



Llywodraeth Cymru
Welsh Government

www.cymru.gov.uk

School admissions code



Statutory Code

Statutory Code document no: 005/2013

Date of issue: July 2013

School admissions code

Audience	Local authorities; governing bodies of foundation and voluntary aided schools; church diocesan authorities; community and voluntary controlled schools in Wales; Estyn; secretaries of professional organisations in Wales.
Overview	This Code imposes requirements and offers guidance in respect of the discharge by local authorities, the governing bodies of maintained schools, admission forums and admission appeal panels of their school admissions functions. These bodies must “act in accordance with” the Code.
Action required	Full compliance with the Code by the school year 2014/15.
Further information	Enquiries about this document should be directed to: Schools Management and Effectiveness Division Department for Education and Skills Welsh Government Cathays Park Cardiff CF10 3NQ Tel: 029 2082 6562 Fax: 029 2082 6109 e-mail: SchoolsManagementDivision3@wales.gsi.gov.uk
Additional copies	This document can be accessed from the Welsh Government’s website at www.wales.gov.uk/educationandskills
Related documents	Please see Annex H.

Contents

Ministerial foreword	1
Summary	2
1. Introduction	3
Nursery admissions	4
Admission forums – monitoring compliance with the Code	4
2. Setting admission arrangements	5
Duty to take account of parental and young peoples' preference	5
Principles to be applied	5
Process to be followed	6
Determination year	6
Consultation	6
Admission number	8
Determination of admission arrangements	8
Publication of admission arrangements	8
Objections to admission arrangements	9
Parental objections to admission arrangements	9
Variation to determined admission arrangements	10
Admission arrangements for new schools	10
Common dates of return and common dates of offer issue	10
Content of the admission arrangements	11
Prohibition of undesirable oversubscription criteria	12
Guidelines on setting fair oversubscription criteria	12
Siblings of pupils still at the school	13
Multiple birth children (e.g. twins or triplets)	14
Medical need	14
Faith-based oversubscription criteria	14
Guidance provided by church or religious authorities	15
Distance between home and school	15
Split-site schools	15
Catchment areas	16
Additional guidelines relating to primary schools	16
Admission of children below the age of normal entry to school (nursery)	16
Primary schools with attached nursery class	17
Deferred entry to primary schools	17
Additional guidelines for secondary schools	17
Additional guidelines for middle schools	18
Sixth form admission arrangements	18
3. Applying admission arrangements	20
Applications forms	21
Interviewing	22
Handling late applications and applications outside the normal admission round	22
Looked-after children	23

Gypsy and Traveller children	23
Waiting lists	24
Admission outside the normal age group	24
Decision taking	25
Notifying parents	25
Admission appeals	25
Withdrawing offers of places	26
Duty of a governing body to implement the decision of an admission authority	26
LA power of direction	26
Other information relevant to school admission arrangements	27
Infant class size limit	27
Children with statements of SEN	28
Children with SEN without statements	29
Children with disabilities	29
Children with challenging behaviour	29
Twice-excluded pupils	30
Hard-to-place children	30
Children of UK Service personnel and other Crown Servants (including diplomats)	31
Children from overseas	31
Teacher exchange schemes	31
Transfers from the independent sector	32
Applications made in the UK for children living abroad	32
School uniform	32
Learner travel	32
Annex A: The admissions timetable	33
Example timetable	33
Annex B: Oversubscription criteria	35
Community schools	35
Voluntary-aided schools	35
Annex C: Boarding schools	37
Admission procedures	37
Boarding need	37
Suitability for boarding	38
Definition of suitability	38
Preparing for and conducting an interview	39
Annex D: Admission forums	40
Legal requirement	40
Role of admission forums	40
Ensuring fair access	41
Annual reports on effectiveness of local admission arrangements	41
Membership	42
Tenure	42
Procedure for meetings and appointment of officers	43
Promulgating advice and making objections	43

Annex E: Other relevant legislation	44
Equality Act 2010	44
Human Rights Act	45
United Nations Convention on the Rights of the Child (UNCRC) and the Rights of Children and Young Persons (Wales) Measure 2011	45
Annex F: Model application form	46
Annex G: Commencement	49
Annex H: Related documents	50
Glossary	52

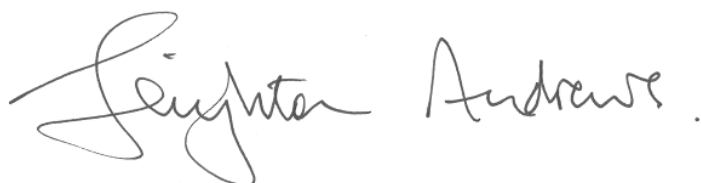
Ministerial foreword

The process of starting school or transferring between schools can be a time of uncertainty and anxiety therefore it is essential that the principles of fairness and openness are applied to all aspects of school admissions. A properly functioning admissions system, that reflects this, can play a vital part in helping to minimise concerns. It is also crucial in delivering equality of opportunity. This Code is intended to be the basis for further improvement to admissions systems.

The most recent Code was published in 2009 and at that time provided updated guidance for all those involved in school admissions. At the same time the Code also sought to safeguard the interests of parents, children and young people by ensuring that school admissions were administered in the fairest and most equitable way possible. This Code is building on the good work that has taken place and seeks to enhance the process and provide greater clarity to all.

This Code should further clarify the process for everyone with an interest in school admissions and school admission appeals, help admission authorities to fulfil their duties correctly and improve working practices.

I am sure that this Code will be welcomed by all those with an interest in school admissions. I anticipate that it will have a positive impact on the school admissions process in Wales.

A handwritten signature in black ink that reads "Leighton Andrews". The signature is written in a cursive style with a large initial 'L'.

Leighton Andrews AM
Minister for Education and Skills

Summary

This School Admissions Code (“the Code”) contains practical guidance and imposes requirements, on local authorities and admission authorities, regarding the discharge of their duties in respect of admissions. Local authorities (“LAs”), governing bodies of maintained schools, admission appeals panels and admission forums have school admissions functions under the School Standards and Framework Act 1998. The Code includes guidelines setting out the aims, objectives and other matters relating to the discharge of admissions functions and each of the bodies or persons covered **must** “act in accordance with” the Code. The Code replaces the Welsh Assembly Government School Admissions Code which was published in July 2009.

The Code will assist everyone with an interest in school admissions and school admission appeals and help ensure that the admission system works for the benefit of both schools and pupils. The main changes introduced by the Code are:

- a requirement that admission authorities’ oversubscription criteria includes alongside ‘looked after children’, ‘previously looked after children’ as the first criterion in all instances.
- the setting of common offer dates on which decision letters **must** be issued within each local authority on a phased basis.
- a requirement that waiting lists are maintained until 30 September where schools are oversubscribed.
- additional exceptions to the class size legislation
- more opportunities to vary existing admission arrangements without reference to Welsh Ministers.

1. Introduction

1.1 The Code is made under section 84 of the [School Standards and Framework Act 1998](#) (referred to in this Code as the [1998 Act](#)) as amended by section 40 of the [Education and Inspections Act 2006](#) (referred to in this Code as the [2006 Act](#)), which requires the Welsh Ministers to issue a Code in respect of the discharge of admissions functions by:

- **Admission authorities** – LAs are the admission authorities for community and voluntary controlled schools, unless, under section 88(1)(a)(ii) of the [1998 Act](#), the function has been delegated in full to the governing body. Governing bodies are the admission authorities for foundation schools and voluntary aided schools.
- **Governing bodies** (when not admission authorities).
- **LAs** (when not acting as admission authorities).
- **Admission forums.**
- **Admission appeal panels.**

Each of these bodies has a statutory duty to “act in accordance” with this Code and the School Admission Appeals Code.

1.2 This Code replaces the previous [School Admissions Code](#) (2009) and applies to all admissions to primary, secondary (including sixth forms (Year 12) and middle schools. It comes into force on 8 July 2013 and applies to arrangements for intakes from September 2014/15 onwards. (See Annex G for details of when particular provisions come into force.) In broad terms, for the day to day administration of admissions, the Code **must** be applied immediately. Where changes introduced by the Code would depend on consultation, determination and publication of admission arrangements these would be expected to be included in published arrangements for the year 2015/16 onwards. The Code is to be read alongside the School Admission Appeals Code and other guidance and legislation that affect admissions and admissions appeals in Wales.

1.3 The Code both refers to existing statutory requirements (i.e. imposed by primary or secondary legislation) and itself imposes mandatory requirements with which those bodies listed at paragraph 1.1 above **must** comply. A reference to the relevant statutory provision is provided in the text or footnote as appropriate. Where mandatory requirements are imposed by this Code (or by statutory provisions) it is stated that the relevant bodies **must** comply with the particular requirement or provision. Where this Code prohibits practices, it is stated that the relevant body or bodies **must not** use this practice.

1.4 This Code also includes guidelines which the relevant bodies should follow unless they can demonstrate that they are justified in not doing so. Where guidelines refer to good practice, the Code will state that the relevant bodies **should** follow the particular guidelines. On the other hand where the guidelines refer to actions normally regarded as poor practice, the Code will state that the practice **should not** be used although there may be exceptional circumstances when it is justified.

1.5 Failure by an authority or body to comply with the mandatory provisions in this Code may result in a statutory objection (see paragraph 2.14) or complaint being made to the Welsh Ministers. Failure to follow guidelines in this Code may also lead to an objection or complaint being upheld if admission authorities are unable to justify departing from those guidelines.

1.6 This Code does not aim to give exhaustive guidance. Local circumstances vary widely and admission authorities are best placed to take the lead in considering, with partners in their area, how the needs of parents and children are to be met. The Code aims to build on the good practice that already exists.

1.7 The Code is primarily for those responsible for determining and implementing admission arrangements and for appeal panel members and clerks to those panels but parents and others may also find it useful.

Nursery admissions

1.8 The legislation that applies in relation to admissions to primary, secondary and middle schools is different to that for nursery schools or to children admitted to the nursery class of a maintained school (see paragraph 2.57 to 2.59). Section 98 of the [1998 Act](#) (as amended¹) clarifies that the governing body is responsible for taking decisions about admissions to the nursery class in the case of foundation and voluntary aided schools, and in those community and voluntary controlled schools with delegated responsibility for admissions. The LA is responsible for deciding admissions to nursery classes in other community and voluntary controlled schools.

1.9 The admission authority **should** clearly identify separate admission arrangements for the nursery class. [NB: oversubscription criteria **should** be established using the same principles as those for statutory provision]. A place in a nursery class **does not** guarantee admission to the reception class.

1.10 The infant class size limit applies only to classes at maintained schools containing pupils of whom the majority will attain the ages of five, six and seven during the course of the school year. Therefore, the infant class size limit will not apply to nursery classes where the majority of pupils attending that class are below the ages set out above.

Admission forums – monitoring compliance with the Code

1.11 Admission forums **must** monitor compliance with this Code. Details on their role in this can be found at Annex D, together with the information to be included in the mandatory annual return to the Welsh Government, for monitoring purposes.

¹ [Education Act 2002](#), Schedule 4, paragraph 12 amended section 98 of the [1998 Act](#).

2. Setting admission arrangements

Duty to take account of parental and young peoples' preference

2.1 Admission authorities **must** make arrangements enabling the parents² of children in their area and, in the case of sixth form admissions, young people, to express a preference for a school and to give reasons for that preference. Where a parent or young person expresses a preference according to those arrangements, LAs and governing bodies **must** comply with that preference, subject to the exceptions set out in the [1998 Act](#)³. These can be summarised as:

- Where compliance with the preference would prejudice the provision of efficient education or the efficient use of resources (including prejudice which might arise by reason of relevant measures required to be taken to ensure compliance with the infant class size limit).
- Where arrangements for entry to a school's sixth form are based wholly on selection by reference to ability or aptitude and compliance with the preference would be incompatible with selection under those arrangements.
- Where a child has been permanently excluded from two or more schools and the latest exclusion took place within the last two years.

Principles to be applied

2.2 In drawing up their admission arrangements, admission authorities must ensure that the practices and the criteria used to decide on the allocation of school places:

- Are clear in the sense of being free from doubt and easily understood. Arrangements that are vague lead to uncertainty and this may reduce the ability of parents to make an informed choice for their children.
- Are objective and based on demonstrable fact. Admission authorities and governing bodies **must not** make subjective decisions, or use criteria which are subjective or arbitrary in nature.
- Are procedurally fair and are also equitable for all groups of children (including those with special educational needs (SEN), disabilities, those in public care, or who may be a young carer).
- Provide parents or carers with easy access to helpful admissions information (Regulations require the LA to produce a composite prospectus that covers admission arrangements for all schools in their area. See paragraph 2.12).
- Comply with all relevant legislation and have been determined in accordance with the statutory requirements and the provisions of this Code. Failure to comply with a statutory requirement or any proposal to use unlawful arrangements can be referred to the Welsh Ministers who may use their intervention powers⁴ to make a direction to enforce the statutory requirement or prevent an unlawful act.

² Section 576 of the Education Act 1996

³ Sections 86, 86A, 86B, 86(3) and 87 of the [1998 Act](#).

⁴ Under Chapter 2 of the School Standards and Organisation (Wales) Act 2013.

