school's projected enrolments;
- iv. the number of pupils in each class, by age group for the year in question;
- v. how the school would seek to ensure that the pupils already attending the school would not be disadvantaged;
- vi. any changes to the accommodation available for teaching purposes; and

- vii. should confirm that if approval to an increase is granted, all classes in Key Stage 1 will comply with the class sizes policy.

30. In considering such requests, the Department will take account of any representations made by the Education and Library Board in relation to all schools in their area and by the CCMS in relation to a Catholic maintained school. The Department will also consider the proposed enrolments at the school and the accommodation available for use by pupils and will wish to be satisfied that the school can continue to deliver effectively the statutory curriculum to all its pupils. The accommodation and enrolments at neighbouring schools will also be taken into account.

31. The Department may approve the enrolment and admissions numbers requested by the Board of Governors or such other number as it considers appropriate.

**32. Where a temporary increase of an admissions number has been approved, and the application in respect of a child in the year group is subsequently withdrawn, the approved variation will reduce accordingly. The Department will not approve a temporary variation to a school's enrolment number or admissions number to facilitate the enrolment of children who are below compulsory school age.**

### **SUBSTANTIVE REVIEW OF ENROLMENT AND ADMISSIONS NUMBERS**

33. Where a school considers that its enrolment number is less than its capacity and, as a consequence, that its admissions number is correspondingly low, or that conversely a reduction in its enrolment and admissions numbers is necessary, the Board of Governors may request the Department to review its determinations. Such a request should be made in the first term of the school year preceding the school year in which the proposed revision will apply and the information requested in paragraph 29 should be submitted with the request.

34. Where particular circumstances, such as rapid population growth, make a school subject to unusually high demand for places, the Department will consider requests from the Board of Governors to vary its enrolment and admissions numbers to take account of anticipated increases in enrolments. In considering such requests, the Department will take account of any representations made by the Education and Library Board in relation to all schools in their area and by the CCMS in relation to a Catholic maintained school.

### **ADMISSION OF CHILDREN OTHER THAN IN THE NORMAL AGE GROUP**

35. The enrolment of children in Year 2 to Year 7 classes or in the cases of an infant [Year 2 to Year 3] or junior school [Year 5 to Year 7] should, where possible, be facilitated within a school's enrolment number but outside of its admissions number. Where, exceptionally, this would lead to the enrolment number being exceeded (eg where, in the course of the school year, children move into an area) the Department will be prepared to consider a request to increase the maximum enrolment number for that particular year.

### **2009/10 ENROLMENT AND ADMISSIONS NUMBERS**

36. The Department will notify schools of their provisional enrolment and admissions numbers for the 2009/10 school year in September 2008. This information will also be made available to Education and Library Boards in the case of all schools in their area and to the CCMS in the case of Catholic maintained schools. If Boards of Governors are not satisfied with the provisional figures, representations should be made to the Department as soon as possible after the date of notification and in any case not later than 26 September 2008.

37. The Department will consider representations from Boards of Governors regarding their enrolment and admissions numbers together with any representations from Education and Library Boards and the CCMS.

## **EDUCATION AND LIBRARY BOARDS' ARRANGEMENTS TO ENABLE PARENTS TO EXPRESS THEIR PREFERENCE AS TO THE PRIMARY SCHOOL THEY WISH THEIR CHILDREN TO ATTEND**

38. **Article 9 of The Education (Northern Ireland) Order 1997** requires each Education and Library Board to make arrangements for enabling the parent of a child resident in its area to express a preference as to the primary school at which he wishes education to be provided for his child and to give reasons for his preference. It also provides that a parent making an application for admission direct to a school shall be regarded as having expressed a preference for that school in accordance with a Board's arrangements.

39. The details of the arrangements to apply in each Board area are for the Boards to determine. Boards will administer and co-ordinate the arrangements.

40. Paragraphs 46-50 and 59-63 offer guidance to Boards on the form of the arrangements for enabling parents to express their preferences.

41. Paragraphs 59-61 offer guidance to schools in considering applications for admission.

### **Application Forms**

42. It is recommended that all parents seeking a place for their child be required to provide all relevant information to the schools for which they have expressed a preference. In addition to information such as name (**as given on the birth certificate**), date of birth, address, brother/sister already attending, parents should normally be asked to nominate **at least 3 preferences** for schools. The importance of this should be particularly emphasised in areas where known pressures exist.

