



# Admission and Appeals in Church of England Schools

## Guidance for Admission Authorities

September 2022

### Our Vision for Inclusive Education

*The Church of England's vision for education is deeply Christian, with Jesus' promise of 'life in all its fullness' (John 10:10) at its heart. In line with the Church of England's role as the established Church, this vision is for the common good of the whole community.*

*In keeping with this broader vision, the London Diocesan Board for School's vision for 2030 is to serve and support our schools so that every child and young person in London would experience the love of God in Christ. We invite all of our schools, when designing their admission arrangements in the light of their own distinctive Christian vision, to make the needs of the most vulnerable and disadvantaged in their community a priority, and to be inclusive of all faiths and none.*

#### 1. Introduction

This guidance applies to Church of England schools and academies ('Church schools') within the Diocese of London which are their own admission authorities. It does not apply to voluntary controlled schools.

The statutory framework for school admissions is found in the School [Admissions Code 2021](#) ('the Code'), the School [Admissions Appeals Code 2022](#) ('the Appeals Code') and the [School Standards and Framework Act 1998](#).

The term 'admission authority' is used throughout this guidance. For a voluntary aided school, the admission authority is the governing body. For an academy, it is the board of trustees.

This guidance should be read in conjunction with the Codes and with the scheme of co-ordinated admission arrangements for the home local authority (LA). Schools should ensure that all relevant staff and governors/trustees are familiar with this statutory framework.

#### 2. The Role of the Diocese



Admission authorities have a statutory duty to consult the London Diocesan Board for Schools ('LDBS') before consulting more widely on their admission arrangements. The Code also requires Church schools to have regard to Diocesan guidance when formulating their admission criteria in relation to church commitment. This guidance is intended to assist admission authorities specifically on Church-related aspects of admission.

Admission authorities have a further statutory duty to send their determined admissions arrangements to the LDBS each year.

Regulations give the LDBS the power to refer an objection to the Office of the Schools Adjudicator where a Church school's admission arrangements do not comply with the Code. The LDBS would normally only use this power as a last resort where a school had refused to change its policy to comply with the Code.

The LDBS is also available to provide advice to Church schools about admissions, appeals and interpretation of the Codes.

### 3. Core Obligations of Admission Authorities

- a) The admission authority is responsible for the formulation, publication and implementation of the school's admission arrangements and for compliance with the Codes.
- b) The duties of the admission authority may be delegated to a committee but not to an individual governor or trustee. Sample terms of reference are in Appendix 1.
- c) Admission authorities are responsible for publishing the arrangements for the admission of pupils on their websites. This includes the timetable for appeals.
- d) The admission arrangements must be fair and objective, clearly written and unambiguous, since the purpose of the arrangements is to enable parents to easily understand how places for the school will be allocated.
- e) Church schools should have an inclusive and distinctive Christian vision which is reflected in their admission arrangements.
- f) Admission authorities must adhere to the statutory timetable and protocol for consultation on and determination of admissions arrangements. This includes consulting at a minimum every seven years; consulting with the LDBS on any proposed changes; and sending the LDBS the annually determined admissions arrangements. The statutory timetable is in section 4 below; a flowchart is in Appendix 2. The steps to take when changing admission arrangements are set out in section 5.
- g) Where a Church school is oversubscribed, an admission authority may give priority to children on the basis of church attendance. Such places are called 'foundation places'. See sections 6 and 7 below.



- h) Admission authorities must maintain a wait list each school year in line with their oversubscription criteria. See section 8 below.
- i) Unless there are more applications than there are places available, children must automatically be admitted to a Church school irrespective of any oversubscription criteria.
- j) There is no automatic admission from nursery into reception, or from year 11 into sixth form. These are required to have separate admission arrangements; see section 9 below for nurseries and section 10 below for sixth forms.
- k) The admission arrangements must enable parents to appeal where a child is not admitted. See section 11 below.

#### 4. Statutory Timetable

The school year in which an admission authority determines its admission arrangements is called the *determination year*. The school year in which admission applications are received and places are offered is called the *offer year*. Admission authorities work 18-24 months ahead of each offer year to review, consult, determine and implement admission arrangements. The LDBS recommends that admissions dates are embedded into the governing board's annual work plan to facilitate compliance with the Code and ensure best practice.