Process to be followed

Determination year

2.3 Admission arrangements **must** be consulted on for each maintained school⁵ between 1 September and 1 March, and set by 15 April, of the school year (the ‘determination year’⁶) beginning two years before the school year in which the arrangements will apply. The first step in the process is for the admission authority to draw up proposed arrangements in accordance with the principles outlined above. These proposed arrangements **must** then be consulted upon (except where indicated below).

Consultation

2.4 LAs **must** consult each year on the admission arrangements for those schools for which they are the admission authority. Governing bodies when they are also the admission authority for a school **must** also consult annually unless they have consulted on their proposed arrangements within the previous two determination years, those arrangements are unchanged, and no objection has been made to the Welsh Ministers about their admission arrangements in the preceding five years. In addition, the LA maintaining the school **must** have notified the Welsh Ministers that all the admission authorities in the relevant area⁷ undertook the required consultation in the relevant determination year. This information is provided to the Welsh Ministers in the admission forum annual report.

2.5 The bodies with which admission authorities **must** consult are set out in the following table:

Admission Authority	Consultees
LAs.	<ul style="list-style-type: none">• The governing body of the relevant schools.• All neighbouring LAs.• Admission authorities for all other maintained schools in the relevant area.• Governing bodies of all other schools in the relevant area (i.e. community and voluntary controlled schools which do not have delegated admissions powers).• In the case of schools with a religious character, such body or person representing the religion or religious denomination in question.
The governing bodies of foundation and voluntary aided primary schools and of community and voluntary controlled primary schools where responsibility for admissions has been delegated to them.	<ul style="list-style-type: none">• The maintaining LA.• Admission authorities for all other maintained primary schools in the relevant area.• Any LA whose area adjoins the relevant

⁵ Section 20 of the [1998 Act](#).

⁶ [The Education \(Determination of Admission Arrangements\) \(Wales\) Regulations 2006](#).

⁷ The [Education \(Relevant Areas for Consultation on Admission Arrangements\) Regulations 1999](#)

	<p>area.</p> <ul style="list-style-type: none"> • The governing bodies for all other primary schools in the relevant area (i.e. community and voluntary controlled schools which do not have delegated admissions powers). • In the case of schools with a religious character, such body or person representing the religion or religious denomination in question.
Admission Authority	Consultees
<p>The governing bodies of foundation and voluntary aided secondary schools and of community and voluntary controlled secondary schools where responsibility for admissions has been delegated to them.</p>	<ul style="list-style-type: none"> • The maintaining LA. • Admission authorities for all other maintained schools in the relevant area. • Any LA whose area adjoins the relevant area. • Governing body for all other schools in the relevant area (i.e. community and voluntary controlled schools which do not have delegated admissions powers). • In the case of schools with a religious character, such body or person representing the religion or religious denomination in question.

2.6 The bodies with which admission authorities **should** also consult are set out in the following table:

Admission Authority	Consultees
LAs.	<ul style="list-style-type: none"> • The admission forum serving the relevant area. • Where a significant change is proposed, parents of children likely to be affected.
The governing bodies of foundation and voluntary aided schools and of community and voluntary controlled schools where responsibility for admissions has been delegated to them.	<ul style="list-style-type: none"> • The admission forum serving the relevant area. • In the case of schools with a designated religious character, the relevant diocesan authority. • Where a significant change is proposed, parents of children likely to be affected.

2.7 Consultation **must** be in writing and **must** cover the full details of proposed admission arrangements for each school, including:

- a. Admission numbers for any age group to which children are normally admitted (the relevant age groups).
- b. Application procedures and the timetable for the admissions process.
- c. The oversubscription criteria to be used.
- d. Any separate entry requirements and oversubscription criteria for the sixth form.
- e. Arrangements and oversubscription criteria for nursery places, if applicable.
- f. Information about how waiting lists operate and how long they will be maintained (i.e. admission authorities **must** maintain them until the 30 September in the year of entry and beyond that at the admission authorities' discretion).
- g. Information about handling of late applications (i.e. those which miss the deadline) and the making and processing of applications outside the normal admissions round (see paragraph 3.15 to 3.21).
- h. Details of how parents will be notified of admissions decisions and can take up their right of appeal.
- i. In the case of a school with pre-existing partially selective arrangements⁸ the manner in which partially selective arrangements operate.
- j. Information about any provision made for pupil banding.
- k. Catchment area maps (where appropriate).

2.8 Consultation **must not** start before the beginning of the determination year (1 September) and **must** be completed by 1 March of that determination year.

Admission number

2.9 The admission number for a school is the number of pupils that can be admitted to a year group. Admission authorities **must** have regard to the 'indicated admission number' for each year group. The indicated admission number is calculated in accordance with the capacity assessment method set out in the guidance document '[Measuring the capacity of schools in Wales](#)'. This guidance is available on the Welsh Government's website at www.wales.gov.uk.

Determination of admission arrangements

2.10 Once consultation has been completed, admission authorities **must** determine their admission arrangements either in their original form or with such modifications as the authority think fit by 15 April in the determination year. They **must** then notify in writing within 14 days all those with whom they consulted (or would have consulted had the exception outlined in paragraph 2.4 not applied) on their determined arrangements.

Publication of admission arrangements

2.11 Where the admission authority has determined an admission number for a relevant age group which is lower than the current indicated admission number, identified through the capacity assessment process, for that age group or where admission arrangements provide for selection of pupils by ability, these **must** be published in a local

⁸ As defined by section 100 of the [1998 Act](#).

newspaper within 14 days of the determination. The details published **must** include an explanation of parents' right to object to the Welsh Ministers about such selection arrangements or lower admission number. The admission authority **should** consult parents and other interested parties about the intention to determine a lower number.

2.12 Each LA **must** publish an annual composite prospectus which sets out the determined admission arrangements (including a timetable for the admissions process which sets out the relevant dates for the receipt and determination of applications and for the receipt of appeals) for **every** maintained school within its area⁹ and ensure that up to date arrangements are included. This prospectus **must** be published no later than 1 October in the publication school year and not later than six weeks before the date by which parents may express a preference for a school in respect of the admission school year.

2.13 Admission authorities other than LAs **must** ensure that they supply their relevant LA with a copy of their determined admission arrangements. They **should** do so by no later than 1 June to allow the LA to comply with these publication requirements. LAs **should** verify this information with all contributors where possible, prior to publication.

Objections to admission arrangements

2.14 If the bodies listed as consultees in paragraph 2.5 wish to object to the determined admission arrangements they **must** do so in writing to the Welsh Ministers within six weeks of the date on which they were notified that the arrangements had been determined¹⁰. Later objections will only be considered if the Welsh Ministers are satisfied that it was not reasonably practicable for the objection to have been received earlier than the time it was received.

2.15 However, the governing body of a community or voluntary controlled school (which does not have delegated admissions powers) may not make an objection to:

- The admission arrangements for any other community or voluntary controlled school in the relevant area for whom the LA are the admission authority, or
- The admission arrangements for the school for which they are the governing body, unless the objection relates to the determination of an admission number for that school (see paragraph 2.9).

2.16 Objections can not be made if the substance of the objection is to seek an alteration to the admission arrangements which can only be made by way of publishing statutory proposals, for example, the introduction of pupil banding or single sex admissions.

Parental objections to admission arrangements

2.17 Parents who are eligible to object (see paragraph 2.19) may do so in the case of 'pre-existing' selection arrangements, i.e. arrangements for selection by ability which have been in place since the beginning of the 1997/98 school year. This right of objection does not however, apply to pupil banding or admissions to sixth forms.

⁹ [The School Information \(Wales\) Regulations 2011.](#)

¹⁰ [Education \(Objections to Admission Arrangements\) \(Wales\) Regulations 2006.](#)

2.18 Eligible parents may also object to a proposed admission number for any year group which is set lower than that indicated by the capacity assessment method set out in the guidance document [‘Measuring the capacity of schools in Wales’](#) (see paragraph 2.9).

2.19 To be eligible to object to pre-existing selection arrangements a parent **must** be resident in the relevant area for the school and have a child of compulsory school age in primary education. To be eligible to object to a proposed admission number, a parent **must** be resident in the relevant area for the school and have a child who is aged between 2 and 5 years or who is of compulsory school age receiving primary education. An objection may only be determined by the Welsh Ministers if five or more parents make the same or substantially the same objection to the same admission arrangements.

Variation to determined admission arrangements

2.20 Once admission arrangements have been determined for a school year they may only be varied where:

- a. There has been a major change of circumstances (e.g. a fire which has destroyed classroom space).
- b. A genuine error occurred in the determined arrangements.
- c. An admission authority has been made aware of the inclusion of unlawful practices in its admission arrangements.
- d. An admission authority sees a need to revise its admission arrangements in the light of a Welsh Ministers determination in relation to another school with the same or substantially the same admission arrangements.
- e. An omission or misprint has occurred in the determined arrangements.
- f. It is necessary to vary the determined admission number, catchment areas or ordering of oversubscription criteria to implement approved school organisation proposals¹¹.
- g. Admission arrangements are not compliant with the statutory provisions of this Code.

2.21 In the case of a, b, c and d above, the admission authority **must** first notify the proposed variation to the consultees listed in paragraph 2.5 above and then refer the matter to the Welsh Ministers for determination. This process is not required in relation to the points e, f and g.

Admission arrangements for new schools

2.22 [The New School \(Admissions\) \(Wales\) Regulations 2006](#) set out the process by which the initial arrangements for admission to new schools should be determined. These arrangements **should** be made in accordance with the principles, requirements and guidance found in this Code.

Common dates of return and common dates of offer issue

2.23 In order to ensure consistency between admission authorities and avoid confusion on the part of parents, all admission authorities in any LA area **must** have common dates of return for primary applications and secondary applications for the normal year of entry, different common dates may be agreed for primary and secondary applications. Admission

¹¹ [The School Admissions \(Variation to the Admission Arrangements\) \(Wales\) Regulations 2013](#).

authorities **should** consult neighbouring authorities through their admission forum to agree common dates for return of application forms.

2.24 Admission authorities **must** ensure that offer letters for secondary school applications are made on the prescribed Secondary Offer Day, **1 March or the next working day**¹². For primary school applications, admission authorities **should** ensure that all offers are made on the prescribed Primary Offer Day, **16 April or the next working day** until regulations require that admission authorities **must** ensure that all offers are made on the prescribed Primary Offer Day¹³ or the next working day.

Content of the admission arrangements

2.25 All maintained schools in Wales (including schools with a designated religious character), that have enough places available (up to and including the admission number)¹⁴ **must** offer a place to every child who has applied (except where they are twice excluded, see paragraphs 3.58 to 3.60). However, some schools will have more applicants than places. Admission authorities **must** therefore have in place, as part of their admissions arrangements, criteria to determine the allocation of places in the event of oversubscription. Authorities **must** ensure these criteria are reasonable, clear, objective, procedurally fair, and comply with current legislation. Admission authorities **must** ensure that their arrangements will not disadvantage unfairly, either directly or indirectly a child from a particular social or racial group, or a child with special educational needs. It **must** be clear in which order oversubscription criteria will be applied. Admission arrangements **must** include an effective, clear and fair tie-breaker for occasions when it is necessary to distinguish between applicants when the criteria are used. The criteria **must not** require any 'interpretation' and **must** be clear and unambiguous.

2.26 This chapter prohibits the use of oversubscription criteria that are unfair or undesirable. It also provides guidelines and examples of good practice for admission authorities to help them set criteria that are fair to all children and their families.

2.27 The most common oversubscription criteria are covered in this chapter but it is not practicable to provide an exhaustive list of what is good practice and what is not. For example, there may be criteria not mentioned here that are also unfair and should not feature in a school's admission arrangements. It is possible for a criterion to be fair in some circumstances and not in others. It is for admission authorities, acting in accordance with the provisions and guidelines in this Code, to decide which criteria they will use and in what circumstances. Admission authorities **must not** place any conditions on the consideration of any application other than those relevant to the oversubscription criteria published in their admission arrangements.

2.28 Examples of possible oversubscription criteria can be found at Annex B.

¹² The School Admissions (Common Offer Date) (Wales) Regulations 2013.

¹³ Please see Annex G for coming into force for both secondary and primary offer dates.

¹⁴ See paragraph 2.9.

Prohibition of undesirable oversubscription criteria

2.29 In setting oversubscription criteria admission authorities **must not**:

- Adopt criteria which select pupils on the basis of ability or aptitude (except in relation to school sixth forms)¹⁵ except schools with partially selective arrangements which already had such arrangements in place at the beginning of the 1997/98 school year and are permitted to continue to use selection by ability. There is only one school in Wales with partially selective arrangements. The general prohibition on ability based criteria includes, in the case of Welsh medium schools, the ability to speak Welsh.
- Give higher priority to children whose parents are more able or willing to support the ethos of the school or to support the school financially or in some other way.
- Give higher priority to applications on the basis of the order of preference.
- Give higher priority to children according to the background or status of parents, including marital status or sexual orientation.
- Take account of reports about past behaviour, attitude or achievement.
- Discriminate against or disadvantage children with SEN or disabilities.
- Allocate places at a school on the basis that a sibling or other relative is a former pupil.
- Take account of the behaviour of other members of a child's family, whether good or bad, including a good or bad attendance record.
- Give priority to children whose parents are current or former staff or governors or who have another connection to the school.
- Give priority to children who (or whose parents) have particular interests, specialist knowledge or hobbies.
- Give priority to children based on the order in which applications were received.
- Expressly exclude applicants from a particular social or religious group.
- State that **only** applicants from a particular social or religious group will be considered for admission.
- Give priority to children based on religious faith except where the school has been designated¹⁶ as having a religious character (Equality Act 2010).
- Allocate places on the basis of chronological age.
- In the case of application to a reception class, give priority to children who have attended the school's nursery class or co-located children's centre (see paragraph 2.59).
- Make admission to a school conditional on parents signing a home-school agreement¹⁷. (Schools must not ask parents to sign agreements before they have been offered a place at the school).
- Random allocation e.g. lottery.