43. The use of a common format allows all relevant information to be included, and will ensure that any school to which a child's application for admission is referred, will be able to consider the application against the school's admissions criteria. **This reduces the need to seek further information from the parents.** Boards will provide standard application forms, available from each school, a copy of which will be published with the information about admission arrangements. See also paragraphs 44 to 50 and 59 to 62.

## **PUBLICATION OF INFORMATION**

44. **Article 17 of The Education (Northern Ireland) Order 1997** requires each Education and Library Board to publish particulars of the arrangements:-

- for the expression of parental preferences;
- for the admission of pupils to schools in their areas; and
- for enabling parents to appeal against admissions decisions.

45. **The Education (School Information and Prospectus) Regulations (Northern Ireland) 2003** also require each Board to publish, in relation to each school in its area, particulars of:-

- the school's enrolment number;

- the school's admissions number for the school year in question;
- the respective functions of the Board of Governors and the Principal in relation to admissions to the school;
- the criteria for admission to the school; and
- the number of applications received and the number of places approved in respect of the school year in which the prospectus is published and in each of the previous 2 school years.

46 In order to allow parents time to state their preferences, the general information about the open enrolment arrangements and the information about individual schools must be published not later than 6 weeks before the date up to which parents may express a preference for a school (see timetable for the 2008/09 school year in the Annex). The published information should include clear guidance to parents as to whether they should send their applications direct to schools or to the Education and Library Board; and to specify, if appropriate, which procedure applies to which schools.

47. In the majority of cases, primary schools will be under-subscribed relative to their admissions numbers, and arrangements for processing applications can be carried out solely by the individual schools themselves. Boards may wish to make arrangements to handle all primary school applications in certain designated areas, where there is likely to be significant pressure for places.

48. However, where any school is over-subscribed, all unsuccessful applications for that school should be handled centrally by the appropriate Education and Library Board. The Board should be responsible for transferring all such applications to second and subsequent preference schools.

49. It is, of course, within each Board's discretion to create a central processing system for applications to all primary schools in its area if it regards such arrangements as necessary. It must be emphasised, however, that actual admissions decisions remain the responsibility of individual schools.

50. To discourage multiple first preference applications, Boards should consider the inclusion on application forms of a declaration, to be signed by the child's parents, that no other application for admission to a grant-aided school has been made in respect of the child.

## **ADMISSIONS CRITERIA**

51. Admissions criteria are intended to enable the Board of Governors to select pupils for admission to a school if it is over-subscribed with applications. Responsibility for drawing up criteria rests with the Board of Governors, which must consider:

- in all schools, any representations made to it by the Education and Library Board; and
- in the case of a Catholic maintained school, any representations made to it by the CCMS.

52. Schools' Boards of Governors will need to ensure that their admissions criteria are available in sufficient time for Education and Library Boards to include them in the information required under paragraph 46 above by the relevant date. See paragraphs 53-58 and 63-68 for guidance about admissions criteria.

53. **The Primary Schools (Admissions Criteria) Regulations (Northern Ireland) 1997 (SR 1997 No 438)** apply to the admissions criteria used by primary schools.

These Regulations require that:-

1. The admissions criteria shall include:-
  - i. the order of priority in which pupils shall be admitted to the school where the school is over-subscribed;
  - ii. provision to give priority to children who will have attained compulsory school age at the time of their proposed admission, over those who will not have attained compulsory school age at the time of their proposed admission; and
  - iii. provision to give priority to children who are resident in Northern Ireland at the time of their proposed admission to the school before those who are not so resident.
2. The admissions criteria shall not include:-
  - i. provision for the selection of pupils by reference to ability or aptitude;
  - ii. the performance of any pupil in a test or examination held by, or on behalf of, the Board of Governors; and
  - iii. reference to the order of parental preference, ie, first preference criteria are not permissible.

54. Since the application of a school's admissions criteria is the key factor in an Appeal Tribunal's consideration of a parent's appeal against an admissions decision, it is essential that the admissions criteria:-

- are listed in priority order;
- are objective;
- are capable of verification; and
- are capable of distinguishing between pupils down to the last available place.

55. Boards of Governors should ensure that there is an objective basis on which such decisions can be taken. If there is a number of pupils who have an equal claim to a place on other grounds, then an objective criterion – such as distance from home to school – should be used as a simple and effective tie-breaker. Where the geographical location of the child's home relative to the school is to be included as a criterion it should be clear whether home refers to parent's home only or can include the home of a childminder. Schools are reminded that the use of lots or other means which depend on chance is not an appropriate way of doing this as **it is the duty of the Board of Governors to develop objective criteria to fill all the places available.** Boards of Governors are recommended to review their criteria to ensure that their criteria for admission in 2009/10 take this into account.

