

Subject:

Circular Number:
2008/16

**THE PROCEDURE FOR TRANSFER FROM PRIMARY TO
POST-PRIMARY EDUCATION: 2008/09**

Date of Issue:
29 August 2008

Target Audience:

- Principals and Boards of Governors of all Grant-Aided Schools;
- Proprietors of Independent Schools;
- Education and Library Boards;
- The Council for Catholic Maintained Schools; and
- Northern Ireland Council for the Curriculum, Examinations and Assessment (CCEA).

Governor Awareness:
Essential

Summary of Contents:

This Circular advises Principals and Boards of Governors that the arrangements for transfer from primary to post-primary education, which operated in the 2007/08 school year, will continue to apply for the 2008/09 school year. 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.

Status of Contents:
Advice for Principals and
Boards of Governors

Related Documents:
Circular 1996/24
Circular 1996/43

Superseded Documents:
Circular 2007/14

**Please note paragraphs 4.1, 5.1, 5.2 and 5.3 which clarify
the position in respect of children entered for the
transfer tests.**

Expiry Date:
Not Applicable

FOR ADDITIONAL ARRANGEMENTS IN RESPECT OF
THE PROCEDURE FOR TRANSFER FROM PRIMARY TO
POST-PRIMARY EDUCATION 2008/09
Please see paragraph 4.3 for details

Please note:

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

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**THE PROCEDURE FOR TRANSFER FROM PRIMARY TO POST-PRIMARY
EDUCATION 2008/09**

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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, I intend to 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'Keeffe 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

1. INTRODUCTION

1.1 This Circular sets out the arrangements for transfer from primary to post-primary education which will operate in the 2008/09 school year. The guidance offered does not constitute an authoritative legal interpretation of the Education and Libraries (Northern Ireland) Order 1986, the Education Reform (Northern Ireland) Order 1989, the Education (Northern Ireland) Order 1996, the Education (Northern Ireland) Order 1997 or Regulations. Its application covers both primary and post-primary sectors and all Principals are advised to read the Circular carefully.

1.2 In this Circular the words “post-primary school” include both grammar and non-grammar schools.

2. SUMMARY OF MAIN POINTS

2.1 The Transfer Procedure tests will continue to be used as a means of providing information on academic ability and, on the basis of their test results, pupils will be graded as in recent years, ie: A, B1, B2, etc.

2.2 Although children take part in statutory assessment arrangements at Key Stage 2, the assessment outcomes will **not** be used for transfer purposes and regulations prohibit schools from including them in their admissions criteria.

2.3 Regulations continue to **require** that:-

- i. for all schools the criteria should include the order of priority in which pupils shall be admitted;
- ii. only grammar schools (and St Patrick’s College, Maghera; Lagan College; Slemish College and Holy Cross College, Strabane, which have grammar streams approved by the Department) may use ability of pupils of compulsory school age in their criteria;
- iii. in the case of Year 8 admissions, grammar schools are prohibited from taking account of any comments about a pupil’s performance, other than the Transfer grade, except where a school is considering a claim of special circumstances; and
- iv. a grammar school, which has the performance of pupils in the Transfer Procedure tests as one of its criteria, is required to include in those criteria that, except where there are special circumstances, day pupils will be admitted strictly in order of the Transfer grade obtained.

2.4 Further points which need to be emphasised are:-

- a. While the arrangements for admission to post-primary schools enable parents to express their preferences for schools which they would like their child to attend,

schools which are over-subscribed will only be able to admit pupils up to the limit of their statutory admissions number.

b. All schools are **required** to admit pupils up to, but not exceeding their approved admissions number. They may not exceed their overall enrolment number.

c. No school may refuse to admit a pupil of the appropriate age on any grounds while it still has places available within its admissions number, except in the case of a grammar school where, with the prior approval of the Department, compliance with the preference would be detrimental to the educational interests of the child concerned.

d. A school with a boarding department may give priority to pupils who intend to board at the school without regard to the grade obtained in the Transfer Procedure tests, but only to the extent of not exceeding the relevant number of boarders. In accordance with the Secondary Schools (Admissions Criteria) Regulations (Northern Ireland) 1997, the relevant number in relation to pupils enrolled in the boarding department (this includes overseas pupils) means the number enrolled on 21 September 1990 or on 2 October 1997 whichever is the greater. Boarding places must be contained within the school's approved admissions and enrolment numbers.