Guidelines on setting fair oversubscription criteria

2.30 Looked after children (children in public care)¹⁸ (see paragraph 3.22) are among the most vulnerable children in society. As set out in the [Placement of Children \(Wales\)](#)

¹⁵ Except in relation to school sixth forms and banding the [1998 Act](#) made it unlawful for any school to adopt selection by ability as a means of allocating places. Section 39 of the [2006 Act](#) reaffirms the position.

¹⁶ [The Designation of Schools Having a Religious Character \(Wales\) Order 2007](#).

¹⁷ Section 111 of the [1998 Act](#).

[Regulations 2007](#) and [Towards a Stable Life and a Brighter Future Guidance](#) which came into force in July 2007, it is of paramount importance that a school place is found as quickly as possible, that is in the best interests of the child.

2.31 For the purposes of setting and administering oversubscription criteria a looked after child is a child who is looked after by a LA in Wales or England in accordance with the [Children Act 1989](#)¹⁹ and whom the LA has confirmed will be looked after at the time of child's admission to the school. Subject to the exceptions in paragraphs 2.32 to 2.34 all admission authorities **must** give highest priority in their oversubscription criteria to looked after children as required by the [Education \(Admission of Looked After Children\) \(Wales\) Regulations 2009](#) and previously looked after children as required by this Code.

2.32 Admission authorities for schools with a designated religious character (faith schools) may give first priority to all looked after children and previously looked after children, whether or not of the faith but **must** give first priority to looked after children and previously looked after children of their faith above any other children of their faith. If they give first priority to looked after children and previously looked after children of the faith, then they **must** give a higher priority to looked after children and previously looked after children not of the faith than other children not of that faith.

2.33 Admission authorities for schools which have provision for selection by ability **must** give higher priority to looked after children and previously looked after children who have been selected by ability over other children who have been selected by ability. Looked after children and previously looked after children who have not been allocated a place on the basis of ability **must** be given priority over other children who have not been allocated a place on that basis.

2.34 Admission authorities for schools which make provision for selection by banding **must** give priority to looked after children and previously looked after children within each band over another child who is eligible for a school place within that band.

2.35 The remaining criteria listed below, are not preferred criteria but rather those most commonly used. Guidance is provided on the circumstances in which their use will be acceptable and when it would not. It is for admission authorities to decide the order of and whether any or all of these criteria are appropriate in their local circumstances, but where this Code states that, in particular circumstances, a criterion **should not** be used, admission authorities must be prepared to justify their decision to use the criterion if an objection is made to the Welsh Ministers.

Siblings of pupils still at the school

2.36 Giving priority to children who have siblings who will be at the school when they join may support parents of young children. Admission authorities **should** give consideration particularly to the needs of younger children at primary schools, where parents may have problems with transporting children placed at different schools. Admission authorities **should** also consider carefully how twins or triplets or other relatives, including those adopted, living permanently in the household will be treated if a sibling criterion is adopted.

¹⁸ This means a child who is looked after by a LA in Wales or England in accordance with section 22 of the [Children Act 1989](#).

¹⁹ Section 22 of the [Children Act 1989](#).

2.37 If using a sibling criterion, admission authorities **should** clearly define what they mean by the term and bear in mind that different ethnic and social groups may understand terms such as “sibling” in different ways. Admission authorities **should** make clear the position of other children living in the same household and define terms used such as step-children, and once defined **must** use the same definition consistently.

Multiple birth children (e.g. twins or triplets)

2.38 Particular difficulties may occur if schools can admit a child but not his or her siblings, and parents may be deterred by the prospect of taking children to two or more schools. Admission authorities **should** consider how they will treat multiple birth children when prioritising applications. If necessary appropriate over-subscription criteria **should** be included in published admission arrangements.

Medical need

2.39 Admission authorities may give higher priority to children or families where there is a medical need (for example where one or both parents or the child has a disability that may make travel to a school further away more difficult).

2.40 If using this criterion, admission authorities **must** give a clear explanation of what supporting evidence will be required - for example a letter from a registered health professional such as a doctor or social worker - and how this will be assessed objectively. It should be made clear that the supporting evidence should set out the particular reasons why the school in question is the most suitable school and the difficulties that would be caused if the child had to attend another school. Admission authorities **must not** give higher priority to children under this criterion if the required documents have not been produced.

2.41 This criterion, if used, **must not** relate to particular aptitudes for some subjects such as in sport or music. For example, schools **must not** seek to admit children, under this criterion, on the basis e.g. that they ‘need’ to attend the school because they have an aptitude or interest in sport and the school has particularly good sports facilities.

Faith-based oversubscription criteria

2.42 Schools designated as having a religious character may give preference in their admission arrangements to members of a particular faith or denomination, providing this does not conflict with other legislation, such as equality legislation or the mandatory provisions of this Code. As with all other maintained schools faith schools **must not** keep open places if they have insufficient applicants of their own faith and other families have applied for a place at the school.

2.43 As with all oversubscription criteria, those that are faith-based **must** be objective and transparent. Parents and families **must** be able to understand easily how the criteria will be satisfied.

2.44 Where preference is to be given to members of a particular faith, published admission arrangements **must** make clear how religious affiliation or commitment is to be demonstrated - for example by a simple statement of affiliation, or through a reference signed by the family’s priest, minister, or other representative(s) of the church (any reference **should** be in writing). Where reference is made to the frequency of attendance at worship, the definition **should** be specific and refer, for example to ‘weekly worship’

rather than 'regular worship'. It also needs to be made clear whether any requirement is to be met by parents (or one parent if only one parent is an adherent of the particular faith) or by the child or both.

Guidance provided by church or religious authorities

2.45 Church or religious authorities may provide guidance for the admission authorities of schools of their faith that sets out what process and criteria may be used to establish membership of the faith. Such guidance **should** clearly define the terms used and how membership is to be determined, and **must** be consistent with the provisions and guidelines of this Code. Where such guidance is produced, the admissions authorities for schools of the faith **should** follow it.

2.46 Admission authorities for faith schools **should** consider how their particular admission arrangements impact on the local community. Faith schools can contribute to community cohesion by having admission arrangements that are inclusive of other faiths, beliefs and of all elements of the population of their local area.

2.47 Faith schools, as a minimum, **must** give first priority in their oversubscription criteria to looked after children and previously looked after children of their faith (see paragraph 2.32).

Distance between home and school

2.48 Distance between home and school is a clear and objective oversubscription criterion and is useful as a tie-breaker. Where an admission authority determines to use the distance between home and school as part of oversubscription criteria it **should** explain clearly how the shortest available route from home to the school will be measured including the points at the school and the child's home from which distance is to be measured (for example, the main school gate, the front door to the home, how flats will be treated) and care should be taken to use a reliable and reasonable system which parents can readily understand. Reference to 'straight line' and 'how the crow flies' **should not** be used as measures of distance.

2.49 Consideration may be given to the inclusion of the following oversubscription criteria 'furthest from the next appropriate alternative school'. This may also be useful as a tie-break where the pattern of school provision might lead to some children having to travel excessive distances to access a school place.

2.50 Where a child lives with parents with shared responsibility, each for part of a week, the oversubscription criteria need to make clear how the 'home' address will be decided in a fair and considered way.

Split-site schools

2.51 Where split site schools are in operation, the admission authority **should** in most cases, apply the admission arrangements as if the school were a single unit. They **should** make it clear to parents that admission applications are made to the school as a whole and not to a particular site. The site that children attend is a matter for the internal organisation of the school. Appeals cannot be made against the site allocated.

Catchment areas

2.52 The 1997 Rotherham Judgment²⁰ confirmed that there is nothing unlawful in the principle of admission authorities operating catchment areas as part of their oversubscription criteria and thereby giving priority to local children whose parents have expressed a preference for the school. However, admission authorities **should not** guarantee places to parents in a local catchment area, in case the number of in-catchment applications in any one year cannot be accommodated.

2.53 LAs **must not** suggest that parents should express a preference for the school in whose catchment area they live, or that they have been allocated a place at that school before they have expressed a preference. Although they **should** explain the possible consequences of not doing so, LAs **must** make it clear that parents are allowed to express a preference for any school.

2.54 For children of UK Service personnel, admission authorities **must** treat a family moving to their area as meeting the residency criteria for the relevant school catchment area once proof of the posting has been provided, even if no address is currently established in that area.

2.55 Where catchment areas are used, they should be designed so they are reasonable and clearly defined. Reference to historic/traditional or LA boundaries is not always appropriate and may be open to different interpretation. Admission authorities **must** make maps of the specified areas available, for example on their websites or in public libraries or otherwise enable parents to easily identify their home in relation to school catchment areas. Catchment areas **must not** be set or changed after applications have been made. There is nothing to prevent parents expressing a preference for a school if they live outside its catchment area.

Additional guidelines relating to primary schools

2.56 If a primary school has more than one year of entry (for example where a separate infant school feeds into a primary school junior department) separate arrangements **must** be determined for each of the years of entry.

Admission of children below the age of normal entry to school (nursery)

2.57 Local authorities in Wales are under a duty to secure sufficient provision of nursery places for their area for children in the term following their third birthday. When determining and publishing the arrangements for admission to a reception class, the admission authority **must** make it clear that:

- The arrangements do not apply to those being admitted for nursery education including nursery provision delivered in a co-located children's centre.
- Parents of children who are admitted for nursery education will still need to apply for a place at the school if they want their child to transfer to the reception class.
- Attendance at the nursery or co-located children's centre does not guarantee admission to the school.

²⁰ R v Rotherham Metropolitan Council ex parte Clark and others (1997) EWCA Civ 2768.

Primary schools with attached nursery class

2.58 Where schools admit nursery pupils, arrangements for their admission **must** be separately identified and published. The provisions in this Code only apply to nursery admissions to the extent set out in paragraphs 1.8 to 1.10 and in this and paragraphs 2.59 and 2.60. Published admission arrangements **must** make it clear to parents that their child's attendance at the nursery class does not guarantee admission to the school for primary education, and that a separate application **must** be made for transfer from nursery to primary school (as it **must** for transfers from infant to junior schools).

2.59 Nursery provision can be in a maintained or non-maintained setting. Admission authorities must ensure that parents are aware of the formal process for applying for a place²¹ and the practice of registering a child's name at a specific school should be discouraged. There is no role for headteachers in the allocation of places as this is the responsibility of the admission authority. In areas where nursery applications are in excess of the number of places available, admission authorities **should** apply fair oversubscription criteria in order to allocate the places.

2.60 Admission authorities **must not** include attendance at the nursery or the co-located children's centre for nursery education in their oversubscription criteria for admissions to primary school. Such arrangements can advantage those parents willing to travel a substantial distance to allow their child to attend nursery school so that they will have priority in admission to the primary school over more local parents. Such criteria may also disadvantage families who have recently moved to the area and those who have opted for other providers or who choose to take up the free entitlement at an alternative local provider. It may make some parents feel they have to enrol their child at the school before they consider him or her ready, in order to gain a place at the primary school.

Deferred entry to primary schools

2.61 The law does not require a child to start school until the start of the term following the child's fifth birthday. Where the admission authority for a primary school offers places in reception classes to parents before their children are of compulsory school age, they **must** allow parents the option of deferring their child's entry until later in the same school year. The effect is that the place is held for that child and is not available to be offered to another child. The parent would not however be able to defer entry beyond the beginning of the term after the child's fifth birthday, nor beyond the school year for which the original application was accepted. This **must** be made clear in the admission arrangements for the school.

2.62 Where there are separate but 'paired' infant and junior schools, published arrangements must make it clear that parents of children at the infant school will need to apply for places at the junior school and that attendance at the infant school does not guarantee a place at the junior school.

Additional guidelines for secondary schools

2.63 The use of named feeder primary schools as an oversubscription criterion can allow better continuity for pupils but needs to be used with caution. Admission authorities **should** ensure that such arrangements do not unduly disadvantage children who move

²¹ [Education Act 2002](#), Schedule 4, paragraph 12 amended section 98 of the [1998 Act](#).

into an area at a late stage and consider carefully the impact that such arrangements have on the ability of a school to serve its immediate local area.

Additional guidelines for middle schools

2.64 Admission authorities with middle schools²² need to determine tailored arrangements for each of the nursery, primary and secondary phases for the relevant years of entry, but once in attendance in the primary phase, those pupils would not need to apply for the secondary phase.

