



## Guidance on Admissions

### Guidance for Admissions Authorities of Church of England Schools in the Diocese of Chelmsford

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**Please note:** *This guidance is not intended to provide exhaustive information regarding admissions in Church of England Schools. Governing Bodies are also required to consult the 'School Admissions Code 2021' and the 'School Admissions Appeal Code 2022' to ensure arrangements comply with DfE legislation and regulation.*

*This document is intended to support discussions of schools reviewing their admissions policy. It will be most relevant to Governing Bodies of Voluntary Aided Schools and Foundation Schools as well as Boards of Directors of Academy Trusts/Local Governing Committees of CofE Academies.*

#### 1. Introduction

The purpose of this guidance is to provide advice and guidance to Admission Authorities of Church of England schools in the Diocese of Chelmsford. Every state-maintained school has an Admission Authority, whose role is to decide which pupils are admitted to the school and when. For Voluntary Controlled schools the Admission Authority is the Local Authority (e.g. Essex County Council). For Voluntary Aided schools and Foundation schools the Admission Authority is the school's governing body. For academies the Admission Authority is the Academy Trust. In some Academy Trusts, part of the responsibility for admissions may be delegated to the local governing body/committee of the



individual schools, in which case the scheme of delegation should make clear where responsibility for admissions lies.

All admissions arrangements must comply with the Schools Admissions Code 2021 and the Schools Appeals Code 2022. All governors should be familiar with these documents. Admission authorities must ensure that the allocation of school places is objective, fair, and compatible with admissions and equal opportunities legislation. Parents should be able to look at an admissions policy and understand easily how places for that school will be allocated.

Church of England schools should aim to be distinctively Christian, inclusive communities where the ethos and work of the school is clearly rooted in Christian belief and values. Governing bodies will need to consider how their admissions policy influences the balance between being distinctive and inclusive. Reflection should take place on the extent to which a policy reflects the school's Christian vision, maintaining a concern for the disadvantaged and vulnerable, while allowing all to flourish.

Governing Boards, while reading this guidance thoroughly, should also refer to the Diocesan document 'Admission Arrangements Timetable' for the relevant academic year. This will provide a clear overview of the tasks and deadlines required.

## **2. Role of the DBE**

In line with the Admissions Code, admissions authorities will need to consider the DBE's Guidance and to consult with the DBE when reviewing or revising admissions arrangements. For governing bodies and academy trusts that are their own admissions authorities, this should be expressly discussed at the relevant governing body/board/admissions committee meeting and be appropriately minuted.

Admissions authorities of Church of England schools must:

- Have regard to any guidance from the DBE when constructing faith-based admissions arrangements.
- Consult with the DBE when deciding how membership or practice of the faith is to be demonstrated.
- Consult with the DBE about proposed admission arrangements before any public consultation and as part of the required public consultation.

Admission authorities should also notify the DBE as soon as possible if they are aware that an objection has been made to the School's Adjudicator in respect of their admissions arrangements.

## **3. Over Subscription Criteria**

### **Order of Criteria**

All policies must have over subscription criteria. Admissions criteria only come into play when a school is oversubscribed. If a school is not oversubscribed, all applicants must be offered a space. All Governing bodies are required by Section 324 of the Education Act 1996 to admit to the school



children with an Education Health Plan (EHCP) that names the school. This is not an oversubscription criterion.

Highest priority must be given to looked after children, and to all previously looked after children including children who appear (to the admission authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted. (For convenience they will be referred to as LAC). They must all be included in category 1, with equal priority. Faith schools are allowed to prioritise faith applicants over LAC children not of the faith (so long as LAC of faith have the top priority) but the DBE advises schools not to make this distinction in their policies and instead to include all LAC children in a single category 1.

Schools have a great deal of flexibility in choosing the order of the remaining criteria but should regularly consider their impact. It is harder to demonstrate inclusivity if the school has a much lower percentage of pupil premium children than other local schools or if local children living very close to the school have little chance of obtaining a place. In considering changes to admission arrangements and over subscription criteria admission authorities are encouraged to consider the impact changes could have on neighbouring schools and academies.

Admission policies often include oversubscription criteria that were set some time ago, when the local context was very different. All admission policies should be regularly reviewed to make sure that they are still meeting the needs of the school and the community it serves. For example, if certain categories are never or only rarely used, it is important to consider whether they are need at all.