e. Where the number of applications for places in a particular school exceeds the number of places available, it follows that not all parents will be able to have their children admitted to that school. It should be noted particularly that grades A, B1, B2 and C1 together will comprise 40% of the pupils transferring to post-primary education **and that the number of pupils obtaining these grades may exceed the total number of places available in grammar schools.**

f. The distribution of grammar school places across the Province and the pattern of applications may be such that a few grammar schools may not be able to admit all pupils with a grade A. Other schools may have enough places to be able to admit all pupils with grades A and B1, some may be able to admit pupils with grade B2 and some may be able to admit other grades. It is important for this to be made clear to parents so that unrealistic expectations are not raised.

g. **No grade guarantees the admission of a pupil to a particular school or type of school.** The admission of any pupil to a school which is over-subscribed is a matter for the school, acting within its admissions number and its admissions criteria.

h. Admissions criteria are a matter for individual school Boards of Governors and **all schools should review and amend their criteria to ensure that they comply with the requirement that they are capable of distinguishing among applicants down to the last available place, taking into account:**

i. **the statutory requirements referred to in paragraph 2.3; and**

ii. the detailed advice offered in paragraphs 9.2 to 9.4.

i. In reviewing their criteria, schools should also take account of their experience in applying existing criteria and of any implications from the decisions of Appeal Tribunals. It is essential that admissions criteria should make it clear to parents which applicants will be admitted and which will not.

j. Guidance on the advice to be given to parents by primary school Principals is set out in paragraphs 13.1 to 13.3.

k. A leaflet for parents, explaining the procedural arrangements for September 2009 transfer, will be sent to Boards for distribution.

l. Primary school Principals should advise parents that they must nominate **all** those grammar and non-grammar schools to which they wish their children to be considered for admission and must include in their nominations **at least one non-grammar school**. Further advice on this is offered in paragraphs 8.5 to 8.9.

3. PUPILS ELIGIBLE TO TRANSFER

Age Groups

3.1 Article 46A of the Education and Libraries (Northern Ireland) Order 1986, as inserted by Article 156 of the Education Reform (Northern Ireland) Order 1989, specifies the age at which a pupil must transfer from primary to post-primary education. Where a pupil's eleventh birthday falls:

- . on or before 2 July and 31 August in any year the pupil shall commence post-primary education on 1 August of the following year;
- . on or between 1 September in any year and the following 1 July the pupil shall commence post-primary education on 1 August of that following year.

3.2 Changes whereby the Board of Governors of a pupil's primary school decides whether a pupil should transfer to post-primary education a year earlier or a year later than the normal age were introduced in 1996/97 and **Circular 1996/24** continues to apply.

Independent Schools

3.3 Pupils in independent schools whose parents wish to seek places for them in grammar schools should take the tests in the same way as pupils in other types of school. Parents of all pupils transferring at the normal age should be instructed to follow the normal procedures by completing a Transfer Form etc. It is essential that these procedures are followed to ensure that pupils are placed in post-primary schools.

3.4 For other pupils who have not taken part in the tests and whose parents wish them to transfer at a later date to post-primary schools from independent schools, admission will be a matter for the school to which the parents wish their child to transfer. This will

be subject to the application of the school's admissions criteria and to that school not exceeding its enrolment number – see paragraphs 9.13 to 9.18 below.

Option to Take – Or Not to Take – The Tests

3.5 **Children must be entered for the tests if parents wish them to be considered for a grammar school place.** Parents should be made aware that the purpose of the tests is to provide information by which over-subscribed grammar schools may select pupils for admission on the basis of their ability. They should be made aware of the attainment levels at which the questions will be pitched and should be advised that **pupils who are working at lower levels may find the questions too difficult and be disheartened by the experience.**

3.6 Parents, other than those whose children are referred to in paragraph 3.9, will be requested to give a written statement of whether or not they wish their child to take the tests. A supply of forms (TRP8) for this purpose will be sent to primary school Principals by CCEA.

3.7 Copies of both the leaflet (see paragraph 2.4k) and the form should be given to the parents of all Year 7 children who are of the normal age for transfer to post-primary education. **Copies should also be given to the parents of all under or over age children who are permitted to transfer to post-primary education with an explanation of the need for them to complete the option form.** These forms must be returned to the primary school Principal **NO LATER THAN 5 SEPTEMBER 2008** or the child will be regarded as participating in the Transfer tests. **It is important that parents obtain advice from the primary school Principal before making their decision.**

Arrangements in Non-Selective Areas

3.8 Pupils attending primary schools contributory to non-selective post-primary schools in an area specifically designated as such by an Education and Library Board will not normally take the tests **unless parents request in writing that they wish their child to do so.** Where a child attends a primary school eg in the Dickson Plan area, and a grammar school place is to be sought, then **ALL** such children **MUST** take the Transfer Procedure tests. Primary school Principals in such areas should ensure that parents are well-informed of the options which are available in the area, and of matters related to the tests. The parents' written request should be given to the primary school Principal who will then notify the Board.

