

<p>Subject:</p> <p><u>THE PROCEDURE FOR TRANSFER FROM PRIMARY TO POST-PRIMARY EDUCATION</u></p>	<p>Circular Number: 2015/25</p> <p>Date of Issue: 17 September 2015</p>
<p>Target Audience:</p> <ul style="list-style-type: none"> • Principals and Boards of Governors of all Grant-Aided Schools; • Proprietors of Independent Schools; • Education Authority; • The Council for Catholic Maintained Schools; and • Council for the Curriculum, Examinations and Assessment (CCEA). 	<p>Governor Awareness: Essential</p>
<p>Summary of Contents:</p> <p>This Circular advises principals and Boards of Governors of the arrangements for transfer from primary to post-primary education and will apply until further notice.</p> <p>The transfer timetable will be updated and issued annually as a separate Circular.</p> <p>Throughout this Circular the term “parent” is defined as the person who has legal custody of a child. Also, the words “post primary school” include both grammar and non grammar schools and “FSME” means Free School Meal Entitled/Entitlement.</p>	<p>Status of Contents: Advice for Principals and Boards of Governors</p> <p>Related documents Circular 1996/24 (Arrangements for the transfer of pupils from primary to secondary schools other than at the normal age) Circular 2013/24 (Duty to Verify) Circular 2012/10 (Waiting Lists)</p> <p>Superseded Documents: Circular 2014/19</p> <p>Expiry Date: Not Applicable</p>
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THE PROCEDURE FOR TRANSFER FROM PRIMARY TO POST-PRIMARY EDUCATION

Section	Title
1	Introduction
2	Summary of Main Points
3	Roles and Responsibilities
4	Pupils Eligible to Transfer
5	Admissions and Enrolment Numbers
6	Communications to Parents about Transfer
7	The Transfer Form
8	The Application Process
9	Admissions Criteria
10	Appeal Arrangements
11	Exceptional Circumstances
12	Other Admissions Matters
13	Transport Arrangements
Annex	
1	Guidance for Primary Principals on Information and Advice to Parents
2	Admissions Criteria – Explanatory Notes
3	Admissions Criteria – Illustration
4	Primary Schools’ duties with regard to the provision of educational information on their pupils to other parties

1. INTRODUCTION

- 1.1 This Circular sets out the arrangements for transfer from primary to post-primary education which will apply from the 2016/17 school year until further notice. In future this Circular will only be re-issued where a change to the processes or the Department's advice on them occurs.
- 1.2 This Circular does not constitute an authoritative legal interpretation of the Education and Libraries (NI) Order 1986; the Education Reform (NI) Order 1989; the Education (NI) Order 1996; the Education (NI) Order 1997; the Education (NI) Order 2006 or Regulations supporting these Orders. Its application covers both primary and post-primary sectors and all principals are advised to read the Circular carefully.
- 1.3 This Circular should be read within the context of the post-primary transfer policy entitled "Department Of Education Post-Primary Transfer Policy - Guidance To Primary School Principals, Post-Primary Schools' Boards Of Governors And Principals, and The Education Authority On The Process Of Transfer From Primary To Post-Primary School".
- 1.4 **This Circular should also be read in conjunction with Circular 2013/24 which advises principals and Boards of Governors on the duty to verify information contained within applications for admission.**
- 1.5 This Circular applies equally to schools that operate transfer at age 14 within the Dickson Plan system.

2. SUMMARY OF MAIN POINTS

- 2.1 The Department of Education’s policy is that there should be no testing in order to select or reject children for admission to schools. Therefore, there will be no transfer test provided by the Department.
- 2.2 The Department’s published post-primary transfer policy sets out recommended admissions criteria that post-primary schools should use for Year 8 admissions. Boards of Governors of post-primary schools are required in law to “have regard” to these recommendations when drawing up their admissions criteria. The key recommendations are that all post-primary schools should:
- Have as their first criterion one which prioritises pupils who are registered as being entitled to free school meals (FSME): priority to be given so that the proportion of such children admitted is not less than the proportion of first preference FSME applications received within the total number of first preference applications received. **For important operational guidance on how this criterion will operate within the applications process, see paragraphs 9.9-9.14;**
 - Not use academic criteria. Schools that, despite this recommendation, will use academic criteria and unregulated entrance tests should see paragraph 9.16;
 - Not use criteria that prioritise applicants according to the level of preference of an application.

Other key points

- 2.3 Admissions criteria are a matter for individual Boards of Governors. All Boards of Governors should review and amend their criteria to ensure that they comply with the requirement in primary legislation that they are capable of distinguishing among applicants down to the last available place. In practical terms this means that the admissions criteria of every school should include an effective tie-breaker (see paragraph 9.20).
- 2.4 While the arrangements for admission to post-primary schools enable parents to express their preferences for schools which they would like their child to attend, schools which are over-subscribed will only be able to admit pupils up to the limit of their admissions number. All schools are required to admit pupils up to, but not exceeding, their approved admissions number. They may not exceed their overall enrolment number. No pupil can be guaranteed a place at any school.
- 2.5 Schools must, by law, admit all applicants of the appropriate age if they have places available within their admissions number. This applies to Year 8 applications to **all** post-primary schools. Grammar schools are reminded that they are no longer exempt from this obligation.