The statutory timetable applies to the determination year. A flowchart of the 24-month cycle is in Appendix 1.

DATE	PROCESS	ACTION
June-September	Review of admission arrangements	Admission authorities must review their admission arrangements and consider whether changes are to be made for the next offer year.
June-September	Consultation Part 1	Before consulting others, admission authorities must consult the LDBS on any proposed changes to the admission arrangements for the next offer year in good time for the LDBS to respond.
1 October – 31 January	Consultation Part 2	Having taken account of the LDBS's comments, admission authorities must then consult: <ul style="list-style-type: none"> <li>(a) the LA</li> <li>(b) all other admissions authorities in the relevant area</li> <li>(c) parents of children aged 2-18 who live in the relevant area</li> <li>(d) others whom the governing body deem to have an interest in the proposed admission arrangements, including local churches, where church-related oversubscription criteria are changing).</li> </ul> <p>The consultation must be posted on the school's website for a minimum of 6 weeks between 1<sup>st</sup> October and 31<sup>st</sup> January. The consultation must end on or before 31<sup>st</sup> January.</p>



DATE	PROCESS	ACTION
31 January to 28 February	Determination	Admission authorities must consider any objections or comments and finalise their admission arrangements by 28 <sup>th</sup> February.
By 15 <sup>th</sup> March	Publication	By 15 <sup>th</sup> March, the school must notify: (a) the LDBS (b) the LA (c) all schools in the relevant area of their determined admission arrangements.  By 15 <sup>th</sup> March, the school must publish their determined admission arrangements on their website.  The LA is required to publish all school/academy admission arrangements on their website.
15 <sup>th</sup> March – 15 <sup>th</sup> May	Objection period	Any person or body who considers that the admission arrangements are unlawful or not in compliance with the Code may object to the Adjudicator during this period.
From 15 <sup>th</sup> May	Adjudication	The Adjudicator determines any complaints about the admission arrangements. They may require alterations to the admission arrangements or may reject the objections. The governing body must comply with any direction from the Adjudicator.
8 <sup>th</sup> August	Publication in LA's composite prospectus	Deadline for admission authority to send information to LA for inclusion in the LA's composite prospectus.
12 <sup>th</sup> September	LA publication date	LAs must publish their composite prospectuses by this date.

## 5. We Want to Change Our Admissions Arrangements – What Steps Do We Need to Take?

If you propose to change your admission arrangements to:

- Ensure compliance or rectify non-compliance with the Codes, including in response to a decision of the Schools Adjudicator; or
- Increase the published admission number (PAN), then you are not required to consult on such changes.

In respect of all other proposed changes, consultation is required in accordance with the statutory timetable in section 4 above.

Once admission arrangements have been determined for a particular school year, they cannot be revised for that year except by making a proposal to the Schools Adjudicator (voluntary aided schools) or the Secretary of State for Education (for academies).



Admission authorities must demonstrate that the variation is necessary in view of a major change in circumstances. An admission authority of a Church school seeking an in-year variation must also notify the LDBS and all other bodies they would normally consult regarding changes to admission arrangements. See *paragraphs 3.6 and 3.7 of the Code*.

## 6. Oversubscription Criteria Required and Permitted by The Code

*Please refer to paragraphs 1.6-1.44 of the Code*

The admission authority **must** set out the criteria against which places will be allocated where there are more applications than places.

All children whose Education, Health and Care Plan names the school **must** be admitted.

All schools **must** have oversubscription criteria for each relevant age group. The highest priority **must** be given to looked after and previously looked after children; these terms are specifically defined by the Code and include children who appear to have been in state care outside of England.

Oversubscription criteria **must** be reasonable, clear, objective, procedurally fair and comply with all relevant legislation, including equalities legislation. Schools designated with a religious character may include faith-based oversubscription criteria – see section 7 below.

Common oversubscription criteria relate to siblings, proximity to the school, feeder schools, social and medical needs, children of staff, children eligible for pupil premium, and selection based on ability or aptitude.

Admission authorities wanting to include oversubscription criteria **must** ensure that their proposed arrangements comply with the Code. Admissions arrangements **must** include an effective, clear and fair tiebreaker to decide between two applicants who cannot otherwise be separated.