Pupils with Special Educational Needs

3.9 **Pupils for whom Education and Library Boards are maintaining statements of special educational needs do not take part in the Transfer Procedure tests.** The appropriate special educational provision for them at the post-primary stage is a matter for the Board under Article 31 of the Education and Libraries (Northern Ireland) Order 1986 and Article 16 of the Education Reform (Northern Ireland) Order 1989.

3.10 Pupils with special educational needs for whom a Board is **NOT** maintaining a statement, and whose parents are seeking places in grammar schools, should take the tests. Principals should, therefore, regard such cases in line with paragraphs 6.1 to 6.2.

4. THE TESTS AND TEST GRADES

4.1 The Transfer Test comprises two tests. The main tests will be administered 2 weeks apart during the Autumn term (on **Friday 7 November** and **Friday 21 November 2008**) and will be administered and marked by CCEA. The supplementary test for pupils who, through illness or for some other unforeseen exceptional reason, miss one or both of the main tests will be on **Wednesday 10 December 2008** and will be held under the same conditions as the main tests.

4.2 The tests will be based on the programmes of study in English, mathematics and science and technology which pupils in grant-aided schools have been required to follow since they commenced Key Stage 2 (Irish replaces English in Irish-medium schools). The aspects of the curriculum on which the test questions will be based were notified to schools in Circular 1996/43 dated 11 December 1996. Detailed information on the test format, order of subjects etc was provided to schools in the CCEA Booklet "Specifications of the 2008/09 Transfer Procedure Tests" issued in January 2008.

4.3 Additional arrangements have been put in place in respect of the 2008/09 transfer tests. Please read carefully the Department's letter of 31 August 2007 which sets out, subject to certain conditions, additional options such as A3 test papers, increased font size, test papers on white paper only and the use of coloured overlays/glasses.

4.4 No differentiation will be made between boys and girls in the marking process employed by CCEA, but the test scores of individual pupils will be adjusted to take account of their age. Under-age candidates will continue to be given an age allowance equivalent to the mid-point of the normal age range.

4.5 No allowance will be made by CCEA in the marking of the test papers for a child who is ill or affected in any other way.

4.6 Pupils will be graded as follows:

- . Grade **A** will be awarded to the 25% of the transfer age group who achieve the highest results in the tests
- . Grade **B1** will be awarded to the next 5% of the transfer age group
- . Grade **B2** will be awarded to the next 5% of the transfer age group
- . Grade **C1** will be awarded to the next 5% of the transfer age group
- . Grade **C2** will be awarded to the next 5% of the transfer age group
- . Grade **D** will be awarded to the remainder of those who took the Transfer Procedure tests.

IT IS IMPORTANT TO STRESS THAT THESE GRADES DO NOT DETERMINE CHILDREN AS BEING SUITABLE OR UNSUITABLE FOR ANY PARTICULAR TYPE OF SCHOOL AND THAT NONE OF THESE GRADES GUARANTEES A PUPIL A

GRAMMAR SCHOOL PLACE OR A PLACE AT ANY PARTICULAR SCHOOL. SCHOOLS SHOULD MAKE THIS CLEAR TO PARENTS AT ALL APPROPRIATE OPPORTUNITIES.

4.7 Boards will issue test grades for each pupil to primary school Principals and parents on Friday 6 February 2009.

4.8 CCEA will continue the practice of special checking of the marking of individual test papers after the results issue. **All requests for the remarking of papers must come from the primary school Principal and must be received by CCEA no later than Friday 27 February 2009. It should be emphasised that, other than rechecking the marks, there is no procedure by which CCEA can alter the grade awarded to a child.**

5. SUPPLEMENTARY TEST

5.1 The primary school Principal should explain to parents that a child **must** take the supplementary test where one or both of the tests are missed through illness or other unforeseen exceptional reason.

5.2 If a child's performance in one of the tests may have been affected **the primary school Principal should offer the parents the opportunity for the child to take the supplementary test in accordance with current arrangements.**

5.3 **The supplementary test is available to each child individually and a whole test group need not necessarily participate.**

5.4 **Where the supplementary test is taken the alleged affected test will not be taken into account and cannot be re-instated. The child's grade will be based on the results in the unaffected test and the supplementary test. If the child does not take the supplementary test the result of the alleged affected test will stand.** This will also be the case where a child is entered for the supplementary test but does not actually take it, other than for a verifiable exceptional reason. Where parents intend to seek a grammar school place and their child has missed both tests they must enter the child for the supplementary test.