- 2.6 Primary school principals are reminded that there is no funded support for transfer interviews, and they should refer to the guidance contained in Annex 1 which relates to the provision of advice about the transfer procedure to parents of P7 children.
- 2.7 A transfer timetable will be updated and issued annually as a separate Circular – *Open Enrolment in Nursery, Primary and Post-Primary Schools – Timetables*.

3. ROLES AND RESPONSIBILITIES

3.1 Since Transfer 2010, the Department has not provided a test for the purpose of transfer to post-primary education, and has recommended that schools do not use academic admissions criteria. The transfer process will continue to operate in this way and in accordance with the timetable specified in the separate annual Circular.

The role of the Education Authority

3.2 The process of applying to post-primary schools in order of an applicant's preference will be administered by the Education Authority as set out in Articles 9, 15 and 17 of the Education (NI) Order 1997 (as amended by Schedule 3 to the Education (NI) Act 2014). The Education Authority will publish information on the post-primary transfer procedure, including each post-primary school's admissions criteria and appeal arrangements, on its website at www.eani.org.uk by early January each year (see paragraph 6.3 for information on the arrangements which will be made for parents who are not familiar with looking up information online or who do not have internet access).

3.3 The Education Authority will distribute Transfer Forms to parents via primary schools early in January and will take receipt of all completed forms via primary schools.

3.4 The Education Authority will act as a clearing house for the processing of Transfer Forms in accordance with parental preference as expressed on the forms. They will also verify claims of FSME registration recorded on Transfer Forms, but only if requested to do so by the post-primary school in accordance with its duty to verify information by which applicants qualify under its admissions criteria.

3.5 Admissions decisions will issue to applicants towards the end of May. Following the issue of admissions decisions the Education Authority will facilitate the operation of Appeals Tribunals. These Tribunals will receive, consider and make decisions on appeals as set out in the Education (NI) Order 1997 – i.e. according only to whether a school's admissions criteria were not applied or not correctly applied and according to whether or not, under the correct application of criteria, an appellant would or would not have been admitted.

3.6 The Education Authority will not be involved in any aspect of the administration of a post-primary school's unregulated entrance test.

The role of the Department of Education

3.7 This circular offers comprehensive guidance on the post-primary admissions process. The Department will also provide the parents of P6 children with advice on the transfer procedure and their role within it. The Department continues to set the admissions and enrolment numbers for each school in accordance with the Education (NI) Order 1997 (Articles 11 and 12).

The role of post-primary schools and their Boards of Governors

- 3.8 Post-primary schools' Boards of Governors are the statutory admissions authority for their post-primary school. Their duties and responsibilities in respect of admissions and transfer are defined by Articles 10, 13, 15 and 16 of the Education (NI) Order 1997.
- 3.9 Post-primary schools' Boards of Governors are required to draw up admissions criteria for their schools and the Education Authority is required to publish these criteria. Having published their criteria, post-primary schools' Boards of Governors are only able to change them with the approval of the Department.
- 3.10 Where schools are oversubscribed, post-primary schools' Boards of Governors must select children for admission by application of their published admissions criteria (see Section 9).

The role of primary schools

- 3.11 Primary school principals continue to have an important role in advising parents of P7 children about the transfer procedure leading to the completion of a Transfer Form. This role is described in detail at Annex 1. All transfer documents aimed at parents will be distributed through primary schools and it is vitally important that schools ensure that all parents receive these documents without delay.

The role of parents

- 3.12 Parents of P6 children will be provided with an advice leaflet by the Department of Education describing in detail their role in the transfer procedure. Parents are ultimately responsible for ensuring that Transfer Forms contain all the information necessary for schools to apply their admissions criteria, are completed legibly, and are submitted on time.
- 3.13 In addition to any advice provided by a primary school, parents will receive detailed guidance notes to assist with completion of a Transfer Form. Parents will be instructed to ensure that completed forms are returned to the primary school (with parents retaining the pink coloured copy) in good time for these to be forwarded to the Education Authority by the relevant deadline in February.