Sixth form admission arrangements

2.65 If an admission authority wishes to adopt specific arrangements for admissions to a school sixth form, including a separate admission number, it **must** consult on, determine and publish those arrangements at the same time and in the same way as all other admission arrangements.

2.66 Applications for admission/entry to a sixth form may be made by either the parent or the young person or both. These applications **must** be treated in the same way as any other application for admission to a school.

2.67 Admission authorities are permitted to set arrangements for entry to sixth forms which are wholly based on selection by reference to ability and where such arrangements exist, the duty to comply with that preference does not apply²³. This means that a young person can be refused a place even if the year group is not full. However, before setting criteria for transfer or admission to the sixth form which are based on ability, admission authorities **should** take into account the needs of the young person and the provision of suitable post compulsory education available in the area that a young person would have access to if they failed to meet the criteria.

2.68 Admission authorities may establish a set of oversubscription criteria for entry to sixth forms which differ from the oversubscription criteria applied in the case of younger year groups. These criteria might include selection by ability. If selection arrangements are adopted, the minimum requirements **should** be fully identified (for example, where entry is dependent on applicants having achieved 5 GCSEs at Grade C or above, this **must** be clearly set out). Such arrangements **should** also include information on how applicants will be prioritised if there are more applications than sixth form places available. These would only need to be used where there are more applications than places.

2.69 To enable the effective application of sixth form oversubscription criteria, admission authorities need to publish a separate sixth form admission number calculated using the '[Measuring the capacity of schools in Wales](#)' formula. Unless this is done, the relevant admission number would be the admission number that applies at Year 7 and this is likely to be too high.

2.70 Any admission authority which sets wholly selective sixth form admission arrangements **must** apply those arrangements equally to both young people who are currently attending the same school but seeking entry to the sixth form and those who are applying to be admitted to the school for the first time. In all other instances young people

²² As defined by Section 5 of the Education Act 1996.

²³ Section 86(3a) of the [1998 Act](#).

who are already attending the school will not need to apply for entry to the sixth form and cannot be refused entry.

2.71 Schools **must not** interview young people or their families for entry to a sixth form, although meetings can be held to provide advice on options and entry requirements for particular courses. Entry **must not** be dependent on attendance, behaviour record, or perceptions of attitude or motivation.

3. Applying admission arrangements

3.1 All admission authorities **must** consider and decide on applications for school places in accordance with their published arrangements.

3.2 If a school is oversubscribed then the admission authority **must** consider all applicants against its published oversubscription criteria (except looked after children, and previously looked after children or children with a statement of SEN).

3.3 Wherever possible all applications for admissions, **should** be returned to the admission authority.

3.4 In a normal year of entry, a child **must not** be refused admission to a school on the grounds of prejudice to efficient education or the efficient use of resources except where the number of applications for admission exceeds the admission number²⁴.

3.5 The admission number reflects the school's ability to accommodate pupils and it **should not** be exceeded. However, it may be reasonable for the admission authority to consider exercising discretion, in exceptional circumstances, to admit more pupils than the admission number indicates. Such instances might include:

- Where there are a significant number of surplus places across the year groups in the school, so that the pupil can be accommodated without prejudicing future intakes if the increased uptake of places continues.
- If there is a temporary shortage of a particular type of provision in an area, for example Welsh medium education, while additional provision is being established.

3.6 It would not be appropriate to exceed the admission number of a school as described above where there are places available at a suitable alternative school which is within a reasonable travelling distance of a child's home having had regard to the local authority's school travel policy.

3.7 It is important to note the difference between class size legislation and admission numbers. Class size legislation should not be confused with the admission number for a school. If the admission number is lower, or higher than 30, pupils **must** be admitted up to the admission number in the normal year of entry, as this reflects the school's capacity to admit children in the relevant age group. The infant class size limit of 30 applies to the organisation of the classes not to the number of children to be admitted.

3.8 When considering applications to years other than the normal year of entry, (i.e. reception or year 7) admission authorities **should** admit to the school's admission number and will rarely be able to prove prejudice as a ground for refusing an additional pupil while numbers remain below the admission number. As the admission number reflects the school's ability to accommodate pupils, it **should not** be exceeded to any significant degree in relation to any year group. If an admission number is routinely exceeded overcrowding could result.

²⁴ Section 86(5) of the [1998 Act](#) as substituted by section 47 of the [Education Act 2002](#).

Application forms

3.9 All applications for admission **must** be made by means of a completed application form whether hard copy or electronic. The information requested **must** be the same on both forms and treated in the same way when submitted. This includes applications made on behalf of a looked after child by a corporate parent where the LA is both the corporate parent and the admission authority. Admission authorities **must** ensure that an application form is produced for each of the schools for which they are responsible. These forms may relate to just one school or to a group of schools. Each form **must** include the deadline by which it is to be returned (i.e. the common date of return) together with the name and address of the person to whom it should be sent. They **should** ask for the following information (a model form is provided at Annex F):

- The child's or young person's full name, date of birth and place of residence (as this may differ from the parent's address).
- The child's or young person's sex (where authorities have single sex secondary schools).
- Whether the child is a 'looked after child' (child in care) or previously looked after child.
- Whether the child has a statement of SEN which includes a named school.
- The young person's or parent's preferred school/s (in order of preference).
- The name/s and dates of birth of older children already in attendance at the preferred school/s (where sibling links are an oversubscription criterion).
- The young person's or child's current school (where feeder schools are a criterion).
- The young person's or parent's signature, printed name, correspondence address and telephone number.
- Over-riding medical reasons for admission with supporting evidence (where medical reasons are an oversubscription criterion).

3.10 To avoid the potential for discrimination, additional information on matters which are not directly relevant to the published oversubscription criteria **should not** be sought.

3.11 Admission authorities **should** also consider providing the following information on application forms:

- That the child/young person on behalf of whom a preference has been expressed will be given priority and that failure to express a preference/submit a form will make it less likely that the child/young person will be able to attend a school of their or their parent's choice.
- That attendance at a nursery class within a primary or infant school does not guarantee a place in the school's reception class and that an application form **must** be submitted.
- That all first preferences will be met except where the number of applications exceeds the number of places available and that in such cases places will be allocated on the basis of the published oversubscription criteria.
- The authority's oversubscription criteria.
- A number to contact in the event that parents/young person wish to find out the relevant catchment area school/s (English/Welsh medium or denominational) where a catchment policy is in operation.
- That there is no right of appeal in relation to nursery admissions.

3.12 Admission authorities **should** also consider acknowledging receipt of application forms so as to provide assurances to young people, parents and carers.

Interviewing

3.13 The [1998 Act](#)²⁵ prohibits the interviewing of parents, a young person and/or a child as a method for deciding whether a place should be offered to the child/young person at a school. This includes both face to face interviews and those using the telephone or other means, for example written questions and answers and essays. Open evenings and other events for prospective parents, young people and children are not affected, but information gained at these events **must not** play a part in the decision making process. Attendance at an open evening or other meeting at the school **must not** be a condition for the allocation of a place.

3.14 This prohibition does not apply to interviews conducted by boarding schools solely for the purpose of determining a child's suitability for a boarding place (see Annex C).

Handling late applications and applications outside the normal admission round

3.15 Admission authorities **should** have an agreed policy on handling late applications. They **should** accept applications which are received after the closing date for application when a good reason is given, for example, when a single parent has been ill for some time, or a family has just moved into the area, or is returning from abroad - provided applications are received before offers of places are made. Looked after children and children with statements of SEN that name a specific school **must** be admitted regardless of when their application was received.

3.16 In dealing with applications outside the normal admissions round, whether in-year or for a school year which is not the normal point of entry to the school, admission authorities **must** comply with parental preference or in the case of a sixth form a young person's preference unless one of the statutory reasons (see paragraph 2.1) for refusing admission applies.

3.17 Anyone expressing an interest in admission **must** be given an application form at the first point of contact. Once received, such applications **must** be considered without delay and a formal decision either to offer or to refuse a place **should** be made and notified to the applicant within 15 school days or 28 calendar days whichever is the sooner. Applicants **must not** be refused the opportunity to make an application, or told that they can only be placed on a waiting list rather than make a formal application.

3.18 Applications for admission to school for a short period only **must** be treated in the same way as any other application for admission.

3.19 The same statutory reasons for refusing admission apply outside the normal admission round as with applications made during the normal admissions round. Admission authorities **must not** refuse to admit a child because they followed a different curriculum at their previous school. However, in such instances, parents should be made aware of the curriculum on offer at the chosen school.

²⁵ Section 88A of the [1998 Act](#) inserted by the [Education and Skills Act 2008](#).

3.20 While it is essential that children who have no school place are found one quickly, the [Education Act 1996](#)²⁶ permits deferment of admission to the start of a school term. In cases involving school transfers that do not require a house move, or where there is no need for an immediate move, admission authorities may wish to arrange for a child to start at the school at the beginning of term to minimise disruption to their own and other children's education. Admission authorities **must** ensure this does not prejudice vulnerable children such as those described in the paragraphs below.

3.21 Where an application outside the normal admission round is made some time in advance of the requested start date (e.g. where a pupil is due to move into an area several months hence) the admission authority **should** consider carefully in the circumstances of the case, the length of time it would be reasonable to hold open the place for the pupil. It would not normally be appropriate to hold open a place for more than a school term.

Looked after children

3.22 [The Education \(Admission of Looked after Children\) \(Wales\) Regulations 2009](#) places a duty on admission authorities in Wales to admit children looked after by a LA in Wales where an application for admission outside the normal admissions round is made by the corporate parent on their behalf. However, before making an application, the corporate parent (i.e. the Welsh LA responsible for looking after the child) **must** consult with the relevant admissions authority (and in the case of a looked after child permanently excluded from two or more schools, the governing body of the relevant community or voluntary controlled school) and make every effort to ensure the appropriateness of the named school in the light of the child's background including SEN and/or faith needs. The consultation need not be onerous and a telephone call between the parties should be sufficient.

3.23 Where an admission authority (or governing body of a community or voluntary controlled school in the case of a looked after child permanently excluded from two or more schools) believes that compliance with the duty to admit a looked after child would seriously prejudice the provision of efficient education or the efficient use of resources, it may, within 7 calendar days of the date on which the application is received, refer the matter to the Welsh Ministers. Any such reference must be made in writing, and **must** set out the admission authority's (or governing body's) basis for believing that serious prejudice will arise. The Welsh Ministers may either uphold the duty to admit, or if the LA that looks after the child agrees, determine that another school in Wales **must** admit the child. The decision of the Welsh Ministers is binding.

3.24 The Welsh Ministers may not determine that an alternative school must admit the child if the child has already been excluded from that school or if the admission would seriously prejudice the provision of efficient education or the efficient use of resources. Where an admission application on behalf of a looked after child or previously looked after child is not referred to the Welsh Ministers, the decision to admit **must** be notified to the applicant within 10 calendar days and the child **must** be permitted to take up the place from the next available school day.

Gypsy and Traveller children

3.25 The Gypsy Traveller community is very strongly family orientated and parents will normally want all of the children in their family to attend the same school. It is an

²⁶ Section 433 of the [Education Act 1996](#).

important element of their culture that older children are expected to look after younger siblings and this especially applies in the school context. If places are not found for all children in the family in the same school, this could result in them being kept home for long periods whilst waiting for places. This potentially presents particular difficulties for admission authorities where families arrive outside the normal admissions cycle.

3.26 Arrangements **must** be in place for Gypsy and Traveller children to be registered quickly at a school whether residing permanently or temporarily in the area. Guidance on best practice in relation to access to education for this group of learners can be found in Welsh Assembly Government Circular 003/2008 [‘Moving Forward - Gypsy Traveller Education’](#).

Waiting lists

3.27 Admission authorities **must** maintain waiting lists for oversubscribed schools, details of which must be set out in the published admission arrangements. Following the allocation of places during the normal admissions round, children **must** remain on the waiting list until the 30 September in the school year for which they have applied. Thereafter the parents **should** be expected to make a fresh application for admission.

3.28 If additional places become available while the waiting list is in operation they **must** be allocated to children on the waiting list on the basis of the published oversubscription criteria. Waiting lists **must not** give priority to children based on the date the application was added to the list. For example, if a child moves to an area outside the normal admissions round and has higher priority under the oversubscription criteria, they **must** be ranked above those with lower priority already on the list. Admission authorities **should** notify parents of where their child has been placed on a waiting list but **must not** give any indication of the likelihood of being offered a place.

3.29 Where school places become vacant before admission appeals are heard, admission authorities **must** fill these vacancies from any waiting list. Placing a child’s name on a waiting list does not affect the parent’s right of appeal against an unsuccessful application.

Admission outside the normal age group

3.30 Although most children will be admitted to a school with their own chronological age group, from time to time parents seek places outside their normal age group for gifted and talented children, or those who have experienced problems or missed part of a year, often due to ill health. While it would not normally be appropriate for a child to be placed in a year group that is not concurrent with their chronological age, admission authorities **should** consider these requests carefully and make decisions on the basis of the circumstances of each case and in consultation with the parents and the school, and specifically in relation to what is most beneficial to the child. Due regard **should** also be given to the Educational Psychologist’s report where available, and clear reasons ascertainable for such a decision to be made.