5.5 Where a child for any reason sits only one test, the grade will be based on the result determined in that test. This will be made clear in the notification of the result to parents and the grammar school may take this into account, together with other information/evidence submitted by the parents/primary school. If after taking one test, a parent no longer wishes to seek a grammar school place, the child should be withdrawn.

6. CONSIDERATION OF SPECIAL CIRCUMSTANCES

Grammar Schools

6.1 The arrangements for dealing with special circumstances reflect the fact that ultimate responsibility for admissions to grammar schools rests with individual school Boards of Governors. Boards of Governors must consider any claims that a child's

performance in the tests may have been affected by medical or other problems. It is the responsibility of parents to ensure that such claims are supported by documentary evidence of a medical or other appropriate nature, and that such evidence is provided for Boards of Governors to consider with the child's application. It is a matter for Boards of Governors to decide on the validity of each case and decide, in light of its admissions criteria, whether the child should be admitted.

Non-Grammar Post-Primary Schools

6.2 Non-grammar post-primary schools may include, in their admissions criteria, provision for the consideration of special circumstances affecting the child which are indicated on the Transfer Form or other documentation. They cannot, of course, consider the Transfer Procedure test grade, or any other information relating to academic ability.

7. SPECIAL PROVISION

7.1 **Special provision will be necessary for pupils moving/recently moved to Northern Ireland i.e:**

- i. children whose parents wish them to transfer to grammar schools from schools outside Northern Ireland; or**
- ii. children who have received more than half of their primary education outside Northern Ireland.**

7.2 It will be for the grammar school concerned, within the operation of its admissions criteria, to decide whether these children should be admitted on the basis that they fall within the ability range of other pupils being admitted in that year. In making their decision, schools may wish to consider such reports and information as may be obtained from the child's previous primary school. In **ALL** cases the primary school concerned, or failing that the grammar school, should request that the relevant Education and Library Board undertake an assessment of the child's ability. Those children coming under the terms of 7.1ii. above may, if their parents wish, sit the Transfer Procedure tests in which case the grade obtained would also be considered.

8. POST-PRIMARY SCHOOL PREFERENCES

Transfer Forms

8.1 A Transfer Form will be completed by the Principal of the primary school for each pupil transferring to a post-primary school. These forms normally provide all the information on which receiving post-primary schools base their decisions on which pupils to admit. **The Transfer Form does not contain information about the pupil's class performance. A Principal must not comment except where parents are claiming that special circumstances affected the pupil in the tests (see paragraphs 6.1 to 6.2).**

8.2 Once the results of the tests are known, parents, including those who decided that their children would not take the tests, will be able to express on the Transfer Form their preferences for the post-primary schools for which they wish their child to be considered (together with their reasons if they wish). Primary school Principals should advise parents to include any other information or special circumstances which they wish the post-primary school to take into account or which is necessary to enable the post-primary school to apply its criteria. The forms will be forwarded by the primary school Principal to the appropriate Education and Library Board; the Board will then send the Forms to the post-primary schools, in order of preference, for consideration. **It is vital that primary school Principals provide appropriate advice and assistance to enable parents to ensure that each Form is properly completed with all relevant details when submitted to the Board. If a boarding place is being sought, this should be clearly stated on the Transfer Form.** Guidance on the completion of the Transfer Forms will be provided with the Forms.

Nominations of Post-Primary Schools by Parents

8.3 Primary school Principals should invite parents to meet with them to discuss their child's progress, the information contained in the Transfer Form and to nominate the post-primary schools to which they would prefer their child to transfer. It is important that parents receive advice from primary school Principals on their nominations. Factors which should be taken into account include:-

- i. the results achieved in the Transfer Procedure tests and other information provided on the Transfer Form;
- ii. information about post-primary schools provided in Education and Library Board booklets and school Prospectuses;
- iii. the admissions criteria for each school;
- iv. the transport arrangements relating to the nearest suitable school (see paragraph 12) and the travel time to and from each school; and
- v. any fees payable.

8.4 Primary school Principals should ensure that parents understand the importance of attending for interview. To assist parents to prepare for the interview, Principals are recommended to issue a photocopy of the partially completed Transfer Form to parents about a week in advance of the interview. Many Principals have found that this arrangement leads to better interviews. It should not, however, be regarded as a substitute for an interview.

8.5 Parents should consider issues highlighted in the leaflet "Considering Post Primary Schools and Applying for a Place" which they will receive before preferred schools have to be chosen – see paragraph 13.3.