4. PUPILS ELIGIBLE TO TRANSFER

Age groups

- 4.1 Article 46A of the Education and Libraries (NI) Order 1986, as inserted by Article 156 of the Education Reform (NI) Order 1989, and amended by Article 31 of the Education (NI) Order 1996, specifies the age at which a pupil must transfer from primary to post-primary education.
- 4.2 Except where it is in a child's best interests to start at a later date, a child shall commence post-primary education:
- (a) Where he/she attains the age of eleven years on a date occurring in the period beginning on (and including) 1st September in any year and ending on (and including) 1st July in the following year, on 1st August in that following year;
- (b) Where he/she attains that age on a date occurring in the period beginning on (and including) 2nd July in any year and ending on (and including) 31st August in the same year, on 1st August in the following year.
- 4.3 Put simply, this means that where, for example, a child's 11th birthday falls on or between 2 July 2015 and 1 July 2016, he/she should commence post-primary education on 1 August 2016.
- 4.4 Circular 1996/24 (as amended) applies on those occasions where the Board of Governors of a pupil's primary school decides whether a pupil should transfer to post-primary education a year earlier or a year later than the normal age.

Independent schools

- 4.5 Pupils in independent schools whose parents wish to seek places for them in post-primary schools should apply in the same way as pupils in other types of school. Parents of all pupils transferring at the normal age should be instructed to follow the normal procedures by completing a Transfer Form. It is essential that these procedures are followed to ensure that pupils are placed in post-primary schools.
- 4.6 For other pupils whose parents wish them to transfer at a later date to post-primary schools from independent schools, admission will be a matter for the school to which the parents wish their child to transfer. This will be subject to the application of the school's admissions criteria and to that school not exceeding its enrolment number – see Section 5.

Pupils with special educational needs

- 4.7 Pupils with a statement of special educational needs from the Education Authority have a separate transfer procedure. The Education Authority will discuss with the parent a suitable post-primary school placement for their child as part of the review of the child's statement.

5. ADMISSIONS AND ENROLMENT NUMBERS

- 5.1 The Department consults with post-primary schools on admissions and enrolment numbers each year and sets these numbers according to powers given to it by Articles 11 and 12 of the Education (NI) Order 1997.
- 5.2 Article 10(2)(a) and (b) of the Education (NI) Order 1997 provides that a Board of Governors shall not cause or permit the number of registered pupils at the school at any time to exceed the school's admissions and enrolment numbers. This is a statutory requirement and any Board of Governors which fails to comply with this requirement will be acting unlawfully. In such a situation, the Department will take whatever measures are appropriate to support this statutory requirement on all Boards of Governors not to exceed their admissions and enrolment numbers. Ultimately, the Department has the power under Article 101 of the Education and Libraries (NI) Order 1986 to reverse any decision taken by a Board of Governors that represents a failure to comply with Article 10(2)(a) and (b) by directing them not to exceed their admissions and enrolment numbers.

Requesting a temporary variation to a school's approved numbers

- 5.3 The Department has the power to consider a variation in the admissions and enrolment numbers for any school. A successful request for such a variation (a "temporary variation") presents the only lawful means by which a school may choose to admit a child when it is already at its admissions/enrolment number in terms of the numbers of pupils admitted.
- 5.4 A school should never assume that a request for such a variation will be granted. Many requests are not granted and Boards of Governors should be careful to ensure that they do not act unlawfully in the manner described above. Every request for a temporary variation is considered according to its merits and according to the policy in force at the time. A key part of established policy is that extra places are not given to schools where the case for them consists of parental preference for one school over another. Departmental policy on numbers is to maximise parental preference within the related responsibility to maintain a viable estate of schools.
- 5.5 The Department has produced guidance for the principals and Boards of Governors of grant-aided primary and post-primary schools in relation to the Department's consideration of requests from schools to temporarily vary the school's approved admissions and/or enrolment numbers. The Department has also produced a form which all primary and post-primary schools should use when seeking a temporary variation from School Access Team in the Department. Both the guidance and the form are available on the Department's website under School Admissions Guidance.

Unauthorised (and therefore unlawful) admissions

- 5.6 Exceeding the approved admissions or enrolment numbers of a school by the admission of an additional pupil or pupils without the Department's prior approval is an unlawful act

and the Department, the Education Authority and the Boards of Governors of schools must act accordingly. Therefore, schools **MUST NOT**:

- admit any pupil(s) in excess of their approved admissions and/or enrolment numbers without the prior approval of the Department;
- admit any such excess pupils where a request to admit them has been lodged with the Department but where the school has not yet been informed of the Department's decision;
- admit any such excess pupils in respect of whom a temporary variation request has been submitted to the Department and which the Department has subsequently turned down;
- admit any such excess pupils in anticipation of a decision of the Independent Appeal Tribunal;
- admit any such excess pupils who have been previously refused admission to the school but who present themselves in the school's uniform at the school demanding admission.