## 7. Church-Related Oversubscription Criteria

*Please refer to paragraphs 1.36-1.38 of the Code.*

Church schools are permitted under the Code to allocate places by reference to the designated religious character of the school where the school is oversubscribed. These are called *foundation places*, and the oversubscription criteria are called *faith-based criteria*.

Admission authorities **must**:

- Ensure that parents can easily understand how any faith-based criteria will be reasonably satisfied;



- Give priority to looked after children and previously looked after children, as defined by the Code;
- Have regard to this guidance when constructing faith-based admission arrangements, including how membership or practice of the faith is to be demonstrated.

Admission arrangements make an important statement about the school's local context and distinctive Christian vision. The LDBS requires admission authorities to be mindful that the original purpose of Church schools reflected in trust deeds, was to serve the children of the parish.

The LDBS recognises that school and local circumstances vary widely across the diocese, which will mean that faith-based oversubscription criteria will also vary widely. The LDBS strongly recommends that all admission authorities should:

- Consider the way that admission arrangements are perceived by their local communities;
- Involve the local church and clergy in setting faith-based criteria for foundation places;
- Maintain an equal 50/50 split between foundation and open places, to facilitate inclusion and serving the common good of their local community<sup>1</sup>;
- Refer to the school's trust deeds and ensure that any requirements regarding serving the children of the parish are reflected in admission arrangements;
- Consider carefully the definition of what constitutes a 'foundation place' and provide a clearly-defined approach to decide between applicants if the foundation places are oversubscribed.

Helpful questions for admission authorities to consider include:

- Will the definition of 'foundation place' refer to membership of the linked parish church or a broader range of churches?
- If a broader range of churches is adopted, will the definition of *church* include only Church of England churches, or a broader range of denominations? Will the names of churches be listed, or will a geographical area be defined?
- If a broader range of churches is adopted, what impact could this have on other local Church of England churches and Church schools?
- How will *church membership* be defined?

When defining the concept of *church*, admission authorities should:

- Assess the impact on other local parishes if the admission arrangements name only the linked parish church. Could this cause families who live further away to leave their churches in an attempt to gain higher priority by attending the parish church?

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<sup>1</sup> Funding agreements for entirely new academies with a religious character provide that where the school is oversubscribed, at least 50% of places are to be allocated without reference to faith.



- Consider the proximity of other church schools which have their own linked parish church;
- Not broaden the concept of *church* by using terms like ‘local churches’ or ‘neighbouring churches’, as these are not sufficiently clear. Instead, list the names of the churches which are captured by the definition, or define the geographical area within which the church must be located;
- Consider whether all churches of other denominations within the local area are to be included. If yes, the LDBS recommends that *church* is defined as being ‘a Church of England church, a listed member of Churches Together in England, or a listed member of Evangelical Alliance UK’, and a clear definition of the relevant geographical boundary should also be provided.

When defining the concept of *church membership*, admission authorities should:

- Define membership solely by physical attendance at an act of public worship, and not by reference to participation in any other church-related activities. Online worship, youth clubs and private prayers in the church building do not meet this requirement. Attendance at acts of public worship on days other than Sundays would meet this requirement;
- Clearly define duration and frequency of attendance at public worship and ensure that these thresholds are reasonable and proportionate. Do not use terms like ‘regular attendance’, ‘usually attend’, or ‘actively involved’ as these are not sufficiently clear. The LDBS considers that attendance once or twice a month for two years is an appropriate threshold;
- Ensure that lone-parent families are not disadvantaged; the Code does not allow for two parents to be taken into account;
- Take account of commitment at a previous church, if a family has recently moved;
- Avoid using baptism or being listed on the electoral roll as evidence for membership, because not all Christian denominations baptise children, and clergy cannot be on the elected roll of their church.

Admission authorities may use a supplementary information form (SIF) and clergy reference form to verify the allocation of foundation places. These must have identical wording on church-related criteria as the admission policy itself. Admission authorities should ensure that these forms are only used to obtain essential information to make admission decisions, which is not already included on the Common Application Form.

Admission authorities that wish to adopt oversubscription criteria related to other major world faiths should contact the LDBS in the first instance for advice about how to do so. Admission authorities must ensure that attendance or membership criteria are framed in such a way that adherents are not unintentionally excluded from fulfilling them.