8.6 When discussing preferences, parents may seek the Principal's opinion on the likelihood of gaining admission to particular schools. School prospectuses will include

information about numbers of applicants and numbers admitted in previous years: grammar schools will show this information by Transfer Procedure grade. The Principal may wish to discuss patterns of admissions in previous years **but should not give any assurances to parents on the possibility of their child being admitted to a particular school or type of school, as admission patterns can change.**

8.7 Parents may nominate as many schools as they wish and **should be encouraged** by primary school Principals to nominate all the grammar schools and non-grammar schools where they would like their child to be considered for admission. The number of nominations will vary depending on local circumstances but normally **at least 3 schools** should be nominated. Giving more than one preference does not reduce the chances of acceptance in the first preference school. Stating only one preference is not recommended as admission to any school cannot be guaranteed.

8.8 It should also be borne in mind that grammar schools are likely to be over-subscribed and it is possible that a number of children may not be selected by the grammar schools which have been named. Parents should, therefore, be advised that it is essential to include **at least one non-grammar school** in their list of preferences and **not to name the same school at more than one preference.**

8.9 **Failure to comply with the advice to nominate a number of schools could result in delays in processing applications and may reduce the possibility of a child being admitted to a preferred school.**

8.10 **General advice to Principals about the interviews with parents is attached (see also paragraphs 13.1-13.3) but it is important that Principals should stress to parents that:-**

- a. **no pupil is guaranteed a grammar school place, irrespective of the grade obtained;**
- b. **there can be no guarantee of admission to any particular school;**
- c. **it is the parents' responsibility to:-**
 - i. **nominate schools, taking all factors into account;**
 - ii. **provide all relevant information (for the schools listed as preferences) particularly regarding sibling and family relationships;**
 - iii. **provide all supporting documentary evidence where special circumstances are being claimed; and**
 - iv. **having considered schools' admissions criteria, provide any information which they think will help schools to consider their child's application, including any long-term social, medical or other special circumstances affecting their child.**

9. ADMISSIONS TO POST-PRIMARY SCHOOLS

Admissions

9.1 Under open enrolment, admissions are a matter for individual school Boards of Governors, but each school is required to admit all pupils whose parents have expressed a preference for their children to be educated at the school **provided the number of applicants does not exceed the school's approved admissions number**. Admissions criteria will be used to decide which pupils should be admitted if there are more applicants than places. If it has places available within its admissions number, a grammar school must not, without the specific approval of the Department, refuse admission on the grounds that it would be detrimental to the educational interests of the child concerned.

Admissions Criteria

9.2 Article 16 of the Education (Northern Ireland) Order 1997 requires Boards of Governors to draw up, and from time to time amend, the criteria to be applied in selecting pupils for admission to schools. The criteria are not subject to the Department's approval but will be subject to the Secondary Schools (Admissions Criteria) Regulations (Northern Ireland) 1997 (SR 1997 No 439), the main provisions of which are that:

- a. outcomes of the assessment at the end of Key Stage 2 will not be used for transfer purposes;
- b. schools are prohibited from including criteria which take account of comments from the primary school Principal about a pupil's academic ability or attainments, except in cases where special circumstances are being claimed (see paragraphs 5.1 to 5.4 and 6.1 to 6.2).
- c. criteria must include the order of priority for the admission of pupils where a school is over-subscribed;
- d. day pupils at grammar schools must be admitted strictly in the order of the Transfer test grades obtained: this need not apply to boarding pupils (who must be admitted within the approved admissions number);
- e. provisions in d. are subject to the consideration by Boards of Governors of special circumstances ie medical or other problems which may have affected a child's performance in the tests, supported by documentary evidence of a medical or other appropriate nature; and
- f. only a grammar school (or other schools with grammar streams approved by the Department) may include reference to ability or aptitude in the criteria for the admission of pupils of compulsory school age to the school.

9.3 Also, Article 16(6) of the Education (Northern Ireland) Order 1997 prohibits testing by schools in the selection of pupils for admission at the normal transfer age and provides that admissions criteria shall not include the performance of any pupil in a test or examination held by, or on behalf of, the Board of Governors of a school, other than

an assessment made by an Education and Library Board at the request of the Board of Governors of a grammar school.

9.4 Boards of Governors should review their criteria to ensure that account is taken of these requirements. They should take account of their experience of the 2007/08 arrangements and the decisions of Admissions Appeal Tribunals. Boards of Governors should also consider any representations made by the Education and Library Boards and, in the case of Catholic maintained schools, by the Council for Catholic Maintained Schools.