3.31 If it is decided that there are grounds to consider an ‘out of year’ application, parents refused an application for a place at a school have a statutory right of appeal. However, there is no right of appeal if a place has been offered but not in the desired year group.

Decision taking

3.32 Where the school is its own admission authority, the admissions committee established by the governing body, **must** make such decisions²⁷. Decisions on admissions **must not** be made by one individual in a school. Where the LA is the admission authority the decision **must** be taken by the appropriate LA officer(s) (usually the admissions officer). Whilst LAs may delegate all of their admissions functions to a governing body of a community or voluntary controlled school, they **must not** delegate to the governing body (or Head) part of the functions of an admission authority such as the power to decide admissions applications.

3.33 Heads or other school officials **must not** give parents an expectation that their application will be successful, or tell them that their child has been given a place at the school, before an offer of a place has been made formally. However, where there is evidence that parents have been told by a head, or other school official, that their child will be given a place at a school, they could reasonably expect that the person making the offer had authority to do so. If an informal offer has been made the admission authority **should** normally honour the offer, even though in fact it may not have authorised that person to make it. It is important to note that this offer **should not** prejudice the admission of other children who would otherwise have been offered a place if the informal offer had not been made. The making of unofficial offers could result in a breach of the class size regulations²⁸ (in the case of infant classes), and this is a matter that the school would have to address. It is therefore important to avoid such situations arising.

Notifying parents

3.34 The outcome of all admission applications **must** be notified to parents in writing. The letter **must** be expressed clearly without the use of jargon.

3.35 Where the application is being accepted, a starting date **should** be included where possible. Admission authorities may include a return proforma asking parents if they will/will not be taking up the place offered and set a deadline for its return.

3.36 Where the application is being rejected, the letter **must** set out the reasons for the decision taken including the number of applications received, the number of places available, and the oversubscription criteria applied. If the refusal is because of the infant class size limit this **must** be made clear (see paragraph 3.46). The letter **must** also include information on the parents' right of appeal against the decision, the process for doing this, and the deadline for responding.

Admission appeals

3.37 Parents may appeal against decisions "as to the school at which education is to be provided for the child in the exercise of the authority's functions"²⁹. In the case of sixth form admissions, the parent and the young person are able to appeal separately or jointly. Where they apply separately, the appeals **must** be heard together. Where an admission application is being rejected, admission authorities **must** inform parents of their right of appeal in the letter of rejection and **must not** comment on the likelihood of success. They

²⁷ Regulations made under Sections 21 and 138 of the 1998 Act; and Sections 19-21, 23-25, 34-36, 210 and 214 of the Education Act 2002.

²⁸ The School Admissions (Infant Class Sizes) (Wales) Regulations 2013.

²⁹ Section 94 of the [1998 Act](#).

are also required to establish independent panels to which parents can appeal against decisions to refuse admission to preferred schools. Admission authorities **must** ensure that appeals made during the timetabled admissions process are heard within 30 school days of the specified closing date for the receipt of appeals. Appeal hearings for appeals made outside the timetabled admissions process **must** be held within 30 school days of the appeal being received in writing. During the summer holidays admission authorities **must** arrange their appeals hearings within 30 working days of the appeal being received in writing (see paragraph 4.9 of the School Admission Appeals Code).

3.38 The Education (Admission Appeals Arrangements) (Wales) Regulations 2005 as amended set out the constitution of admission appeal panels. The School Admission Appeals Code imposes mandatory requirements and provides guidelines on how panels should be set up and how they should conduct their hearings.

3.39 Admission authorities **must** admit a child whose parents have won an appeal. If the admission authority wants to challenge the decision of the appeal panel, it may seek judicial review. The Welsh Government has no jurisdiction over the decisions of appeal panels.

Withdrawing offers of places

3.40 Once an admission authority has made an offer of a school place, it may only lawfully withdraw that offer in very limited circumstances. These may include when the admission authority offered the place on the basis of a fraudulent or intentionally misleading application from a parent or young person (for example, a false claim to residence in a catchment area) which effectively denied a place to a child with a stronger claim or where a place was offered by the LA rather than by the admission authority in error.

3.41 A school place **must not** be withdrawn once a child or young person has started at the school, except where that place was fraudulently obtained. In deciding whether to withdraw the place, the length of time that the child had been at the school **must** be taken into account. Where a place is withdrawn on the basis of misleading information, the application **must** be considered afresh, and a right of appeal offered if a place is refused.

Duty of a governing body to implement the decision of an admission authority

3.42 The governing body of a community or voluntary controlled school, for which a LA is the admissions authority, **must** implement any decision taken by the admission authority relating to the admission of pupils³⁰ without undue delay.

LA power of direction

3.43 A LA may direct the governing body for a maintained school for which it is **not** the admission authority to admit any child in their area where the child has been refused admission to, and/or is permanently excluded from, each school which is a reasonable distance from their home and provides suitable education, except where the child has been permanently excluded from that school³¹.

³⁰ Section 88(1A) of the [1998 Act](#) (as inserted by section 43 of the [2006 Act](#)).

³¹ Section 96 of the [1998 Act](#) as amended by paragraph 10 of Schedule 4 to the [Education Act 2002](#).

3.44 Before giving a direction the LA **must** consult the governing body for the school they propose to specify in the direction. If following the consultation, the LA decides to issue the direction it **must** first serve a notice in writing of its decision on the governing body and head. The governing body may, within a period of 15 days on which the notice was served, refer the matter to the Welsh Ministers informing the LA that they have done so. If the matter is not referred and the direction is issued, the governing body **must** admit the child to the school.

Other information relevant to school admission arrangements

Infant class size limit

3.45 Statutory limits on class sizes provide that when a single school teacher³² is present, and subject to certain limited exceptions (see below), infant classes (reception, Year 1 and Year 2) may not contain more than 30 pupils³³.

3.46 An admission authority can refuse to admit a child to a school where to do so would cause class size prejudice, that is to say, prejudice to efficient education or efficient use of resources as a result of the relevant measures that would be needed to comply with the duty to limit the size of infant classes. However, in relation to the reception year such prejudice can not be said to arise unless the schools admission number would be exceeded.

3.47 Whilst there is no legislation limiting Key Stage 2 classes to 30 or fewer this is the class size target for the Welsh Government.

3.48 Where certain types of children (“excepted pupils”) cannot be provided with education at the school in another infant class in which the limit is not exceeded without relevant measures being taken which would prejudice efficient education or the efficient use of resources, those children are not to be counted for the purpose of ascertaining whether or not the limit of 30 pupils is exceeded. Excepted children are:

1. Children whose statements of SEN specify that they should be educated at the school concerned, and who were admitted to the school outside a normal admission round.
2. Children who are looked after by local authorities (looked after children), or who have ceased to be looked after (previously looked after children) as a result of being adopted or being placed with a family or given a special guardian and are admitted to the school outside a normal admissions round.
3. Children initially refused admission to a school, but subsequently offered a place outside a normal admission round by direction of an admission appeal panel, or because the person responsible for making the original decision recognises that an error was made in implementing the school's admission arrangements.
4. Children admitted outside the normal admission round who:
 - the maintaining local authority confirmed cannot gain a place at any other suitable school within a reasonable distance of their home because they have moved into the area outside a normal admission round, or

³² A person qualified under the [Education \(School Teachers Qualifications\) \(Wales\) Regulations 2004](#).

³³ Section 1 of the [1998 Act](#) and the School Admissions (Infant Class Sizes) (Wales) Regulations 2013.

- they desire a religious education, or a Welsh speaking education and the school in question is the only suitable school within a reasonable distance.
5. Children who were admitted to the school outside the normal admission round after which the school has arranged its classes, and after the first day of the school year, the effect of which would mean that the school would have to take a relevant measure if such children were not excepted pupils.
 6. Children of armed forces personnel who are admitted outside the normal admission round.
 7. Children whose twin or other sibling from a multiple birth are admitted as non-excepted pupils, as the final pupil(s) allocated a place before the admission number is reached.
 8. Children who are registered pupils at special schools, but who receive part of their education at a mainstream school.
 9. Children with SEN who are normally educated in a special unit in a mainstream school, who receive part of their lessons in a non-special class.

3.49 Excepted pupils will remain so, once admitted, for the remainder of their time in an infant class or until class numbers fall back and they can be organised to comply with the infant class size limit. For example, because a non-excepted child leaves the class, an additional infant class is created, or an additional teacher is appointed, then that child ceases to be an excepted pupil. Classes **must** be organised so as to comply with the limit wherever possible.

3.50 The exceptions in respect of previously looked after children, children of armed forces personnel and twins or other siblings from multiple births will apply in respect of admissions from 2014/15 school year. All other exceptions will apply from the 2013/14 school year.

Children with statements of SEN

3.51 In general, the admission of children with statements of SEN is covered by the [Education Act 1996](#)³⁴. Guidance on the admission of children with statements is provided in the Special Educational Needs Code of Practice for Wales. Consequently the admissions provisions in the [1998 Act](#) do not generally apply to children with statements of SEN. Section 324 of the [Education Act 1996](#) requires a maintained school that is named in a statement of SEN to admit the child. Schools cannot refuse to admit even if by doing so they would exceed their admission number.

3.52 If a LA has provided a statement for a child with SEN it is responsible for ensuring that the special educational provision is made for the child. The LA may identify a particular school which it considers to be suitable for the child's needs, and name the school in the statement. Admission authorities must be mindful of their duties with regards to Equalities Legislation and guidance on improving the ³⁵accessibility of schools³⁶. If the parent of a child with a statement of SEN wishes to appeal against the school named in the statement, or the fact that no school has been named, the appeal is to the Special Educational Needs Tribunal for Wales, not to the admission appeal panel.

³⁵ Sections 312 to 349 of, and Schedules 26 and 27 to the [Education Act 1996](#)

³⁶ Planning to Increase Access to Schools for Disabled Pupils: National Assembly for Wales Circular No: 15/2004.

Children with SEN without statements

3.53 Children with SEN but without statements **must** be treated as fairly as other applicants. Admission authorities **must not** refuse to admit a child because they consider themselves unable to cater for his or her SEN. Admission authorities **must** consider applications from children who have SEN but no statement, on the basis of the school's published admission criteria. They **must not** refuse to admit a child on the grounds that he or she does not have a statement of SEN, or is currently being assessed for one. Where admission authorities give some priority to children with special, medical or social needs etc but without a statement, their published admission arrangements **should** explain what evidence of need is required to qualify under the criterion.

3.54 If a child is going through an assessment process for a statement, the parents may wish to apply for a school place under the normal admissions procedures in case the LA concludes that the child's needs do not require a statement of SEN. If the LA decides that the child **should** have a statement of SEN then decisions about an appropriate school placement will be addressed as part of the statementing process.

Children with disabilities

3.55 Schools and admission authorities have had a duty to provide reasonable adjustments for disabled pupils since 2002 (originally under the Disability Discrimination Act and from October 2010 under the Equality Act 2010). Admission authorities **must not** discriminate against a disabled child by:

- a) the arrangements they make for determining pupil admission to the school
- b) the terms on which they offer to admit a disabled child to the school
- c) refusing or deliberately omitting to accept an application for admission or
- d) failing to provide auxiliary aids and services for disabled pupils.

The reasonable adjustments duty is owed to disabled pupils, as defined in the Equality Act 2010. The new duty is anticipatory and applies in respect of potential pupils so admission authorities and schools **must** think ahead, anticipate barriers to disabled pupils and remove or minimise them.

Children with challenging behaviour

3.56 Admission authorities **should not** refuse to admit a child on the basis of their behaviour elsewhere. Schools **should not** refuse to admit a child thought to be potentially disruptive, or to exhibit challenging behaviour, on the grounds that the child ought first to be assessed for SEN. The law disapplies the normal principle that parents' preferences should be complied with, only in the 'twice excluded' situation described in paragraph 3.57. If following admission, a child is found to be seriously and persistently disruptive, then the school may consider disciplinary action, including temporary and, ultimately, permanent exclusion procedures. However it is important to note that children with challenging behaviour may be disabled as defined in the [Equality Act 2010](#) and therefore require reasonable adjustments to be made for them in the school, or require SEN support. The school **must** be proactive in promoting disability equality in relation to these pupils, as with all disabled pupils.

3.57 Some undersubscribed schools may find that they have been required to admit an undue proportion of children with a recent history of challenging behaviour, which may

have led to a permanent exclusion from another school. Admission forums **should** discuss how local admission arrangements might allow all schools to admit a more even share of such children, including children excluded from other schools, and to agree protocols for the admission of hard to place children. Consideration should be given to the guidance in the Welsh Assembly Government Information Document: Effective managed moves: A fresh start at school for children and young people. Admission authorities **must** have regard to their admission forum's advice.

Twice-excluded pupils

3.58 Where a child has been permanently excluded from two or more schools, their parents can still express a preference for a school place, but the requirement to comply with that preference is removed for a period of two years from the date on which the latest exclusion took place³⁷.