Admission authorities must ensure that they comply with the provisions of paragraphs 1.9 and 2.4 of the Code regarding supplementary information which **must not** be requested on the SIF. The Common Application Form is explained in paragraphs 2.1-2.3 of the Code.



## 8. Waiting lists, in-year admission, and admission of children outside their normal age group

*Please refer to paragraphs 2.15-2.31 of the Code*

Admission authorities **must** maintain a clear, fair and objective waiting list until at least 31<sup>st</sup> December of each school year. The admission arrangements **must** state that each added child will require the list to be ranked again in line with 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 waiting list.

Please refer directly to the Code for requirements about admission above the PAN, infant class sizes, admission of children below school age, admission of children outside their normal age group, and in-year admissions.

## 9. Nurseries

Church schools with a nursery class **must** have separate admission arrangements for nursery and reception. The LDBS recommends that, in the event of oversubscription to a nursery class, the same oversubscription criteria are used as for school places, including church-related oversubscription criteria. There is no right of appeal against admission to nursery schools or classes, because this is non-statutory education.

The LDBS recommends that admission authorities do not give priority to children from a nursery in their admission criteria for reception. This is because recent adjudications have required admission authorities to remove any criterion that give priority to children in a nursery.

## 10. Sixth Forms

*See paragraph 2.6 of the Code.*

Schools with a sixth form must have separate admission arrangements for entry to year 12. Admission authorities may set academic entry criteria for sixth forms, which **must** be the same for external and internal places.

## 11. Refusal of Places and Appeals

*Please refer to paragraph 2.32 of the Code and the Appeals Code*

When an admission authority informs a parent of a decision to refuse a place, it must do so in writing and include the following:

- The reason why admission was refused;
- Information about the right to appeal;
- Deadline for lodging an appeal and contact details for making an appeal;





- The requirement that parents must set out their grounds for appeal in writing (such grounds may not be limited in any way by the admission authority).

Responsibility for making arrangements for appeals rests with the admission authority of the school. All those involved in admission appeals must fully comply with the provisions of the Appeals Code.

The Appeals Code requires that the arrangements for appeals must be published on the school's website by 28<sup>th</sup> February each year. These arrangements must include a timetable for submitting appeals, and for organising and hearing appeals, that complies with section 2 of the Appeals Code.

The appeal is to an independent appeal panel set up by the school's governing body, which must have three members and should be as independent as possible. Joint appeal arrangements may be made between two or more schools; schools should also liaise with their LA regarding coordinated appeal arrangements. Admission authorities must arrange free, up-to-date training for their appeal panel members and clerks. The requirements for constitution of appeal panels are set out in section 1 of the Appeals Code.

Local authorities must allocate reasonable funds to admission authorities of voluntary aided schools to meet the costs of admission appeals, including training for panel members. Academies receive funding for admission appeals according to their funding agreements.



## Appendix 1 – Sample Terms of Reference – Admissions Committee

*Please note: Parish clergy of the church linked to the school will be involved in giving references for their parishioners and will also be an ex officio governor/trustee. For this reason, the LDBS strongly recommends that clergy, who are also governors or trustees, are not involved with admissions decisions about individual applicants and do not put themselves forward as members of the admission committee. Clergy will, however, wish to be part of discussions about the admission arrangements within the wider governing /trust board context.*

### **Membership**

The membership of the Admission Committee will comprise:

1. The Headteacher
2. A foundation governor (who is not the clergy member on the board)
3. A governor
4. A governor (to act as reserve in case of absence or conflict of interest)

The Committee will be served by a clerk who will not be a member of the Committee. The clerk's role will be to minute the decisions of the Committee.

The quorum for a meeting of the Admission Committee shall be 3, including the Headteacher.

### **Terms of reference**

The Admission Committee members will familiarise themselves with the School Admission Code 2021 and the School Admission Appeals Code 2022 and ensure that all of their business is conducted in compliance with these codes.

The full governing board / trust board grants the following delegations of authority to the admissions committee:

In each offer year:

1. To determine applications for admission in accordance with the governing board's/ trust's published admission arrangements whenever there is a decision to be made between applicants.
2. To maintain a waiting list for each year group to the extent that there are more applicants than places available, in line with the published admission arrangements.
3. To give power to the headteacher to admit applicants outside the normal admission round where the number of applicants in a particular year group matches the number of vacancies.
4. To give power to the headteacher to admit applicants in accordance with the waiting list, as places become available, subject to any new applications received since the waiting list was established.