9.5 In reviewing their criteria, Boards of Governors should also take account of the following guidance:-

- a. Criteria should be listed in priority order and should be objective, clear and easily understood by all concerned. They should be capable of easy verification by parents and Appeal Tribunals.
- b. Commonly used criteria include sibling or other family relationships, distance from home to school, geographical area and contributory primary schools. All of these are quite acceptable but it is important that the way in which the criteria will be applied in detail is made clear – for example, the exact nature of a family relationship may need to be defined and contributory primary schools would need to be specified.
- c. Boards of Governors are legally responsible for ensuring that admissions criteria are capable of selecting applicants down to the last available place. Boards of Governors should therefore 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. **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.**
- d. Criteria must not include the order of parental preference for the school.
- e. Criteria must provide for all children resident in Northern Ireland, at the time of their proposed admission to the school, to be selected for admission before any child not resident in Northern Ireland may be selected for admission.
- f. Criteria must be capable of taking account, at all stages of their application, of special circumstances in relation to performance in the Transfer Procedure tests as detailed in paragraphs 6.1 to 6.2.
- g. The regulations provide that grammar schools' criteria must consider the grade of the pupil as the prime consideration, allowing only for consideration of special circumstances claims.

h. In general terms, and taking account of the school admissions criteria regulations, schools should try to ensure that those pupils living in the closest proximity to the school are given reasonable priority.

Publication of Information about Schools and Admissions Arrangements

9.6 Under Article 17 of the Education (Northern Ireland) Order 1997, Education and Library Boards are required to publish particulars of the arrangements for:-

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

9.7 Details to be published under paragraph 9.6.b. must include for each school:-

- a. the school's enrolment number;
- b. the school's admissions number for the school year in question;
- c. the respective functions of the Board of Governors and Principal in relation to admissions to the school;
- d. the criteria for admission to the school; and
- e. in the case of a voluntary grammar school, the school's capital fees (and tuition fees in the case of a Group B voluntary grammar school).

9.8 Education and Library Boards will contact schools directly about the nature and timing of information required but post-primary schools should plan on the basis that admissions criteria (revised as appropriate) will be required **by the end of September 2008**.

9.9 This information will be published by Education and Library Boards in the form of descriptive booklets which will include particulars about all post-primary schools in their respective areas, the Transfer Procedure and information about the numbers of applications for admission and numbers admitted to each school in recent years. These booklets will be circulated to all primary schools by Christmas 2008 for distribution to parents of pupils in Year 7.

School Prospectuses

9.10 **Education (School Information and Prospectuses) Regulations (Northern Ireland) 2003 No 378**, set out the information required to be included in school prospectuses.

9.11 These regulations require schools to publish a prospectus not later than six weeks before the date on which parents express their transfer preference for schools. **Post-**

primary school Prospectuses for the 2008/09 school year should, therefore, be published no later than 19 December 2008.

9.12 Schools are required to include in their prospectuses information about subject choice available, aggregate public examination results, including vocational examinations, school leavers' destinations and the percentage attendance rate. All post-primary schools must publish information about the number of applications they receive and the number of pupils admitted. Grammar schools (and St Patrick's College, Maghera; Lagan College; Slemish College and Holy Cross College, Strabane, which have grammar streams approved by the Department) are required to show this information in respect of each Transfer grade. Schools are required to publish the number of applications received and the number of places granted in respect of the school year in which the prospectus is published and in each of the previous 2 school years.

Selection of Pupils for Admission to Post-Primary Schools

9.13 Education and Library Boards will forward to each post-primary school all the Transfer Forms of pupils whose parents have nominated that school as a first preference. These forms will contain, where appropriate, the child's grade in the Transfer Procedure tests and all other information about the child provided by the primary school and the parents. For the majority of children, these forms will contain all the information which post-primary schools should require to select suitable pupils. There may be some cases of special circumstances where the Board of Governors will wish to obtain further information from the primary school (including, in the case of **grammar** schools only, curricular information) but the Department would expect the number of such cases to be small. Post-primary schools should notify Boards of any applications for day places they have received direct from parents and for which a Transfer Form is not submitted.

9.14 Each Board of Governors will make a provisional selection of those pupils whom they wish to admit up to the school's admissions number. The Transfer Forms of those not selected at first preference stage **MUST BE RETURNED, as quickly as possible** and **WITHIN THE TIMETABLE INDICATED** in this Circular, to the Education and Library Board which will then forward them to the schools nominated as second preferences. The Board of Governors will adjust their provisional list of admissions in light of the application of their criteria to further preferences. At each stage the Transfer Forms of those not being admitted should be returned to the Education and Library Board. **Schools must adhere rigidly to the dates for return of the forms at each preference stage.** Schools must return forms even though a request may have been made to the Department to increase the admissions number. If the request is approved the forms will be returned to the school.

9.15 The prohibition of "1st preference" criteria has led to more work for schools and Boards in processing second and subsequent preferences. In particular, this has generated pressures in the later stages of the timetable. It is essential, therefore, that schools consider preferences quickly so that subsequent parental preferences can be taken account of before the date on which Boards issue letters to parents about school placements in accordance with the timetable.