Oversubscription criteria must be reasonable, clear, objective, procedurally fair and comply with all relevant legislation, including equalities legislation. Admission arrangements must include an effective clear and fair tie-breaker to decide between two applications that cannot otherwise be separated.

## **Faith Criteria**

Schools with a religious character are exempt from some aspects of equality legislation (specifically the prohibition of discrimination on the grounds of religion or belief), which means it is lawful to make a decision about whether or not to admit a child on the basis of religion or belief, where the school is oversubscribed. Admission authorities must ensure that parents/carers can easily understand how any faith-based criteria will be reasonably satisfied.

'Membership of' or 'commitment to' a church is difficult to define objectively and apply fairly and consistently. DBE advice is that only **frequency of attendance** at public worship should be used as a determinant of membership of a Church or religious community. It is important to consider changing patterns of attendance and to ensure that single-parent families and parents with irregular work patterns are not disadvantaged by unduly onerous attendance requirements. For example, it may be appropriate to include weekday worship rather than only counting attendance at a 'main' or Sunday Service. Other religious activities within the church for a social purpose may not be compliant such as flower arranging, leading a music group or service on the PCC etc...

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Governing Bodies will need to consider which churches will be included in the faith-based criteria and to make sure that this is clearly set out in the policy. Governors should consider whether giving highest priority to those attending a specific church could cause unfairness to potential applicants, for example those who have recently moved to an area or whose personal circumstances have led to them attending a different church. Governors should also consider whether there are any church schools serving adjoining parishes. As pastoral reorganisations increase in number and scale, it may be wiser to broaden the range of churches that are within the criteria to 'any Church of England' church.

Governors should consider using the definition included in the variation guidance, namely '*Christian Church means any church which is designated under the Ecumenical Relations Measure nationally by the Archbishop of Canterbury and York or locally by the diocesan bishop, or is a member of Churches Together in England (CTE), or the Evangelical Alliance or a partner church of Affinity.*', parents must be able to easily find out whether their church is included in this category. Please note that not all Christian denominations/churches will meet the technical criteria for membership of these organisations and the list may need to be adapted to reflect local circumstances.

Governors will need to make clear what they mean by attendance at a church (or other place of worship). Regular attendance is too imprecise. Policies must spell out:

- The **frequency** of required attendance (e.g. not less than 8 times in..., not less than monthly/fortnightly)
- The **required period** of attendance (e.g. not less than 12 months prior to the closing date specified on which the application is submitted)
- The **date** from which attendance is being counted (normally the date of the application) and
- **Whose** attendance if being counted; reference to 'family' attendance is not clear enough.

## Other faiths

Some church schools attract parents of other faiths who choose a church school because it recognises the value of faith and acknowledges the reality of the presence of God. Admission authorities are not obliged to make this provision under the code, but many do so. Where priority is given to families of other faiths, governors will need to consider carefully whether (and how) membership of and/or commitment to other faiths can be objectively and fairly defined and evidenced, particularly with respect to faiths without a comparable emphasis on regular public worship. In practice, it is usually simpler to include children of other world faiths simply by giving high priority to any children living near to the school, irrespective of faith.

## Periods of church closure

Some admission policies include attendance criteria that span periods of time when some churches were closed due to the Covid-19 pandemic. Schools using these criteria who have not already included



the nationally agreed variation wording in their policies are encouraged to consider adding this to their policy (which will require a consultation). A variation allowing periods of church closure to be disregarded will remain part of a school's admission arrangements unless, and until, a school consults to remove it in the usual way. DBE advice is to retain this wording, in case of future periods of national church closure.

The clause, as agreed by the Office of the Schools Adjudicator (OSA) in 2021 and for use nationally by Church schools with faith related over subscription criteria is:

*“In the event that during the period specified for attendance at worship the church [or, in relation to those of other faiths, relevant place of worship] has been closed for public worship and has not provided alternative premises for that worship, the requirements of these [admissions] arrangements in relation to attendance will only apply to the period when the church [or in relation to those of other faiths, relevant place of worship] or alternative premises have been available for public worship”.*

## **Supplementary Information Forms**

Schools may use Supplementary Information Forms (SIF) to obtain evidence about religious affiliation. It is essential that SIFs reflect the main policy wording and, for example, does not ask clergy to certify 'family' attendance when the policy asks only for attendance by one parent or carer. SIFs should also not ask for additional information from the parent (or clergy) that goes beyond the wording of the attendance criterion (e.g. questions about 'commitment to the church' in general or asking parents to agree to support the ethos of the school in a practical way). SIFs should include a reference to any provision in the main policy about the disregarding of periods of church closure when calculating attendance.