5.7 Regardless of pressure placed upon the school by parents, political representatives or any other person, the Board of Governors of the school must fulfil its role as the admissions authority. If excess pupils are admitted by the school without the prior approval of the Department, it is the Board of Governors of the school who have acted unlawfully. Such admissions affect other schools in the same sector in a given area to which the pupil(s) would have been admitted and this is often the reason why the Department has not granted a temporary variation for the pupil(s) in question in the first instance. If a school is found to have acted unlawfully in this way the Department will take this matter extremely seriously and will act accordingly. This action may include, but is not limited to:

- Ensuring that the excess pupil(s) is weighted 'zero' for LMS purposes for at least one academic year up to and including all the academic years for which they attend the school in question;
- Setting reduced admissions and enrolment numbers for future years to bring the school's actual enrolment back in line with the approved enrolment where the two differ;
- Directing the school not to admit the excess pupil(s). This direction would fall under Article 101 of the Education and Libraries (NI) Order 1986, as amended, which states that the Department can direct any relevant authority, including the Board of Governors of a school, to act or not act according to the detail of the direction.

Resisting parental pressure to admit pupils unlawfully

5.8 The Department is aware that Boards of Governors can be placed under considerable pressure by parents whose children have been unsuccessful in securing a place at their school. This can result in families presenting their child at the school demanding admission. In some cases the child in question may even be wearing the uniform of the

school in question. In all cases, however, the school must recognise the legal position and resist taking any action that will lead the Boards of Governors of the school to act unlawfully.

- 5.9 Schools need to ensure at the outset that parents understand that no application is guaranteed to be successful. Staff who are authorised by the school's Board of Governors to make admissions decisions should always advise parents explicitly on this point. This may be significant if a school has been undersubscribed for a number of years and an expectation has developed that all children from the local area will be admitted year on year. If, for whatever reason, a school then finds itself oversubscribed with applications, and has not ensured that its admissions criteria are sufficiently robust to afford priority to local children, a situation may develop where pressure is placed on the school (by parents and local representatives) to admit pupils who, through the application of that school's admissions criteria, cannot lawfully be admitted.
- 5.10 This pressure may ultimately manifest itself in the form of pupils turning up at school wearing a school uniform, and refusing to leave the premises. At this point schools may feel that they have responsibilities towards such children but these cannot extend beyond managing what is undoubtedly a difficult situation within the boundaries of what the law permits. If placed in this situation, schools have an obligation in law not to resolve the problem by admitting a child, enrolling a child, or granting the child access to provision and teaching as if they had been lawfully admitted and enrolled - either with the intention that this should be a permanent or temporary arrangement. Under no circumstances may a child be enrolled and receive tuition if they may not be admitted without breaching approved admissions and enrolment numbers.
- 5.11 Schools should be clear that it is not lawful to admit a child as a "guest" pupil pending the outcome of an appeal decision or where a school is awaiting the outcome of a request to the Department for a temporary variation to its admissions or enrolment number.
- 5.12 The Department will take whatever measures are appropriate to prevent unlawful admissions and schools can expect severe sanctions to be imposed if an unlawful admission is discovered.

6. COMMUNICATIONS TO PARENTS ABOUT TRANSFER

6.1 Under Article 17 of the Education (NI) Order 1997, the Education Authority is required to publish particulars of the arrangements for:

- The expression of parental preferences;
- The admission of pupils to schools; and
- Enabling parents to appeal against admissions decisions.

6.2 Details to be published under paragraph 6.1 must include for each school:

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

6.3 This information will be published online by the Education Authority at www.eani.org.uk by early January each year. Arrangements will also be made for parents who are not familiar with looking up information online or who do not have internet access: by early January a book containing admissions criteria for schools in the area will be made available in each school and in public libraries for reference. A hard copy of a school's admissions criteria will also be provided to parents on request (by either the Education Authority or the school).

School prospectuses

6.4 Education (School Information and Prospectuses) Regulations (NI) 2003, No 378, set out the information required to be included in school prospectuses. These regulations require schools to publish a prospectus not later than six weeks before the date on which parents express their preferences for post-primary schools (this date normally falls in mid-December).

6.5 Schools are required to include in their prospectuses information about subject choice available, aggregate public examination results, including vocational examinations, school leavers' destinations and the percentage attendance rate. All post-primary schools must publish the number of applications received and the number of places granted in respect of the school year in which the prospectus is published and in each of the previous two school years.

The Department's advice leaflet

- 6.6 Each year the Department provides parents of P6 children with an information leaflet providing advice on the transfer procedure, how to go about choosing a post-primary school and how to complete a Transfer Form.

Primary school advice

- 6.7 Primary school principals should note that it is important that they continue to offer advice to all P7 parents. The nature of this advice and how it may be provided is described at Annex 1.
- 6.8 **Primary school provision of information about pupils to support applications:** primary school principals and their Boards of Governors should note that legislation governs the extent to which information about a pupil's formal record of academic achievement, other skills and abilities and academic progress can be provided to third parties. Boards of Governors only have a duty to pass this kind of information about a child to another school when that child becomes a pupil at that other school. Regulations are clear that there is no requirement for schools to make this sort of information about pupils available other than to the pupil, his/her parents, a school to which the pupil has been admitted, or CCEA. For further guidance on this matter schools should refer to the 9 February 2010 letter from the Department that sets out primary schools' duties with regard to the provision of educational information on their pupils to other parties – see Annex 4.