In each determination year:

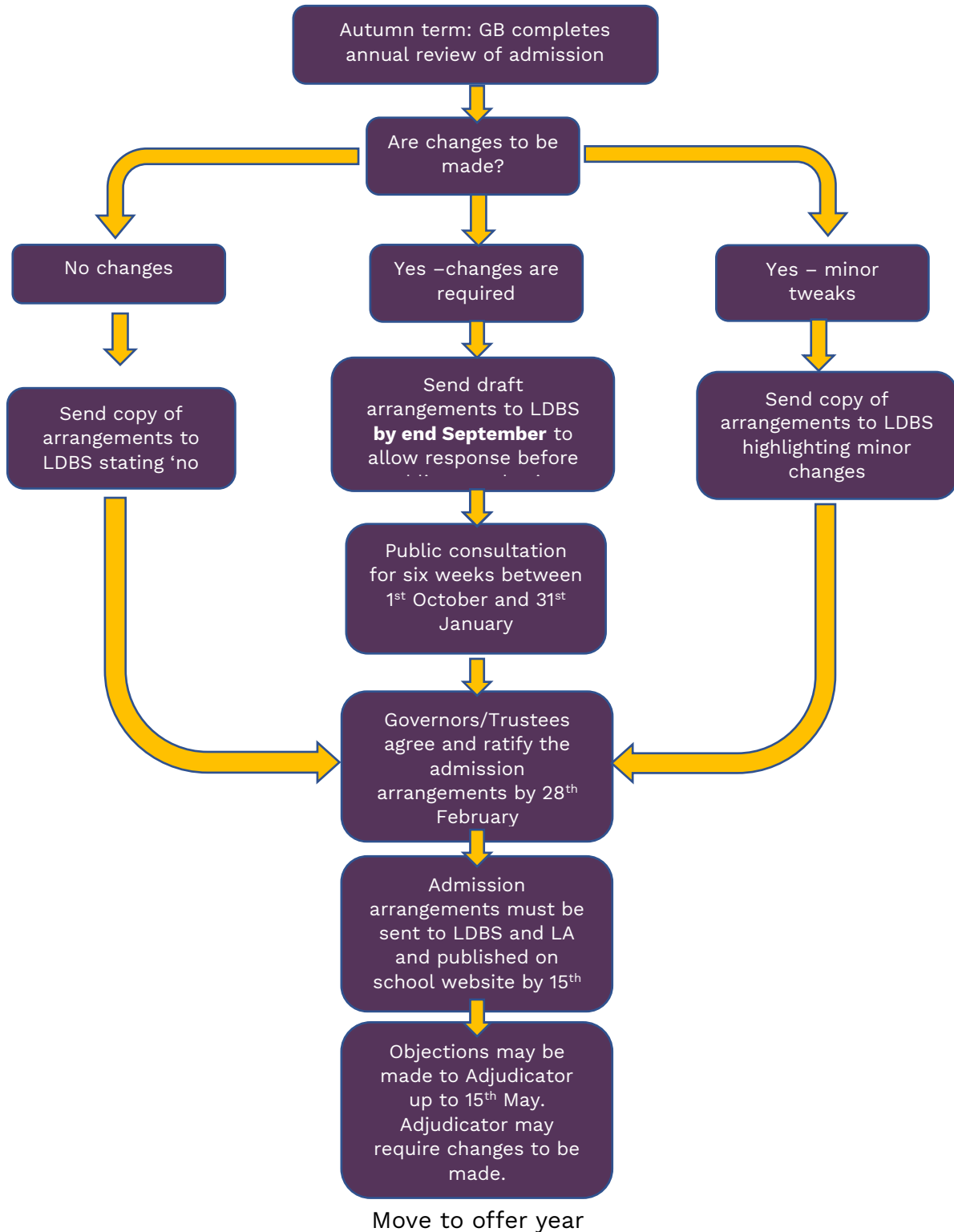


5. To lead the governors'/trustees' review of the admissions arrangements and determine whether changes are required.
6. To ensure that the annual consultation, determination and publication processes for the admission arrangements are effected by the governors/trustees within the statutory timetable.
7. To ensure that the determined admission arrangements are published annually on the school website.
8. To ensure that arrangements are in place for parents to appeal against decisions not to offer a place.
9. To report to governors/trustees after each Committee meeting on any decisions made.
10. To monitor the admission and appeals process and bring appropriate matters to the attention of the governors/trustees.
11. To carry out any other appropriate duties at the request of the governors/trustees.