This does not apply to:

- Children with statements of SEN.
- Children who were below compulsory school age when excluded.
- Children who were reinstated following a permanent exclusion.
- Children who would have been reinstated following a permanent exclusion had it been practicable to do so.
- Looked after children and previously looked after children, where the application for admission is made by or on behalf of the corporate parent.

3.59 A permanent exclusion is regarded as taking effect from the first school day the head has told the child not to attend school.

3.60 The admission authority for the school may refuse admission, or in the case of a community or voluntary controlled school, the governing body may appeal against the decision of the LA as the admission authority to admit the child (see the School Admission Appeals Code for information on these appeals). LAs are still responsible for providing suitable full-time education for these children and may need to use their powers of direction or provide a place in a Pupil Referral Unit.

Hard-to-place children

3.61 All admission authorities **must** have protocols in place for admitting children they consider hard to place. All need to play their part in ensuring that these children, especially the most vulnerable, are admitted to a suitable school as quickly as possible. This includes, potentially, admitting children to schools that are already full.

3.62 There is a balance to be struck between finding a place quickly in an undersubscribed school or one facing challenging circumstances and finding a school place that is appropriate for the child. The protocol **should** therefore ensure that no school, including those with places available, is asked to take an excessive or unreasonable number of children who have been excluded from other schools.

3.63 Protocols may include all children who arrive outside the normal admissions round who may have difficulty securing a place. Admission authorities should make reference to

³⁷ Section 87 of the [1998 Act](#).

the guidance provided at paragraph 3.25 to 3.26 in relation to Gypsy and Traveller children. Children with SEN but without statements **should** be treated in the same way as all applicants, but protocols **should** include arrangements for ensuring that, where there is prior knowledge of a need for particular SEN support, such children are placed quickly.

3.64 Once these protocols have been agreed, admission forums **should** monitor how well they are working, how quickly the children are found places, and the contribution every school in the area is making.

Children of UK Service personnel and other Crown Servants (including diplomats)

3.65 Families of UK Service personnel and other Crown Servants³⁸ are subject to frequent movement within the UK and from abroad, often at relatively short notice. School places **must** be allocated to children and their families in advance of the approaching school year if accompanied by an official Ministry of Defence (MOD) or Foreign and Commonwealth Office (FCO) letter declaring a return date. Children of UK Service Personnel may be given excepted status for infant class size purposes when admitted to a school outside the normal admission round.

3.66 Admission authorities **must**:

- Ensure that the needs of the children of these families are taken into account.
- Allocate a school place in advance, if the applicant would meet the criteria when they move to their destination.
- Invite a Service representative or representatives of other significant concentrations of Crown Servants to join the admission forum.
- Accept a Unit postal address for applications from service personnel in the absence of a new home postal address.

3.67 Admission authorities **must not**:

- Reserve places for blocks of these children, or
- Refuse a place to such a child because the family does not currently live in the LA area.

Children from overseas

3.68 Admission authorities **must** treat applications for children coming from overseas in accordance with European Union law or Home Office rules for non-European Economic Area nationals. The Home Office website³⁹ carries the most up to date information and should be used as first point of reference.

Teacher exchange schemes

3.69 Where a child goes abroad to accompany his or her parent on a teacher exchange scheme, the school **should** ensure that the child is able to take up his or her place on return. The child **should** remain on roll and time away may be treated as an “approved educational activity”.

³⁸ A Crown Servant is an officer of the United Kingdom Government.

³⁹ www.homeoffice.gov.uk

3.70 The LA has a duty to find a place for a child who will become resident in their area as a result of his or her parent's participation in a teacher exchange scheme. LAs **should** plan in advance for the needs of these children to ensure that they can take up a suitable school place for the duration of the exchange, wherever this is practicable.

Transfers from the independent sector

3.71 Lone children may be admitted to the UK if they can show that they have a place at an independent, fee-paying school. Where a child has been given leave to enter on that basis, the Home Office will not normally grant an extension of stay, or amend the child's conditions of entry, if the child transfers to a community, voluntary or foundation school. LAs and governing bodies may wish to bear this in mind when considering a request for a transfer in respect of a child from overseas who has been previously attending a fee-paying school. The Home Office website should always be checked for the most up to date advice.

Applications made in the UK for children living abroad

3.72 Admission authorities may receive an application from parents overseas for a school place for a child who is not yet resident in the UK. The admission authority will not necessarily know when the child is expected to be resident in the UK, or whether the parents' application for leave to enter the UK has been or will be successful, or if it has been, on what terms entry has been granted. These are all considerations that an admission authority may reasonably wish to take into account when considering the application.

School uniform

3.73 School uniform plays a valuable role in contributing to the ethos and setting the tone of a school. Admission authorities should have regard to Welsh Government guidance on this matter⁴⁰.

Learner travel

3.74 The [Learner Travel \(Wales\) Measure 2008](#) sets out specific requirements for home to school transport in Wales. The Welsh Government has issued guidance on this⁴¹.

⁴¹ [Guidance for Governing Bodies on School Uniform and Appearance Policies – Welsh Government Circular No: 15/2011.](#)

⁴¹ [Learner Travel Operational Guidance, Welsh Assembly Government, April 2009.](#)

Annex A: The admissions timetable

The timetable and procedures for school admissions are set out in this Code and the relevant regulations. The admissions timetable applied to all maintained schools.

Local authorities have a key role in providing information to parents on admission arrangements and schools in their area.

Example timetable

Determination year (20**/20**)	
1 September	Earliest date to start consultation on proposed arrangements. Consultation should be of a reasonable length in all the circumstances.
1 March	Deadline for the completion of the consultation on proposed admission arrangements.
15 April	Deadline for admission arrangements to be determined even if they have not changed from the previous year and a consultation has not been required.
1 June	Latest date by which governing body admission authorities should send a copy of their full determined admission arrangements to their LA to allow them to compile composite prospectus. LAs should verify this information where possible prior to publication with all contributors.
Autumn Term	Publish and distribute composite prospectus to parents.

Offer year (20**/20**)	
1 October and not later than six weeks before closing date	Deadline for admission authority to publish composite prospectus.
February	Deadline for admission authorities to publish their Appeals timetables on their websites.
1 March or next working day	National offer day for secondary school places (from 2015/16).
16 April or next working day	National offer day for primary school places (from 2018/19).

Annex B: Oversubscription criteria

B.1 The following are **examples only**. Arrangements for individual schools **must** be set in the context of local circumstances and practical application of the criteria.

Community schools

B.2 Children with a statement of special educational needs naming a particular school will be admitted to that school. Where the number of applications on behalf of other pupils is equal to or less than the number of places remaining (please see the relevant school's published admission number) all applications will be agreed. However, where the number of applications exceeds the number of places available the admission authority will apply the following oversubscription criteria and allocate places accordingly.

1. Looked after children (children in public care) and previously looked after children.
2. Children who live within the school's catchment area with a sibling (see definition) attending the school when they join.
3. Children who live within the school's catchment area.
4. Children who live outside the catchment area with a sibling attending the school when they join.

B.3 If the number of pupils in any one of the above categories exceeds the published admission number, the admission authority will use the following tie-breaker to allocate places e.g. the shortest available route between home and school as measured from the main school entrance to the main entrance of the pupil's home using ... software. The same tie - breaker will be applied to any remaining applications if all pupils in the above categories have been allocated a place.

B.4 Admission authorities should clearly define what they consider to be a 'sibling' where the term is used in their oversubscription criteria.

Voluntary-aided schools

B.5 Children with a statement of special educational needs naming a particular school will be admitted to that school. Where the number of applications on behalf of other pupils is equal to or less than the number of places remaining (please see the relevant school's published admission number) all applications will be agreed. However, where the number of applications exceeds the number of places available the admission authority will apply the following oversubscription criteria and allocate places accordingly.

B.6 Admission authorities for schools with a designated religious character (faith schools) may give first priority to all looked after children and previously looked after children, whether or not of the faith but **must** give first priority to looked after children and previously looked after children of their faith above any other children of their faith. If they give first priority to looked after children and previously looked after children of the faith, then they **must** give a higher priority to looked after children and previously looked after children not of the faith than other children not of that faith. Such as in the following example:

1. Looked after children (children in public care) and previously looked after children of the faith.

2. Children of the faith who live within the school's defined area with a sibling (see definition) attending the school when they join.
3. Children of the faith who live within the school's defined area.
4. Children of the faith who live outside the defined area with a sibling attending the school when they join.
5. Children of the faith who live outside the defined area.
6. Looked after children (children in public care) and previously looked after children not of the faith.
7. Children not of the faith who live within the school's defined area with a sibling (see definition) attending the school when they join.
8. Children not of the faith who live within the school's defined area.
9. Children not of the faith who live outside the defined area with a sibling attending the school when they join.

B.7 If the number of pupils in any one of the above categories exceeds the published admission number, the admission authority will use the following tie-breaker to allocate places e.g. the shortest available route between home and school as measured from the main school entrance to the main entrance of the pupil's home using ... software. The same tie - breaker will be applied to any remaining applications if all pupils in the above categories have been allocated a place.

B.8 It is for individual admission authorities, in accordance with diocesan guidance, to define the means by which parents/guardians will evidence compliance with their faith oversubscription criteria. Likewise where parishes form the 'determined area' details of these should be available to parents. Admission authorities **should** clearly define what they consider to be a 'sibling' where the term is used in their oversubscription criteria.

Annex C: Boarding schools

C.1 There is currently only one maintained boarding school in Wales. This Annex applies specifically to that school and sets out the framework within which admissions to boarding places at the school should be made.

Admission procedures

C.2 As maintained schools, boarding schools **must** adopt a set of published admission criteria for both day and boarding places which comply with education and equality legislation and with the provisions of this Code.

C.3 Boarding schools may adopt separate admission numbers and, if they wish, separate oversubscription criteria for day and boarding places.

C.4 Where there are more applicants who are suitable to board than there are boarding places available, the school **must** apply the oversubscription criteria set out in its published admission arrangements. These criteria **must** be set in accordance with the provisions of this Code and legal requirements and **must not** amount to any form of selection by aptitude or ability, except where otherwise permitted. The oversubscription criteria **must not** include criteria for deciding which pupils are most suitable to board. Interviews and any other information used to judge suitability **must not** be used to determine admission to day places. Setting fair, clear and objective admission criteria should ensure that admission authorities can clearly demonstrate to parents and carers how places have been allocated.

Boarding need

C.5 Boarding schools **must**, after giving the required priority to looked after children and previously looked after children, give next priority in their oversubscription criteria for boarding places to 'children with a boarding need'. Boarding schools **must** ensure that it is clear to parents what is meant by 'boarding need'.

C.6 Although this is not a comprehensive list, children with a boarding need include:

1. Children at risk.
2. Children from single parent families.
3. Children with an unstable home environment.
4. Children of members of the British forces overseas.
5. Children of key workers working abroad (e.g. the children of charity workers, people working for voluntary service organisations, the diplomatic service or the European Union, teachers, law enforcement officers and medical staff working abroad) whose work dictates that they spend much of the year overseas.

C.7 Those children described at paragraph C.6 (1) to (3) **should** be given priority regardless of their normal place of residence, and children described in paragraph C.6 (4) and (5) **should** be given priority when the normal place of residence is based in the locality or priority area of the school.

Suitability for boarding

C.8 A maintained boarding school is entitled to consider an applicant's suitability for boarding before deciding whether to award a boarding place.

C.9 In order to determine the suitability of an applicant to board, the school may have regard to:

- The outcome of an interview with the applicant carried out for that sole purpose.
- Information provided by the applicant's parent, corporate parent, or guardian, on a supplementary application form provided for the same purpose.
- Information provided by the applicant's current school or - if he or she is currently out of school - previous school, requested and provided for the same purpose.
- Information provided by the home LA on safeguarding issues.

C.10 An 'interview' in this context means face-to-face or telephone interviews or meetings with the candidate used to determine suitability for boarding. The general prohibition on interviewing as part of the admissions process does not apply to such interviews.

C.11 Boarding schools **must not** use any other processes to determine suitability. They **must not** ask for or consider information on religious background (unless this is relevant to assessment against published admission arrangements), home circumstances, academic ability, sporting or artistic ability, academic interests or other extraneous matters such as low level misbehaviour. If any such information is provided it **must** be disregarded.

C.12 There is no requirement for admission authorities to use interviews and supplementary application forms to assess suitability, but where they do, they **must** take account of the guidelines contained in this Code.

C.13 Suitability for boarding **must not** be adopted as an oversubscription criterion. Schools with boarding places **must** determine their oversubscription criteria in accordance with the mandatory provisions and guidelines set out in Chapter 2 of this Code. Published admission arrangements **must** state that the school will additionally carry out a process to establish suitability for boarding which will involve an interview and/or using supplementary application forms (if the boarding school decides it wishes to use interviews and supplementary application forms).

Definition of suitability

C.14 Suitability does not refer to those children who best fit the school's ethos. Suitability refers to:

- Whether a child presents a serious health and safety hazard to other boarders, or
- Whether a child is developmentally suited to a boarding place.

C.15 For boarding places, the admission authorities are entitled to take the view that a history of major behavioural difficulties such as sexual misconduct, arson or extreme physical violence is likely to render an applicant unsuitable to board. Low level misbehaviour would not do so.