7. THE TRANSFER FORM

- 7.1 A Transfer Form must be completed for each pupil transferring to a post-primary school. Primary school principals should provide appropriate advice to help parents understand what is required to ensure that the Transfer Form is properly completed with all relevant details (particularly information that may qualify them for a school's published admissions criteria) when submitted to the Education Authority.
- 7.2 Parents will receive a Transfer Form and associated guidance notes on how to complete the form via their child's primary school. Parents have the option of applying in either Irish or English by completing either an Irish or English version of the Transfer Form. Irish medium primary schools will receive an appropriate number of both Irish and English forms. English medium primary schools will receive an appropriate number of English forms and may request Irish forms from the Education Authority as required. It is important that parents are made aware that they should not complete both an Irish and an English Transfer Form, but should choose one.
- 7.3 Parents should be advised that the completed form must be returned to the primary school in good time for the primary school to send all completed forms to the Education Authority by the relevant date in February. Primary schools may wish to set a deadline by which parents should return completed forms to the school to facilitate the process of collating and returning forms to the Education Authority in accordance with the timetable.
- 7.4 Parents may nominate as many schools as they wish on the Transfer Form. They should be nominated in order of preference and parents should be encouraged to nominate all the post-primary schools where they would like their child to be considered for admission. The number of nominations will vary depending on local circumstances but **at least four schools** should always be nominated.
- 7.5 All relevant information that might qualify a pupil for a school's published admissions criteria must be provided before the Transfer Form is submitted to the Education Authority. **Parents should be advised that it is their responsibility to ensure this information is provided and that it is both complete and accurate before signing the Transfer Form.**
- 7.6 If a boarding place is being sought, this should be clearly stated on the Transfer Form.
- 7.7 Completed Transfer Forms will be forwarded by the primary school principal to the Education Authority, which will then send the forms to the post-primary schools listed as first preference (and then on to lower preferences later in the process if necessary).

8. THE APPLICATION PROCESS

- 8.1 The Education Authority will forward to each post-primary school all the applications (Transfer Forms) of pupils whose parents have nominated that school as a first preference. These applications will provide all the information about the child provided by the parents. For the majority of children, these forms will contain all the information which post-primary schools should require to select suitable pupils. It should be noted that the Education Authority will not check all entitlements to Free School Meals (FSME) before forms are sent to first preference schools. **Schools that give priority within their admissions criteria to FSME applicants will need to approach the Education Authority for verification of Free School Meal entitlement during the admissions process, i.e. at the point when they identify applicants for whom that entitlement is relevant in securing a place at the school.**
- 8.2 There may be other cases where the Board of Governors will wish to obtain further information from the parent e.g. verifying documents. Post-primary schools should notify the Education Authority of any applications (including boarders) for places they have received directly from parents and for which a Transfer Form is not submitted.
- 8.3 Each Board of Governors will make a provisional selection of those pupils whom they wish to admit up to the school's admissions number. The Transfer Forms of those not selected at first preference stage must be returned to the Education Authority as quickly as possible and (without exception) by the relevant date as specified in the separate annual Circular – *Open Enrolment in Nursery, Primary and Post Primary Schools – Timetables*. The Education Authority will then forward them to the schools nominated as second preferences. The Board of Governors will adjust their provisional list of admissions in light of the application of their criteria to further preferences.
- 8.4 At each stage the Transfer Forms of those not being admitted should be returned to the Education Authority. Schools must return forms even though a request may have been made to the Department to increase the admissions number. If the request is approved the forms will be returned to the school.
- 8.5 The processing of preferences leads to a considerable amount of work for schools and the Education Authority. In particular, pressures are generated in the later stages of the timetable. It is essential, therefore, that schools consider preferences quickly so that subsequent parental preferences can be taken account of before the date on which the Education Authority issues letters to parents about school placements in accordance with the timetable.
- 8.6 The Education Authority will continue to process Transfer Forms until each pupil is accepted by a school. It is possible that a small number of pupils will not have been placed at the conclusion of the transfer procedure. Parents will be advised accordingly and invited to state further preferences for schools which still have places available.