9.16 In the selection of pupils for post-primary schools, other than those grammar schools which take account of the test results in their criteria, no distinction should be made between pupils who took the tests and those who opted out of the tests.

9.17 Where parents express a preference for a school outside a Board's area, that Board will send 2 copies of the Transfer Form to the Board for the area in which the preferred school is located so that each Board can send all the appropriate Transfer Forms to the schools in its area at the same time.

9.18 The Board will continue to process Transfer Forms until each pupil is accepted by a school and, if necessary, will seek further nominations from parents. It is possible a few pupils will not have been placed when official notification of post-primary school placement issues on 29 May 2009. Parents will be advised accordingly and invited to state further preferences for schools which still have available places.

Transfers Between Schools

9.19 The arrangements for the transfer of pupils from one post-primary school to another are quite separate from those for the transfer of pupils from primary to post-primary education, and the admissions criteria for transfer between post-primary schools will also be different. It follows, therefore, that schools should draw up separate admissions criteria for transfer between schools.

9.20 Pupils admitted to post-primary schools, other than to Year 8, will not count towards a school's admissions number but will have to be contained within the school's enrolment number.

9.21 Parents who are dissatisfied with an admissions decision may appeal under the arrangements outlined in paragraph 10.1.

Applications for Places Post-16

9.22 It will be a matter for individual schools to decide, by the application of their admissions criteria, on applications for admission at post-16 stage.

Non-Fee-Paying Places

9.23 Pupils admitted to the secondary departments of grammar schools will not have to pay tuition fees except possibly in the case of those pupils who are not resident in Northern Ireland or whose parents are neither resident in Northern Ireland nor nationals of an EU member state.

Notification of Placements

9.24 Official notification of placements will be issued to parents by Education and Library Boards on 29 May 2009. **Schools must not notify parents in any way of their intention to admit (or not to admit) pupils in advance of the Board's formal notification.**

10. APPEAL ARRANGEMENTS

10.1 Article 15 of the Education (Northern Ireland) Order 1997 requires Education and Library Boards to make arrangements enabling a parent to appeal to a tribunal against an admissions decision, only where a child has been refused a place at an over-subscribed school by the application of the school's published admissions criteria. Notification letters should tell parents of their right to appeal and whom they should contact if they wish to make an appeal. The appeal will be to an Appeal Tribunal constituted in accordance with the School Admissions (Appeal Tribunals) Regulations (Northern Ireland) 1998 (SR 1998 No 115).

10.2 Where children are not admitted to the schools of their parents' first or subsequent preferences, the Education and Library Board should help the parents to obtain a place in another school. This, however, does not affect parents' statutory right of appeal.

10.3 Decisions of Appeal Tribunals are binding on all schools and consequently pupils may have to 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 enrolment numbers.

11. FURTHER INFORMATION

11.1 Further additional information about the Transfer Procedure will be issued in due course by Education and Library Boards to schools in their areas.

11.2 Any enquiries about the Transfer Procedure arrangements should be addressed to the body responsible in accordance with the responsibilities set out in paragraphs 14.1 to 14.3.

12. TRANSPORT ARRANGEMENTS

12.1 The arrangements for the provision of home to school transport continue to apply, which were revised from 1 September 1997.

12.2 Education and Library Boards will continue to provide assistance with transport for a post-primary school pupil where he/she enrolls at a school which is more than 3 miles distance from his/her home **PROVIDED THAT** the pupil has been unsuccessful in gaining a place at **all** suitable schools within that 3 mile limit. This provision normally takes the form of a seat on a Board bus, on other transport arranged by the Board, or by provision of a bus pass for use on public transport.

13. INFORMATION AND ADVICE TO PARENTS

13.1 It is important that parents are given as much information and advice as possible on the selection and nomination of post-primary schools. Considerable information is already available in the Department's explanatory leaflet for parents, Education and Library Boards' Transfer booklets and school prospectuses.

13.2 The Transfer Procedure is complex and many parents find it a daunting task to assimilate all the information which is available; they rely heavily on advice from primary school Principals to assist their understanding of the overall process and how it applies to their child's circumstances. Many primary schools already have arrangements for providing such advice to parents and the Department is aware that this is appreciated by parents. The Department recommends that all schools offer this type of advice, which is in addition to advice sought by individual parents about whether their child should be entered for the tests – see paragraph 3.5. It is suggested that it should be offered to parents in 2 stages:-

Stage 1 - General advice on the transfer arrangements under the system of open enrolment. This would normally take the form of a meeting for the parents of all pupils transferring. It is a matter for each school to decide when such a meeting should take place; some schools find it helpful to hold the meetings towards the end of year 6, others hold them at the beginning of year 7, whereas some hold them late in the Autumn term immediately before parents start the process of deciding which schools they wish to nominate.