### **Determination of Criteria**

56. Where a school includes special circumstances (eg medical or social factors) in its criteria, it is recommended that the criteria should allow for these to be considered at all stages of the procedure. Supporting evidence for such special circumstances should be provided to the school by parents.

## Application of Criteria

57. The admissions criteria, to be used by schools to select pupils in the event of their being over-subscribed, will apply to:-

- children who will have attained the lower limit of compulsory school age.
- children aged 4 who have not attained the lower limit of compulsory school age, WHERE a school already has a policy of enrolling such children. [See paragraphs 64 to 68]
- criteria will **also** apply to the admission of children to primary school, who are already enrolled in an approved nursery class at the school. Articles 32(6) and 90(3) of The Education (Northern Ireland) Order 1998 require Boards of Governors of primary schools which have nursery classes attached to draw up and from time to time amend the criteria to be applied in selecting children for admission to such classes.

58. Separate criteria should be drawn up for admission of children in Year 2 to Year 7 classes or in the cases of an infant (Year 2 to Year 3) or junior school (Year 5 to Year 7). These should be published by Education and Library Boards as required by relevant Regulations. See paragraphs 44 to 45.

## CONSIDERATION OF APPLICATIONS BY SCHOOLS

59. Schools should consider all applications for admissions in accordance with the timetable as set out by the Board. In schools which are over-subscribed, application forms for pupils who have not been accepted for admission at their first preference school should be made available **promptly** to the parents' second preference school. This process should be repeated until all pupils are placed. **Schools must adhere rigidly to the dates for return of application forms at each preference stage.**

60. Schools should not advise parents of the outcome of applications until the allocation of places has been completed. The Department considers that this should be no later than end-March preceding the relevant school year, to enable the consideration of any appeals against schools' admissions decisions to be dealt with during the summer term.

61. Where parents' preferences have been exhausted, the Board should seek further preferences from the parents until all pupils are placed. Punctual applications (ie those received by the specified closing date for receipt of applications) should be given priority consideration in the admissions process and they should be allocated the places which are available. Under-subscribed schools can then allocate remaining places to "late" applicants. Where places subsequently become available in over-subscribed schools, unsuccessful punctual applications should be considered on an equal basis with any "late" applications received after the specified closing date, and places allocated to the children who best satisfy the schools' admissions criteria.

62. Boards' general arrangements should enable parents to obtain copies of the published information on schools on request. Reference copies should be kept at Board offices and at each school and public library in the Board area.

63. The Board should also publish information advising that the booklets are available and the date by which applications for admission to primary schools should be made in newspapers circulating in the Board's area. Boards may also wish to consider providing, on a joint basis, publicity of a general nature in regional media, eg television, radio, newspapers etc at an appropriate time, to alert parents of children who are approaching compulsory school age, of the need to make applications to their preferred primary schools.

## Admission of Children below Compulsory School Age

64. The Department's policy on the admission of such children (known as reception children) to a primary school is set out in Circular 1990/27. However, the policy document *Investing in Early Learning* (April 1998) set out the Department's intention to replace reception provision over time, with suitable alternative provision which meets the standards of the Pre-School Education Expansion Programme.

*Investing in Early Learning* indicated that, as a first step, NO NEW RECEPTION PROVISION in primary schools ie provision in schools where a reception class or group did not exist in the 1998/99 school year would be funded from September 1999. This section of the Circular is intended to clarify how this policy operates.

65. **Schools which ALREADY HAVE A POLICY OF ENROLLING CHILDREN BELOW COMPULSORY SCHOOL AGE should note the following points:-**

- i. children of compulsory school age have priority and must be admitted up to but not exceeding a school's admissions number; and
- ii. all remaining places for admission, after children of compulsory school age have been accepted, become available for children below compulsory school age. **See paragraph 66.**
- iii. a school's admissions criteria will be used to select children below compulsory school age for admission where the number of such children exceeds the number of places remaining; and
- iv. children below compulsory school age admitted to a school in any year (other than to an approved nursery class) do not have to seek re-admission on transfer to Year 1 in the same school in the following school year.