Schools will need to make sure that parents/carers are aware of the SIF, especially regarding where it needs to be sent. The Common Application Form (CAF) will be returned to the Local Authority, but the SIF must be returned to the school. It should be made clear to parents/carers that, if they are seeking to have the application considered for a foundation/faith-based place, failure to complete a SIF will mean their application is considered under the next most appropriate criterion.

## **Other oversubscription criteria**

Some of the most common non-faith criteria are:

- Siblings – a full definition must be included in the policy, to reflect the complexities of modern family life. Many schools choose to mirror their local authority's definition of 'sibling'.
- Children whose home address is nearest to the school – the policy must clearly explain how distance between home and school and/or any nodal points used in the arrangements will be calculated and what happens if two children live the same distance away (for example, in a block of flats). 'Home address' must also be defined and include an explanation of how the child's



address will be determined if the child has shared residence living for part of the week with each parent.

- Catchment children – any catchment area must be clearly defined, for example by reference to an easily accessible map or list of street names. Current parish boundaries can be checked by reference to [www.achurchnearyou.com](http://www.achurchnearyou.com). Catchment areas should be regularly reviewed, to make sure that they reflect changing local needs, such as new housing developments and parish reorganisations. Any catchment changes must be consulted on.
- Feeder schools – Feeder schools (which must be state schools) must be named in the policy and the choice of school(s) must be made on reasonable grounds.
- Children with exceptional social/and or medical needs – if an admissions authority wishes to use this criterion, then the policy must make clear how they will define this need and give clear details about what supporting evidence will be required (e.g. a letter from a doctor or social worker) and then make consistent decisions based on the evidence provided. . If the local authority's wording is used, then care must be taken to adapt the wording for use by a specific school.
- Children of staff – this is an exception to the usual rule that children cannot be awarded places based on their parents' occupation. The exception only relates to staff employed at the school itself (so an academy cannot prioritise the children of staff working at other schools in its MAT) and is limited to:
  - Staff employed at the school for two or more years at the time of application and/or
  - Staff recruited to fill a vacant post at the school for which there is a demonstrable skill shortage.

The admission arrangements should explain to which staff the priority will apply (e.g. does it relate to teaching/permanent staff only?) and define 'child' (e.g. does it include children of a staff member's partner?)

- Children eligible for the pupil premium, early years premium or service premium – The code allows schools to give priority to these children and the DBE would encourage schools to consider doing so; please note that, for service premium, it is entitlement to the premium that counts and not the current occupation of the parents.
- Any other children – This final category is needed in order to take account of any children not falling into one of the higher categories. The code sets out a list of exhaustive criteria that must not be used. These include giving priority based on parents' occupation (so a priority for children of clergy is not permitted). The code doesn't expressly prevent schools from giving priority to children in the school's nursery, but these sorts of arrangements are regularly referred to the Office of the Schools Adjudicator, and the objections are normally upheld if local children are disadvantaged as a result. DBE advice is therefore not to include priority for children attending the school's nursery.



## 4. Applications & Offers

### Allocating Places

Admission authorities must allocate places based on their determined admission arrangements only. A decision to offer or refuse a place must not be made by one individual in an admissions authority. Where the school is the admission authority then the whole Governing Board, or an admissions committee established by the governing board, must make the decisions. A clear record must be kept of any decisions made about applications, including in year applications.

Schools that have enough places available **must** offer a place to every child who has applied for one, without condition or the use of the over subscription criteria. Where schools are over-subscribed, admission authorities must rank applications in accordance with their determined arrangements.

### Tie-break

The policy must make clear how applications will be prioritised if there are more applications than available places in any admissions category. Many schools use distance from the child's home address to the school as the tie-break but there are other possible options.

### Published Admission Number (PAN)

Schools are not required to consult if they wish to increase their PAN, though they are required to inform the LA of their decision. However, schools must consult if they decide to decrease their PAN and should discuss this with the DBE and the LA before making any such proposals.