- 8.7 Official notification of placements will be issued to parents towards the end of May. **Schools must not notify parents in any way of their intention to admit (or not to admit) pupils in advance of the Education Authority's formal notification.**

9. ADMISSIONS CRITERIA

- 9.1 Under open enrolment, admissions are a matter for individual school Boards of Governors. Each school is required to admit all pupils whose parents have expressed a preference for their children to be educated at the school provided the number of applicants does not exceed the school's approved admissions number. Grammar schools with places available within their admissions number should note that as a result of Article 27(1) of the Education (NI) Order 2006, such schools can no longer refuse admission on the grounds that it would be detrimental to the educational interests of a child.
- 9.2 Admissions criteria will be used to decide which pupils should be admitted if there are more applicants than places. Article 16 of the Education (NI) Order 1997 requires Boards of Governors to draw up, and from time to time amend, the criteria to be applied in selecting pupils for admission to schools. The criteria are not subject to the Department's approval but the Department provides recommended, and not recommended, criteria which all Boards of Governors are required by law to have regard to.
- 9.3 The admissions number defines exactly the ability of a Board of Governors to fulfil its admissions priorities. Where schools expect oversubscription, the development and finalisation of criteria should always assume that this admissions number will not be increased.
- 9.4 Schools should also note the importance of ensuring that their admissions criteria, and the order and outworking of these criteria, admit the children to whom they wish to give priority. A particularly important decision here may be how tie-breaker criteria should be used. Some schools use a tie-breaker as a sub-criterion to be applied immediately after oversubscription in any one main criterion; some schools use a tie-breaker as an ultimate criterion – only to be applied after all prior criteria still leave some applicants tied. It may often be that the former allows a school a greater ability to ensure that its criteria, when applied, have the effect that a school's Board of Governors desires.
- 9.5 School admissions criteria should be drafted and agreed by the Board of Governors as a whole. Application of the criteria can be completed by a committee of the Board of Governors, or the principal, under the scheme of management approved for controlled and maintained schools. If the Board of Governors intends to delegate its authority in this way this decision should be formally recorded. Only those the Board of Governors have identified in this way can apply the criteria. This circular refers to admissions duties being completed by the 'school' and by the 'Board of Governors'. Regardless of which term is used the circular assumes that only those with authority delegated to them by the Board of Governors of the school can complete these duties.

The recommended admissions criteria

- 9.6 The recommended first criterion for all schools is "Applicants who are FSME: priority to be given so that the proportion of such children admitted is not less than the proportion of

first preference FSME applications received within the total number of first preference applications received” (see paragraphs 9.9-9.14).

9.7 The other recommended criteria are:

- Applicants who have a sibling currently attending the school;
- Applicants who are the eldest child;
- Applicants from a feeder/named primary school;
- Applicants residing in a named Parish (with nearest suitable school);
- Applicants residing in a geographically defined catchment area (with nearest suitable school);
- Applicants for whom the school is the nearest suitable school; and
- Tie-breaker criteria.

9.8 A detailed explanation of each recommended criterion is provided at Annex 2, with an illustrative example of how a Board of Governors might apply the FSME criterion in practice at Annex 3.

The FSME criterion

9.9 **First**, schools following the Department’s recommendation to use this criterion must publish it in the following format (including the asterisked notes).

Applicants who are entitled to Free School Meals* (FSME): Priority to be given so that the proportion of such children admitted is not less than the proportion of first preference FSME applications received within the total number of first preference applications received.**

* “entitled to Free School Meals” will mean applicants who are listed on the Education Authority register as entitled to Free School Meals at the date on which their parent or guardian has signed their post-primary Transfer Form, or at any date up to and including [insert final date for parents to communicate FSME to the Education Authority as specified in the separate annual Circular – *Open Enrolment in Nursery, Primary and Post Primary Schools – Timetables*].”

** The calculation of this proportion will be on the basis of first preference applications received by the post-primary school on or before [insert final date for post-primary schools to advise the Education Authority of pupils selected at first preference stage and to return Transfer Forms of those not selected – as specified in the separate annual Circular – *Open Enrolment in Nursery, Primary and Post Primary Schools – Timetables*].

9.10 **Second**, the Transfer Form features a box related to the FSME criterion. Eligible parents will be asked to tick a box and provide a signature alongside the following statement:

“Parent/ Guardian – please tick this box and sign beside it if your child is currently listed on the Education Authority register as entitled to Free School Meals”.

- 9.11 **Third**, the Transfer Form highlights that parents of children who are not listed on the Education Authority register on the date on which they complete the Transfer Form will have up to and including the relevant date in May to become registered and communicate this in writing to their Transfer Officer so that their Transfer Form can be adjusted. This deadline for Transfer Officers accepting changes to information provided on the Transfer Form is set out in the separate annual Circular– *Open Enrolment in Nursery, Primary and Post Primary Schools – Timetables*.
- 9.12 **Fourth**, post-primary schools will thus receive Transfer Forms that (amongst other information) may feature a parent’s declaration that their child is currently listed on the Education Authority register as FSME. Schools which are oversubscribed and which use FSME as part of their admissions criteria will be provided with a pro forma by the Education Authority at the same time as they receive the Transfer Forms (the pro forma will also be available on Education Authority website). Should the school reach a point where FSME becomes relevant to an admissions decision, the school will need to send the pro forma to the relevant Education Authority officer and seek verification of the pupil’s entitlement. The Education Authority officer will check the FSME status of the pupil and respond to the school within five working days. Please note that this part of the process is required in order for the post-primary school to fully discharge its “Duty to Verify” the information by which an applicant qualifies under its admissions criteria. For the purpose of applying this criterion, schools should only treat those applications that have been verified by the Education Authority as FSME registered applicants.
- 9.13 **Fifth**, where parents contact an Education Authority officer to inform them of a new FSME registration after the form has been received by the Education Authority but on or before the deadline in May for the Education Authority to accept changes, the Education Authority must ensure that this new information is recorded on the application and that this is communicated to the post-primary schools listed on the applicant’s Transfer Form. The Education Authority will only verify the applicant’s FSME status if requested to do so by the school as set out in paragraph 9.12 above. In such cases, the Education Authority will ensure that the information is verified quickly to enable placement letters to be issued at the end of May.
- 9.14 The Duty to Verify Guidance (Circular 2013/24) takes into account the need to verify applicants’ declarations of FSME registration and the role of the Education Authority in assisting schools to discharge this duty.