66. In a small number of schools where it has been the policy and practice to admit children who are below compulsory school age, the demand for places from children of compulsory school age may cause a reduction in the number of children below compulsory school age who can be admitted. In such circumstances, and in view of the statutory requirement to give priority to children of compulsory school age, schools may wish to review the viability of their policies to admit children below compulsory school age. **Schools which do not have an existing policy of considering the admission of children who will be below compulsory school age at the time of their proposed admission are not permitted to introduce such a policy even if there is surplus capacity within their enrolment and admission numbers as determined by the Department.**

67. **Where a school which has been admitting reception children finds that in a particular year none have been enrolled, then the Board of Governors should review the policy in light of the availability of more appropriate provision in their area.**

68. Boards of Governors **MUST** indicate, in their admissions criteria, that the school has a policy of considering such children for admission.

69. The Department reviews funding of reception provision on an annual basis. In carrying out these reviews, the Department will seek advice and recommendations from the Pre-School Education Advisory Groups (PEAGS) as to which schools should be zero-rated, and consult the relevant school authorities before taking decisions and notifying the schools concerned.

## APPEALS

70. **Article 15 of The Education (Northern Ireland) Order 1997** requires Education and Library Boards to make arrangements enabling parents to appeal if they are dissatisfied with an admissions decision. The appeal will be to an Appeal Tribunal constituted by the relevant Education and Library Board in accordance with the **School Admissions (Appeal Tribunals) Regulations (Northern Ireland) 1998 (SR 1998 No 115)**.

71. Education and Library Boards should publish details of the arrangements for appeals against admissions decisions made by schools situated in their respective Board areas. Parents may appeal to a tribunal a decision refusing their child admission to a school only on the grounds that the Board of Governors, by or on whose behalf the decision was made, did not apply, or did not correctly apply, its admissions criteria.

72. Where children are not admitted to the school of their parents' first or subsequent preferences, the Education and Library Board should advise parents about other schools in which places are available, so that the point of appeal is not reached until all other means of settlement have been exhausted. This, however, does not affect parents' statutory right of appeal.

73. Decisions of Appeal Tribunals are binding on all parties and consequently, in respect of a successful appeal, pupils will be admitted to a school in compliance with a direction given by an Appeal Tribunal, even though the school will be exceeding its admissions and/or enrolment numbers.

## TIMETABLE

74. A timetable for the operation of these arrangements in relation to admissions in the 2009/10 school year is attached as an Annex. Principals are reminded that they must adhere to all dates set out in the timetable.

## TRANSPORT ARRANGEMENTS

75. Education and Library Boards will continue to provide free transport for a primary school pupil between home **and the nearest suitable school** where the home is more than 2 miles from that school. This normally takes the form of a place on a Board bus, in other transport arranged by the Board, or by providing a bus pass for use on public transport.

76. However, where a child obtains a place at another school which is more than 2 miles from his or her home, but is not the nearest suitable school, free transport will be provided **only if the child had sought and was unable to obtain a place in the nearest suitable school**.

## PAUL PRICE

Head of Open Enrolment and  
Transfer Procedure Branch

## ANNEX

### TIMETABLE

Monday 1 September 2008	Department to notify provisional enrolment and admissions numbers for each school to the Board of Governors.
September 2008	Board of Governors review admissions policies.
Friday 26 September 2008	Final date for schools to make representations about 2008/09 enrolment and admissions numbers.
Friday 26 September 2008	Final date for schools to forward revised admissions policies to Boards.
Wednesday 15 October 2008	Department to notify final enrolment and admissions numbers to schools.
Not later than Friday 5 December 2008	Boards publish information about schools.
Wednesday 21 January 2009 (Not later than 12 noon)	Closing date for receipt of parents' applications to first preference primary schools
Friday 30 January 2009	Date by which schools select pupils at first preference stage and for application forms of pupils not selected to be received in Boards for transmission to second preference schools.
Tuesday 17 February 2009	Date by which schools select pupils at second preference stage and for application forms of pupils not selected to be received in Boards for transmission to third preference schools.
Friday 27 February 2009	Date by which schools select pupils at third preference stage and for application forms of pupils not selected to be received in Boards.
Friday 13 March 2009	Finalisation of all other preferences by Board in consultation with schools in arranging for the selection of pupils within agreed admissions numbers.
Friday 3 April 2009	Issue of letters by schools/boards advising parents of the primary school for which their child has been accepted/not accepted.
Wednesday 15 April 2009	Final date for notice of intention to appeal against primary schools admission decisions to be received by Boards.