Preparing for and conducting an interview

C.16 In preparing for and conducting interviews for boarding places schools must:

- Focus purely on whether the applicant would be able to cope with and benefit from a boarding environment.
- Be fair and open. Children and parents **must** be informed of the process in advance, and know what to expect from the interview.
- Give children a chance to state separately from their parents whether they wish to board.

C.17 It is good practice to brief applicants and their parents carefully about the purpose and structure of the interview beforehand. Applicants **should** be put at their ease during the interview, and interviewers **must** make every reasonable effort to accommodate the needs of those with special needs or a disability (e.g. hearing impairment or speech difficulty). In some circumstances, it may be necessary for interviews to be conducted through an interpreter.

C.18 Admission authorities **must not**:

- Require or request children to sit any form of written or verbal test of knowledge, ability or attitudes.
- Seek to screen out pupils who have a record of low level poor discipline which has not resulted in them being twice permanently excluded. This prohibition includes asking questions which seek to ascertain whether applicants' reactions to conflict situations are conciliatory or confrontational.
- Seek to screen out pupils who are not as outgoing or confident as others, or as eloquent.
- Seek information about parental background, finances, marital status or religion.
- Seek information about home circumstances.
- Seek to obtain information about low level misbehaviour, absenteeism, academic ability, sporting, artistic or any other form of achievement or ability, or
- Ask questions about whether applicants know any existing boarders.

C.19 If an admission authority determines that an applicant is not suitable for boarding, it **must** inform the parents in writing of the reasons for the determination and, as with other refusals of admission (i.e. for a day place), the right of appeal and who to contact to lodge an appeal.

Annex D: Admission forums

D.1 Admission forums have a key role in ensuring a fair admissions system that does not disadvantage one child compared with another and is straightforward and easy for parents to understand. Forums are responsible for monitoring compliance with this Code and where they consider admission arrangements to be unfair or not in accordance with this Code and cannot resolve the matter locally they may refer the matter to the Welsh Ministers for consideration. These guidelines should be read in conjunction with the [Education \(Admission Forums\) \(Wales\) Regulations 2003](#).

Legal requirement

D.2 Section 85A of the [1998 Act](#) (inserted by section 46 of the [Education Act 2002](#)) requires all LAs to establish an admission forum. Admission forums provide a vehicle for admission authorities and other key interested parties to discuss the effectiveness of local admission arrangements, consider how to deal with difficult admission issues and advise admission authorities on ways in which their arrangements can be improved. Admission authorities of all maintained schools, when exercising their functions, **must** have regard to any advice offered by the forum. LAs may establish a joint forum with one or more other LAs to consider and advise on admissions in more than one authority area.

Role of admission forums

D.3 Admission forums have a key role in ensuring a fair admissions system that promotes social equity and **must** under section 84 of the [1998 Act](#), act in accordance with this Code. The role of admission forums is set out in Regulations⁴². Admission forums **must**:

- Consider how well existing and proposed admission arrangements serve the interests of children and parents within the area of the LA.
- Promote agreement on admission issues.
- Consider the comprehensiveness and accessibility of the admissions literature and information produced for parents by each admission authority within the area of the forum.
- Consider the effectiveness of any proposed co-ordinated admission arrangements.
- Consider the means by which admissions processes might be improved and how actual admissions relate to the admission numbers published;
- Monitor the admission of children who arrive in the LA's area outside a normal admission round with a view to promoting arrangements for the fair distribution of such children among local schools, taking account of any preference expressed in accordance with arrangements made under section 86(1) of the [1998 Act](#) and in accordance with this Code.
- Promote effective admission arrangements for children with SEN, looked after children and children who have been excluded from school.
- Consider any other admissions issues that arise.

⁴² [Education \(Admission Forums\) \(Wales\) Regulations 2003](#).

D.4 Admission forums should consider appropriate application dates for all primary and secondary school admissions within their area in consultation with neighbouring authorities as appropriate.

Ensuring fair access

D.5 In discharging these responsibilities, admission forums **must**:

- Review the comprehensiveness, effectiveness and accessibility of advice and guidance for parents by the LAs and schools through the published composite prospectus (see paragraph 2.12).
- Agree procedures for ensuring that potentially vulnerable children and those who arrive in the area outside the normal admissions round are placed in a school as quickly as possible. Vulnerable children include those previously excluded from school, children in care, young offenders, children with SEN and/or disabilities, Gypsy and Traveller children, or those who are hard to place, or have challenging behaviour. Managed transfers of such children should be handled as quickly and sensitively as possible. The forum should ensure that all admission authorities in the area are aware of the agreed procedures and should monitor to ensure that they are working effectively.
- Monitor compliance with the School Admissions, and School Admission Appeals Codes and related legislation.

Annual reports on effectiveness of local admission arrangements

D.6 Admission forums **must** provide a summary annual report which **should** be made public (with due consideration for confidential references to pupils) and include the following information:

- Membership of forum.
- Dates of meetings held during the year.
- Number of attendees.
- Number of parental preferences that were met.
- number of admission appeals made for schools in the area (including information on how many were successful and unsuccessful).
- What admission arrangements have been put in place to serve the interests of vulnerable children.
- How well in-year agreed admission procedures are working and the number of children admitted to each school under the procedures and
- A short summary of the key admission issues in the area and how the forum has addressed them.

D.7 Such reports are a valuable tool in ensuring an open and fair admission system as admission authorities **must** have regard to any advice published by the admission forum. A copy of the report **should** be sent by 30 November each year to Schools Management and Effectiveness Division of the Welsh Government, and be distributed to those with a vested interest in ensuring the needs of vulnerable children are met.

Membership

D.8 The core membership of admission forums is set out in Regulations and is shown in the table below:

Members nominated by	Number
LA - any member or officer of the authority	1 to 5
Church in Wales Diocesan representatives	1 to 3
Roman Catholic Diocesan representatives	1 to 3
Schools - community and voluntary controlled	1 to 3
Schools - foundation	1 to 3
Schools - voluntary aided	1 to 3
Parent governor representatives	1 to 3
Representatives of the local community	up to 3

D.9 Each representative of a school **should** be a head, or a governor (other than one appointed to the school by the LA who is also a member of the authority). Admission forums **should** include representatives of neighbouring LAs where, for example, there are significant cross-border issues or they have a contribution to make. These representatives would be in addition to those of the home LA.

D.10 The core membership of each forum may ask the LA to appoint anyone it considers appropriate to represent significant interests in the local community. For instance, in areas where there is a significant concentration of service personnel the forum **must** invite a UK service representative and where appropriate, representatives from faith groups not already represented, and minority ethnic groups **should** be appointed.

D.11 If the forum considers that it would be useful to appoint additional members to represent the interests of any section of the local community the LA **should** appoint such members. For example, where the forum is considering issues relating to the admission of looked after children and previously looked after children, it **should** ask the LA to appoint LA officers with expertise in children's social care. Where there is a particular issue that needs investigation and more detailed consideration LAs **should** create a working group (which does not need to consist of forum members) to carry out this work and report-back to the forum.

Tenure

D.12 Core members and school members of the forum are appointed for a period not exceeding 4 years, after which they are eligible for reappointment. Other members of the forum are appointed on the terms determined by the core members, including whether or not they are to be eligible for reappointment at the end of their term. Membership of the forum **should** be reviewed in September each year. If a school member ceases to be a head or school governor, they cannot continue on the forum in that capacity.

D.13 The LA may also establish sub-committees to help the forum in the performance of its functions. Sub-committees might be appropriate for considering primary and secondary issues separately, or, if the relevant area is large and has areas with distinct admissions patterns, separate sub-committees might consider issues in each area, before bringing them back to the main forum for discussion.

Procedure for meetings and appointment of officers

D.14 Regulations require forums to meet at least twice a year, but the procedure for the meetings is regulated by the core members themselves. All members of the forum **should** be given at least 7 working days notice of the time and date of the meeting and be given any documents relevant to that meeting 7 days in advance. The forum **must** appoint a Chair and Vice Chair, who may or may not be members of the forum, and a Secretary to convene its meetings.

Promulgating advice and making objections

D.15 Admission forums **should** seek to achieve a consensus among the whole membership rather than secure a majority opinion and **should** only promulgate advice that represents the agreed views of the forum as a whole.

D.16 The LA **must**, as a minimum, publish the forum's advice on the school admissions section of their website and send copies to all admission authorities in the area. The advice **should** also be included in the composite prospectus published by the LA each year for parents.

Annex E: Other relevant legislation

E.1 Below is set out the primary legislation most relevant to admissions decisions. Admission authorities, adjudicators, appeal panels, LAs and schools **must** comply with the relevant law as well as acting in accordance with the provisions of this Code and following its guidelines. The information here aims to signpost the relevant law; it does not aim to provide definitive guidance on interpreting the law: that is for the courts.

Equality Act 2010

E.2 This Act consolidates the law prohibiting discrimination, harassment and victimisation and expands the list of protected characteristics. All schools **must** have due regard to their obligations under the Act and review their policies and practices to make sure these meet the requirements of the Act, even if they believe that they are already operating in a non-discriminatory way.

E.3 An admission authority **must not** discriminate on the grounds of disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; or sexual orientation, against a person in the arrangements and decisions it makes as to who is offered admission as a pupil.

E.4 An admission authority **must not** harass a person who has applied for admission as a pupil, in relation to their disability; race; or sex.

E.5 An admission authority **must not** victimise a person in relation to a protected act either done, or believed to have been done by that person (e.g. bringing proceedings under the [Equality Act 2010](#)) in the arrangements and decisions it makes as to who is offered admission as a pupil.

E.6 This Act contains limited exceptions to the prohibition of discrimination on grounds of religion or belief and sex. Schools designated by the Welsh Ministers as having a religious character (faith schools) are exempt from some aspects of the prohibition of discrimination on the grounds of religion or belief and this means they can make a decision about whether or not to admit a child as a pupil on the basis of religion or belief. Single-sex schools are lawfully permitted to discriminate on the grounds of sex in their admission arrangements.

E.7 Admission authorities are also subject to the Public Sector Equality Duty and therefore **must** have due regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity, and foster good relations in relation to persons who share a relevant protected characteristic and persons who do not share it.

E.8 The protected characteristics for these purposes are: disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

E.9 Further guidance on the Public Sector Equality Duty is available on the website of the Government Equalities Office and from the Equality and Human Rights Commission.

Human Rights Act

E.10 The [Human Rights Act 1998](#) confers a right of access to education. This right does not extend to securing a place at a particular school. Admission authorities, however, do need to consider parents' reasons for expressing a preference when they make decisions about the allocation of school places, to take account of the rights of parents under the Act, though this may not necessarily result in the allocation of a place. These might include, for example, the parents' right to ensure that their child's education conforms to their own religious or philosophical convictions (as far as is compatible with the provision of efficient instruction and the avoidance of unreasonable public expenditure).

United Nations Convention on the Rights of the Child (UNCRC) and the Rights of Children and Young Persons (Wales) Measure 2011

E.11 The UNCRC is an international agreement, which brings together additional human rights into a single Convention, which aims to protect and provide support for children and help them to achieve wellbeing.

E.12 The UNCRC has been incorporated into Welsh domestic law, in so much as it affects the Welsh Ministers, through the [Rights of the Children and Young Persons \(Wales\) Measure](#) 2011.

Annex F: Model application form

This is a model application form and should be amended to reflect the needs of the admission authority.

Name and address of Admissions Authority

Application for admission to [Infant/Junior/Primary/Secondary] school (NB: Separate forms should be made available for each relevant year of entry).

Please read this form carefully and complete it as fully as possible. The information you give will be used to allocate a school place to your child.

1. Child's full name [A]

2. Child's date of birth

3. Child's sex M/F

4. Child's place of residence, including post code [B]

5. Parent's name/s [C]

6. Parent's address and telephone number

Please telephone [name of person] on [tel. no.] for information on your catchment area, English and Welsh medium schools and Roman Catholic and Church in Wales schools. [D]

7. Please indicate below your preferred school/s (in order of preference); you may express more than one preference and give a reason for your preference/s. [E]

1. _____

2. _____

3. _____

*Expressing a preference does not guarantee admission to your chosen school but it will give your child priority over children whose parents have **not** expressed a preference for that school. If you do not express a preference, or you submit this form late it will be less likely that your child will be able to attend the school of your choice.*

8. Is the child a Looked After Child/Previously Looked After Child? Yes/No. If yes, please also state the corporate or previous corporate parent. [F]

9. Does the child hold a statement of SEN which names a school? Yes/No. If yes, which school is named? [G]

10. Please give the names and dates of birth of the child's siblings who are already attending the preferred school/s. [H]

Name	_____	DOB	_____	School	_____
Name	_____	DOB	_____	School	_____

11. Please give the name of the child's current infant/junior/primary school. [I]

12. Please indicate your child's special medical circumstances, if any. [J]

13. Has the child been baptised? Yes/No. If, yes, please submit a copy of the baptismal certificate with this form. [K]

14. Is the child/Are the child's parents communicant members of X Church? Yes/No. If yes, please submit with this form a supporting statement from the priest/minister or other Church representative. [L]

*If the number of applications to your preferred school is fewer than or equal to the number of places available, **all** applicants will be admitted. **However**, if the number of applications to your preferred school is greater than the number of places available, the information you give below will be used to rank your child's priority for a place in line with the oversubscription criteria which are:*

[List of oversubscription criteria.]