Admissions criteria that are not recommended

- 9.15 It is recommended that post-primary schools **do not** use the following criteria:
- Criteria related to academic ability;

- Preference criteria i.e. the prioritising of applicants according to the level of preference of their application;
- Familial criteria beyond sibling currently attending the school;
- Criteria prioritising children of employees/governors of a school;
- Distance tie-breakers – as they disadvantage rural/outlying applicants; and
- Criteria related to compelling individual circumstances.

9.16 Unregulated Entrance Tests: schools that, despite the Department’s recommendation, intend to use academic admissions criteria and operate an entrance test, should note the following:

- A series of issues related to such tests, described at Annex 1 of the Department’s policy on post-primary transfer, which includes advice in relation to special circumstances procedures that some schools may be operating. This advice cites legislation that schools should be mindful of so as not to discriminate against children with a disability in framing special circumstances arrangements, and includes a reference to the Disability Discrimination Act 1995. The Department wishes also to draw schools’ attention to Article 16 of the Special Educational Needs and Disability (NI) Order 2005 which also has relevance in terms of ensuring that children with a disability are not placed at a disadvantage.
- That parents applying to post-primary schools using entrance tests must understand how to enter on to the Transfer Form all of the information that is relevant to the school’s admissions criteria.
- That the Duty to Verify extends to the role that entrance test information has in the application of admissions criteria. The Boards of Governors of schools that are using entrance tests must take steps to ensure that their academic admissions criteria are verifiably applied to the grade/result that each applicant obtained in their entrance test (and should refer to the Duty to Verify Guidance contained in Circular 2013/24).
- The Department’s communication to all schools of 9 February 2010 (entitled “Transfer 2010: Primary Schools and the Special Circumstances Plans of Entrance Test Schools”) that sets out primary schools’ duties with regard to the provision of educational information on their pupils - see Annex 4.

Other factors all schools should take into account in reviewing admissions criteria

9.17 In reviewing admissions criteria, all Boards of Governors should also take account of their experience of the most recent transfer process and the decisions of Admissions Appeal Tribunals. Boards of Governors should also consider any representations made by the Education Authority and, in the case of Catholic maintained schools, by the Council for Catholic Maintained Schools.

9.18 The Education Authority will help schools ensure that their admissions criteria are functional. However, ultimately it is the responsibility of Boards of Governors to ensure

that a school's criteria achieve the desired effect. If, for example, it is a school's intention to prioritise the admission of children who live close to the school, which the Department would recommend, care should be taken to ensure that appropriate criteria are used. Annex 2 offers guidance on how geographical criteria and feeder primary criteria can be helpful in this regard.

- 9.19 Criteria should be listed in priority order and should be objective, clear and easily understood by all concerned. They should be capable of verification by the post-primary school and Appeal Tribunals. For example, the exact nature of a family relationship may need to be defined and contributory primary schools would need to be specified. Criteria should include the order of priority for the admission of pupils where a school is over-subscribed.
- 9.20 Boards of Governors are legally responsible for ensuring that admissions criteria are capable of selecting applicants down to the last available place. In practice this means that **it is an obligation (set in primary legislation) for all admissions criteria to include a "tie-breaker" criterion**. Paragraphs 8-10 of Annex 2 offer guidance on recommended tie-breakers.
- 9.21 Criteria must provide for all children resident in the North, at the time of their proposed admission to the school, to be selected for admission before any child not resident in the North may be selected for admission. This legislative requirement is under review, but continues to apply until further notice.

Boarding Departments

- 9.22 Schools with Boarding Departments should be aware that the Secondary School Admissions Criteria Regulations (NI) 1997 have lapsed. Practically, this means that:
- Whilst there are now no regulations specifically enabling the particular prioritising of applicants because they intend to board, neither are there regulations prohibiting this; and
 - There are no regulations installing a limit on the numbers that can be admitted to a Boarding Department.
- 9.23 The total number of pupils (Boarders and non-Boarders) that a school with a Boarding Department can admit must, of course, not exceed their admissions and enrolment number. Within that, the number that can be admitted to a Boarding Department is, effectively, a matter for a Board of Governors, obviously having regard to the limits of the accommodation available.