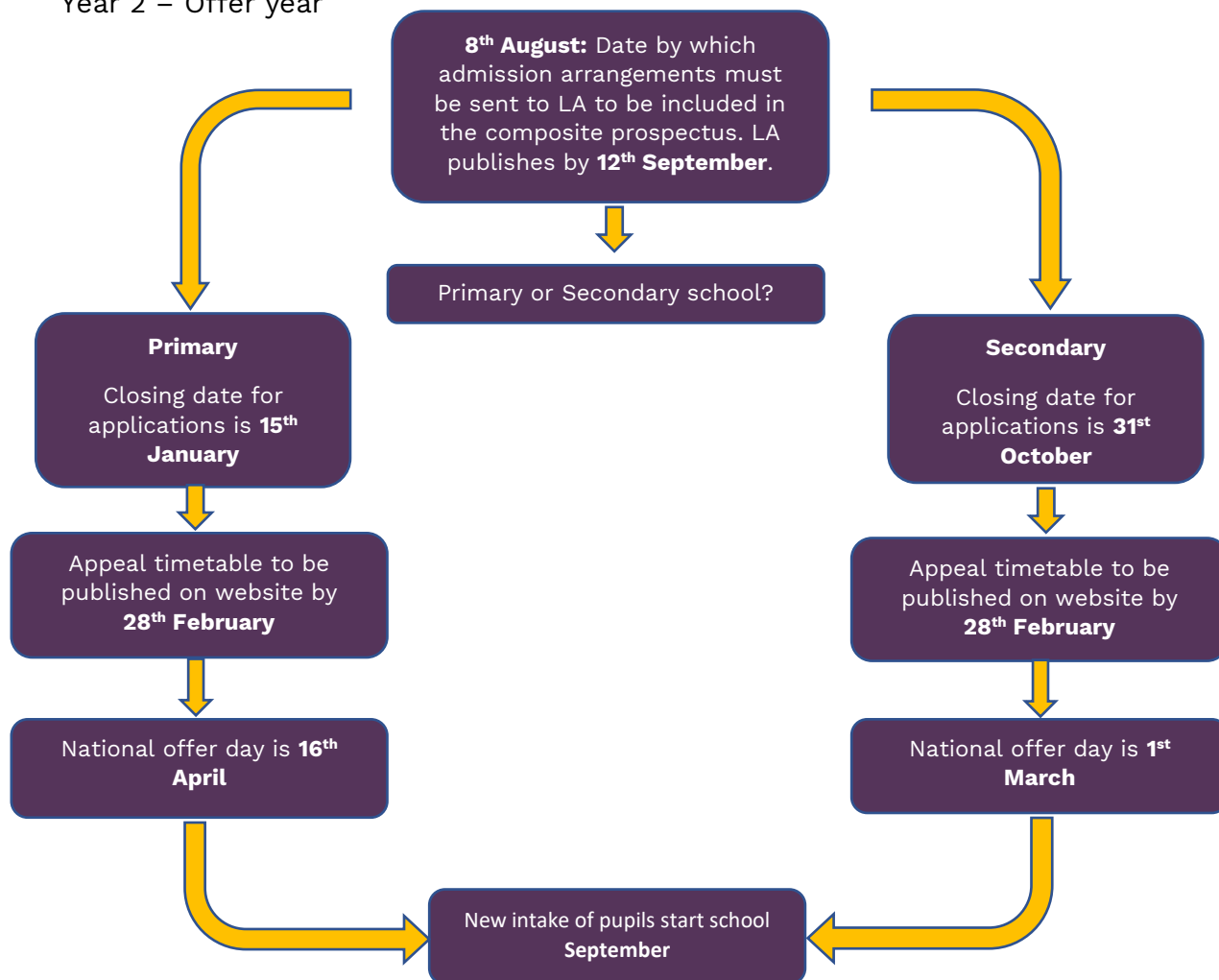
## Appendix 2 - Flowchart of Determination and Offer Years

### Year 1 – Determination year





## Year 2 – Offer year



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