Stage 2 - Advice to individual parents at the time they are required to nominate their preferences on the Transfer Form.

13.3 Attached to this Circular (Annex - Part 1 and 2) is a guide which may be helpful to primary school Principals in covering the key issues relating to the Transfer Procedure and about their interviews with parents about the Transfer Form. The overall aim is to seek to ensure that parents are familiar with the transfer arrangements and are aware of their rights and responsibilities under those arrangements. To give further assistance to parents, a leaflet containing a checklist of matters they need to consider when choosing schools, expressing their preferences and completing the Transfer Form will be provided by the Department early in January 2009.

14. ROLES AND RESPONSIBILITIES

The Department of Education

14.1 The Department of Education continues to be responsible for the overall policy governing the operation of the Transfer Procedure arrangements and the open enrolment arrangements for the admission of pupils to schools. It determines post-primary schools' admissions numbers. It also has responsibility for issues such as the detailed specification of the tests, including the subjects to be tested and the content of the Programmes of Study on which the questions will be based, the time allowed, the number of questions, the format of the papers and the dates of the tests.

The Northern Ireland Council for the Curriculum, Examinations and Assessment (CCEA)

14.2 CCEA is responsible for developing and setting the tests, arranging for their conduct, distribution of test papers to schools, marking the papers, determining the grades and issuing test results to the Education and Library Boards.

Education and Library Boards

14.3 Education and Library Boards are responsible for issuing Transfer Booklets to schools, compiling and updating the list of pupils sitting the tests (the nominal roll), selection, appointment and training of supervisors, issuing results, acting as a clearing-house for and processing of parents' Transfer Forms to enable post-primary schools to consider applications, issuing letters notifying parents of the school to which their child has been admitted and establishing and administering Admissions Appeal Tribunals.

15. TIMETABLE

A copy of the timetable for the 2008/09 Transfer Procedure is attached for information.

PAUL PRICE
Head of Open Enrolment and
Transfer Procedure Branch

TIMETABLE

2008/09 PROCEDURE FOR TRANSFER FROM PRIMARY TO POST-PRIMARY EDUCATION

NOTE: References to primary schools include preparatory departments of grammar schools and independent schools

Autumn Term	Boards to arrange with post-primary schools the dates for visits by parents.
September 2008	Boards to obtain accurate numbers and birth certificates of the pupils transferring to post-primary education from primary schools.
Friday 5 September 2008	Final date for submission by parents of form opting their child into/out of the tests.
Friday 19 September 2008	Boards to provide CCEA with details of the pupils taking part in the tests.
Monday 22 September 2008	Schools to provide Boards with their amended admissions criteria for publication in Boards' Transfer Booklets.
Friday 7 November 2008	The first main test takes place at 10.00 am. Supervisors to send the completed tests to CCEA for marking.
Friday 21 November 2008	The second main test takes place at 10.00 am. Supervisors to send the completed tests to CCEA for marking.
Wednesday 26 November 2008	Final date for primary school Principals to notify CCEA and Boards of the details of pupils who will be taking the supplementary test.
Wednesday 10 December 2008	The supplementary test takes place at 10.00 am. Supervisors to send the completed tests to CCEA for marking.
Friday 19 December 2008	Final date for publication of post-primary school prospectuses.

Friday 2 January 2009	Final date for publication of Boards' Transfer Booklets.
Thursday 29 January 2009	Date by which CCEA must forward results to Boards
Friday 6 February 2009	Boards to post notification to parents and primary schools of the results obtained by the children in the tests.
Monday 9 February 2009 to Friday 20 February 2009	Period for primary school Principals to hold interviews with parents and to complete Transfer Forms and forward them to the Boards.
Friday 27 February 2009	Final date for receipt of requests for remarks by CCEA.
Friday 20 March 2009	Boards to provide Transfer Forms of first preferences to post-primary schools.
Friday 3 April 2009	Post-primary schools to advise Boards of pupils selected at first preference stage and to return Transfer Forms of those not selected.
Friday 17 April 2009	Post-primary schools to advise Boards of pupils selected at second preference stage and to return Transfer Forms of those not selected.
Friday 1 May 2009	Post-primary schools to advise Boards of pupils selected at third preference stage and to return Transfer Forms of those not selected.
Wednesday 13 May 2009	Final date for receipt of additional preferences by Boards.
Friday 29 May 2009	Boards to issue letters advising parents to which post-primary school their child has been accepted.
Wednesday 10 June 2009	Final date for notice of intention to appeal against post-primary schools admission decisions to be received by Boards.