Your preferred schools will be considered equally and you will be offered a place in the most preferred school where a place is available.

This form must be returned to [name] at [address] by [date].[M] Applications received by this date will be considered together and places allocated.

Signed _____ **Parent**

Date _____

We recommend that you keep a copy of the completed form for your own records.

Notes

- A. It is not appropriate to ask for “Christian” name since not all applicants may be Christian.
- B. Where necessary the authority may wish to indicate that proof of residency may be required.
- C. In relation to a young person or child, the term ‘Parent’ includes any person who is not a parent but who has parental responsibility or care of the child.
- D. Insert the name and telephone number of a person who holds information on catchment area English/Welsh/denominational schools.
- E. You may not limit the number of preferences a parent may express.
- F. All applications made on behalf of Looked After Children and Previously Looked After Children must be approved by the relevant admission authority.
- G. If a school is named in a statement of SEN, the admissions authority has a duty to admit the child to that school.
- H. You may only ask for siblings’ details where these feature in your admissions arrangements’ oversubscription criteria. You should clarify in your admissions arrangements how you intend to define ‘siblings’ e.g. full, half, step, adopted and fostered brothers and sisters. This criterion may not include relatives who previously attended the school.
- I. You should normally only ask for the child’s previous school where a feeder school system is in operation. However, where the information is required for administrative purposes it may still be requested but you must ensure parents are aware of the reason for the request and that such information will not be taken into consideration when allocating a place.
- J. You may only ask this question if your oversubscription criteria give priority to children under medical circumstances.
- K. You may only ask this question if your oversubscription criteria give priority to children baptised into the faith of the school.
- L. You may only ask this question if your oversubscription criteria give priority to children who are themselves/whose parents are communicant members of the Church named.
- M. Insert name and address of person responsible for receiving admission forms.

Annex G: Commencement

Provision	Coming into force
Infant class size exceptions in respect of all those (paragraph 3.48) not listed below.	For the 2013/14 school year.
Infant class size exceptions in respect of previously looked after children, children of armed forces personnel and twins or other siblings from multiple births (paragraph 3.48).	For the 2014/15 school year.
Common date of offer for secondary schools (paragraph 2.24).	In respect of admission arrangements for 2015/16.
Common date of offer for primary schools (paragraph 2.24).	In respect of admission arrangements for 2018/19.

Annex H: Related documents

- Children Act 1989
- Designation of Schools Having a Religious Character (Wales) Order 2007
- Education (Admission Appeals Arrangements) (Wales) (Amendment) Regulations 2013⁴³
- Education (Admission Appeals Arrangements) (Wales) (Amendment) Regulations 2009
- Education (Admission Appeals Arrangements) (Wales) (Amendment No. 2) Regulations 2009
- Education (Admission Appeals Arrangements) (Wales) Regulations 2005
- Education (Admission Forums) (Wales) Regulations 2003
- Education (Admission of Looked After Children) (Wales) Regulations 2009
- Education (Determination of Admission Arrangements) (Wales) Regulations 2006
- Education (Middle Schools) (Wales) Regulations 2012
- Education (Objections to Admission Arrangements) (Wales) Regulations 2006
- Education (Relevant Areas for Consultation on Admission Arrangements) Regulations 1999
- Education (School Teachers Qualifications) (Wales) Regulations 2004
- Education (Start of Compulsory School Age) Order 1998
- Education Act 1996
- Education Act 2002
- Education and Inspections Act 2006
- Education and Skills Act 2008
- Effective managed moves: A fresh start at school for children and young people: Welsh Assembly Government Information Document No: 096/2011
- Equality Act 2010
- Guidance for Governing Bodies on School Uniform and Appearance Policies – Welsh Government Circular No: 15/2011
- Human Rights Act 1998
- Learner Travel Operational Guidance, Welsh Assembly Government, April 2009
- Learner Travel (Wales) Measure 2008
- Measuring the Capacity of Schools in Wales - Welsh Government Circular No: 021/2011
- Moving Forward - Gypsy Traveller Education – Welsh Assembly Government Circular 003/2008
- New School (Admissions) (Wales) Regulations 2006
- Parents and Parental Responsibility National Assembly for Wales Circular No 12:2007
- Placement of Children (Wales) Regulations 2007
- Planning to Increase Access to Schools for Disabled Pupils: National Assembly for Wales Circular No: 15/2004
- R v Rotherham Metropolitan Council ex parte Clark and others (1997) EWCA Civ 2768
- Rights of Children and Young Persons (Wales) Measure 2011
- School Admission Appeals Code
- School Admissions (Common Offer Date) (Wales) Regulations 2013
- School Admissions (Infant Class Sizes) (Wales) Regulations 2013

⁴³ to be laid before the National Assembly for Wales in September 2013

- School Admissions (Variations to the Admission Arrangements) (Wales) Regulations 2013
- School Information (Wales) Regulations 2011
- School Standards and Framework Act 1998
- School Standards and Organisation (Wales) Act 2013
- Special Educational Needs Code of Practice for Wales
- The School Information (Wales) Regulations 2011
- Towards a Stable Life and a Brighter Future
- United Nations Convention on the Rights of the Child (UNCRC)

Glossary

Admission arrangements

The overall procedure, practices and oversubscription criteria used in deciding the allocation of school places.

Admission authority

The body responsible for setting and applying a school's admission arrangements. For community or voluntary controlled schools, the LA is the admission authority; and for foundation or voluntary aided schools, the governing body of the school is the admission authority.

Admission forum

A statutory local body charged with co-ordinating the effectiveness and equity of local admission arrangements. The Forum comprises representatives of admission authorities and schools, dioceses, the local community and parent governors.

Admission number

The number of school places that the admission authority **must** offer in each relevant age group of a school for which it is the admission authority. Admission numbers are part of a school's admission arrangements, and **must** be consulted upon with the rest of a school's admission arrangements and be published with those arrangements in the school's prospectus and the LA composite prospectus.

Admission round (Normal)

The normal admission round begins in September/October it is the period when parents are invited to apply for admission to any community, voluntary or Foundation school and ends on the date that offers of places are issued in the school year before admission or transfer. This is usually in the years before reception, year 2 and year 6 for those authorities operating infant, junior and secondary schools.

Appeal panel

The people responsible for considering appeals against decisions not to admit a child or young person to a school. They are totally independent of the LA. Any decision taken by an appeal panel is final and binding on the relevant admission authority.

Banding

A system of oversubscription criteria in which all children applying for a place at a banding school are placed into ability bands based on their performance in a test or other assessment. Places are then allocated so that the school's intake either reflects the ability profile of those children applying to the school, those children applying to a group of schools banding jointly, the LA ability profile or the national ability profile.

Catchment area

A geographical area, from which children may be afforded priority for admission to a school. A catchment area is part of a school's admission arrangements and **must** therefore be consulted upon, determined and published in the same way as other admission arrangements. Voluntary aided schools may choose to define their catchment area as their parish boundary, this **must** be made clear.

Children in public care; Looked after children; Children in care

Children who are in the care of LAs as defined by section 22 of the [Children Act 1989](#). In relation to school admissions legislation a 'looked after child' is only considered as such if the LA confirms he or she will be in public care when he or she is admitted to a school.

Complaints

The Welsh Ministers may use their powers of intervention in the Education Acts to consider complaints about the actions of an admission authority in Wales.

Composite prospectus

The prospectus that a LA is required to publish by 1 October and not later than six weeks before parents express their preferences for schools. This prospectus **must** include the detailed admission arrangements of all maintained schools in the area (including admission numbers, catchment areas and the timetabled admissions process).

Compulsory school age

Section 8 of the Education Act 1996 and the Education (Start of Compulsory School Age) Order 1998 explain that a child reaches compulsory school age in the term following their fifth birthday. The term dates being prescribed as 31 August, 31 December and 31 March. A child ceases to be of compulsory school age if they have attained the age of 16 on the prescribed school leaving date, or before the next school year, which is the last Friday in June.

Conditionality

Oversubscription criterion that stipulates conditions that affect the priority given to an application, for example taking account of other preferences or giving priority to families who include in their other preferences a particular type of schools (e.g. where other schools are of the same religious denomination). Conditionality is prohibited by this Code.

Corporate parent

The Welsh LA responsible for making an application for admission to school on behalf of a looked after child/child in care.

Determination year

The school year immediately preceding the offer year. This is the school year in which admission authorities determine their admission arrangements.

Furthest from and nearest to

Children who live the furthest from the next nearest appropriate alternative school, at which places are available and where the preferred school is the nearest school to them.

Governing bodies

School governing bodies are bodies corporate responsible for conducting schools with a view to promoting high standards of educational achievement. Governing bodies have three key roles: setting strategic direction, ensuring accountability and monitoring and evaluation. Governing bodies of voluntary aided and foundation schools are admission authorities for their schools.

Home Schooling/Flexi Learning

The education of children at home, typically by parents but sometimes by tutors rather than in a formal setting. Some children attend schools part time on days arranged between parents and head teachers.

Home-school agreements

A statement explaining: the school's aims and values; the school's responsibilities towards its pupils who are of compulsory school age; the responsibilities of the pupil's parents; and what the school expects of its pupils. It is not acceptable to require signature of a home-school agreement as a condition of admitting a child to a school.

Infant class size exceptions

These are prescribed exceptions to the statutory requirement that infant classes **must** be no more than 30 children per school teacher. Please see paragraphs 3.45 – 3.50 for full information.

Infant class size limit

The [1998 Act](#) requires children aged 5, 6, and 7 to be taught in classes of no more than 30 children per school teacher.

Junior class size target

The Welsh Government has a target of ensuring children aged 7 to 11 are taught in classes of no more than 30 children per school teacher.

Middle school

Middle schools are schools providing full-time education suitable to the requirements of pupils who—

- a) have attained a specified age below 10 years and six months, and
- b) are under a specified age above 12 years.

Normal year of entry

The point at which pupils are normally admitted to school for example, reception or year 7.

Nursery class

Part of a primary school that is used by pre-school pupils – those under compulsory school age – and which provides a range of structured educational experiences suitable for children of that age.

Nursery school

A primary school is a nursery school if it is used wholly or mainly for the purpose of providing education for children who have attained the age of two but are under compulsory school age (see section 6 of the Education Act 1996).

Oversubscription criteria

The list of criteria an admission authority **must** adopt for its school(s) which are used only when the school is oversubscribed to assess which children will be offered a place. Once determined, admissions criteria, including the admission number, **must** be published by the school and in the LA composite prospectus at least 6 weeks before parents express their preferences.

Parent

The definition of “parent” in section 576 of the [Education Act 1996](#) includes: all natural parents, whether married or not; any person who, although not a natural parent, has parental responsibility for a child or young person; and any person who, although neither a natural parent nor a person with parental responsibility, has care of a child or young

person. Any reference to a “parent” for the purpose of this Code should be interpreted as the above definition of “parent” under the [Education Act 1996](#).

Parental responsibility

“Parental responsibility” is defined in the [Children Act 1989](#) and means assuming all the rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to the child and his property. The [Children Act 1989](#) states that if a child’s natural parents were not married when the child was born the mother automatically has parental responsibility. The father can, however, acquire parental responsibility by various legal means. It is now the case (following the enactment of the [Adoption and Children Act 2002](#)) that a father who is registered as such in the register of births and deaths also automatically attains parental responsibility. In addition, it is now the case that ‘step-parents’ (which includes civil partners) can acquire parental responsibility, for example by entering into an agreement with a parent with parental responsibility.

Previously looked after children

Looked after children who ceased to be so because they were adopted or became subject to a residence order, or special guardianship order immediately following having been looked after.

Primary school

The Education Act 1996 defines “primary school” as a school for providing primary education, whether or not it also provides further education.

Public Services Ombudsman for Wales

An independent, impartial and free service that looks into complaints by members of the public where they have suffered hardship or injustice through maladministration or service failure on the part of a public body in Wales.

Relevant age group

The age group to which children are normally admitted. Each relevant age group **must** have admission arrangements, including an admission number attached. Some schools (for example schools with a sixth form which admit children into the sixth form) have more than one relevant age group.

Relevant area

The area for a school (determined by its LA and then reviewed every two years) within which the admission authority for that school must consult all other schools on its admission arrangements.

School day

School day is defined in section 579 of the [Education Act 1996](#) as follows: “‘school day’, in relation to a school, means any day on which at that school there is a school session”. A school session can be a morning session or an afternoon session, so a school day is any day when the school meets for all or part of the day.

School year

In relation to a school, means the period beginning with the first school term to begin after July and ending with the beginning of the first such term to begin after the following July.

Secondary school

The Education Act 1996 defines “secondary school” as a school for providing secondary education, whether or not it also provides further education.

Twice excluded

A child who has been permanently excluded from two or more schools.

Waiting list

A list of children/young people held and maintained by the admission authority, when the school has had all of its places allocated, on which children/young people are ranked in priority order against the school’s published oversubscription criteria.

Young person

A child who is seeking admission to a sixth form or a transfer from year 11 to year 12 at their current school.