The PAN only applies to the normal year of admission. It cannot be used to refuse a place in other year groups. A refusal to admit to other year groups must be on the basis that to admit an additional pupil will prejudice the efficient provision of education and use of resources (which, for infant classes, includes the steps that would have to be taken to avoid a breach of the Infant Class Size Limit legislation).

### Waiting Lists

Schools are required to maintain a clear, fair and objective waiting list until at least 31st December of each school year of admission when oversubscribed. The waiting list process should be made clear in the published arrangements. The list must be drawn up in accordance with the published oversubscription criteria. If a place becomes available, this must be offered to the child with the highest priority under the published oversubscription criteria. Priority must not be given to children based on the date their application was received or their name was added to the list. Any LAC children, or those to be admitted under the Fair Access protocol must take precedence over all others on the waiting list.



## **Admission of children below compulsory school age**

Admission authorities must provide for the admission of all children in the September following their fourth birthday. Further information around deferring the start date or part time attendance is available in the School Admissions Code 2021 Section 2.17.

Parents may also seek a place for their child outside of their normal age group, or parents of a summer born child may not choose to send that child to school until the September following their fifth birthday and may request they are admitted out of their normal age group. Admissions authorities must make clear the process for requesting admission outside the normal age group. Further information is available in the School Admissions Code 2021 Section 2.18-2.20

## **In-Year Admissions**

Admission authorities and governing boards must set out on the school's website by 31<sup>st</sup> August at the latest, how in-year applications will be dealt with from the 1<sup>st</sup> September until the following 31<sup>st</sup> August. They must provide a suitable application form for parents, and a SIF where necessary, as well as setting out when parents will be notified of the outcome and the right of appeal.

If the admission authority is to be part of the LA In-Year Co-ordination Scheme, it must provide details on where parents can find information on the scheme.

## **5. Determination and Consultation Process**

### **.Consultation**

Governing bodies who are the admission authority for their school must consult if they propose any significant changes to their admission policy for the next admission year, and must in any event, consult at least once in every seven years, even if no changes are planned.

Governing bodies of schools within the Diocese of Chelmsford must discuss their proposed admission arrangements with the Diocese School Admissions Officer/Director of Education before any public consultation is launched. Proposals for changes to admission arrangements should be emailed to [education@chelmsford.anglican.org](mailto:education@chelmsford.anglican.org) by 30 September at the latest. Proposals will be responded to by 15 October.

Consultation must be for a minimum of 6 weeks between 1 October and 31 January. For the duration of the consultation period, the policy must be published on the school website, together with the details of the person to whom comments may be sent and the deadline for doing this. The DBE must be included as a consultee. Please email the draft policy to [education@chelmsford.anglican.org](mailto:education@chelmsford.anglican.org)

### **Determining final arrangements**

Each year, whether they consult or not, governing bodies must determine (i.e. finalise by resolution of the governing body) their admission arrangements, including their PAN, for entry in the September of



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the relevant academic year and record this in their minutes. This must be completed by 28th February and takes place after the governing body has considered any comments and objections from any consultation if relevant.

If an admissions authority is not making any changes to the admissions criteria and does not need to consult due to the seven-year rule, then we ask that the admissions arrangements are sent to the DBE by 30<sup>th</sup> November at the latest. Please email them to [education@chelmsford.anglican.org](mailto:education@chelmsford.anglican.org)

## **Publication**

Once determined, admission arrangements must be published on the school's website by 15th March each year and can only be changed within the school year to comply with a mandatory requirement of the code, a decision of the Schools Adjudicator or to correct a misprint. If there is a major unexpected change in circumstances and a strong case for changing the arrangements mid-year, VA and foundation schools can apply to the Schools Adjudicator for a permitted variation. Academies and free schools must seek agreement for a variation from the Secretary of State. In this instance, please inform the DBE of any changes.

## **6. Appeals**

Admission authorities must plan for unsuccessful applicants to appeal against a decision not to admit their child to the school. Admission authorities must provide the reason why an application was refused, information about the right to appeal, the deadline for lodging an appeal and the contact for making an appeal. . Admission authorities must not limit the grounds on which appeals can be made.

The appeal is to an independent appeal panel set up by the admission authority in accordance with the Admission Appeals Code. Many Local Authorities will support Voluntary Aided, Foundation Schools and Academies with such arrangements, however it is essential that Admission Authorities make these arrangements ahead of time and are able to implement alternative arrangements where this is not (or ceases to be) on offer.

**Guidance approved by the DBE:** March 2025

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