10. APPEAL ARRANGEMENTS

- 10.1 Article 15 of the Education (NI) Order 1997 requires the Education Authority to make arrangements enabling a parent to appeal to a tribunal against an admissions decision, only where a child has been refused a place at an over-subscribed school by the application of the school's published admissions criteria. Placement letters should tell parents of their right to appeal and whom they should contact if they wish to make an appeal. The appeal will be to an Appeal Tribunal constituted in accordance with the School Admissions (Appeal Tribunals) Regulations (NI) 1998 (SR 1998 No 115).
- 10.2 Where children are not admitted to the schools of their parents' first or subsequent preferences, the Education Authority should help the parents to obtain a place in another school. This, however, does not affect parents' statutory right of appeal.
- 10.3 Decisions of Appeal Tribunals are binding on all schools and consequently pupils have to be admitted to a school in compliance with a direction given by an Appeal Tribunal. In accordance with Article 10(3)(a) and 10(4)(a) of the Education (NI) Order 1997 all such admissions that are in compliance with a direction of an appeal tribunal will not count against the admissions and enrolment numbers of the school for the school year in which the admission has been directed.

11. EXCEPTIONAL CIRCUMSTANCES

- 11.1 The Department has established an Exceptional Circumstances Body (ECB) to provide a mechanism to consider the cases of a small group of children with exceptional and compelling circumstances, particular to the individual child, that require admission to a specific post-primary school but where the child is unable to secure such admission through the application of the school's admissions criteria.
- 11.2 The ECB can consider appeals from parents in relation to situations where a non-statemented child of compulsory school age seeking admission to Years 8-12 has not, through the normal processes, gained a place in the specified school, and it is asserted by the parents that the child must attend that school, and that school only. The appeals process requires parents to provide evidence in support of any such assertion.
- 11.3 Parents are advised on how to obtain further information about the process and how to apply to the ECB in the placement letter they receive at the end of the admissions process. Information is also available on the nidirect website.
- 11.4 Parents can make applications to the ECB in parallel with applications to an Appeal Tribunal. As the ECB receives applications in relation to Years 8-12, and on an ongoing basis, its function is not an integral part of the transfer procedure or timetable.
- 11.5 Decisions of the ECB are binding on all schools and consequently pupils have to be admitted to a school in compliance with a direction given by the Body. In accordance with Article 10(3)(aa) and 10(4)(aa) of the Education (NI) Order 1997, as amended by Article 29 of the Education (NI) Order 2006, all such admissions that are in compliance with a direction of the ECB will not count against the admissions and enrolment numbers of the school for the school year in which the admission has been directed. Thereafter, a child admitted as a result of an ECB direction counts towards a school's enrolment number.
- 11.6 If, in the school year(s) following that in which a direction was issued, a school finds itself unable to admit to its full Year 8 admissions number and remain within its approved enrolment number as a direct result of one or more ECB directions, that school should apply to the Department of Education's School Access Team for a temporary variation to its approved enrolment number.

12. OTHER ADMISSIONS MATTERS

Transfers between schools

- 12.1 The arrangements for the transfer of pupils from one post-primary school to another are quite separate from those for the transfer of pupils from primary to post-primary education, and the admissions criteria for transfer between post-primary schools may also be different. It follows, therefore, that schools may draw up separate admissions criteria for transfer between schools.
- 12.2 Pupils admitted to post-primary schools, other than to Year 8, will not count towards a school's admissions number but will have to be contained within the school's enrolment number.
- 12.3 Paragraphs 10.1-10.3 set out the arrangements whereby a parent may appeal against a school's decision to refuse a child a place at an over-subscribed school by the application of the school's published admissions criteria. Paragraphs 11.1-11.6 set out the arrangements whereby a parent may claim that there are exceptional and compelling circumstances, particular to an individual child, that require admission to a specific post-primary school but where the child is unable to secure such admission through the application of the school's admissions criteria. All other cases of parental challenge to admissions decisions should be designated complaints under Article 101 of the Education and Libraries (NI) Order 1986 as amended by Article 158 of the Education Reform (NI) Order 1989. The process whereby such complaints may be made to the Department was notified to schools in a Circular letter dated 4 June 2010.

Applications for places post-16

- 12.4 It will be a matter for individual schools to decide on applications for admission at post-16 stage, typically through the application of their admissions criteria, but always subject to the constraint of their enrolment number.

Waiting Lists

- 12.5 It is essential that all schools are clear and transparent regarding the operation of their waiting list policy. The Department's main interest in waiting list practice is not to instruct schools on how waiting lists should be managed, as this is entirely a matter for the Board of Governors of the school. It is essential, however, that all schools publicise their waiting list policy, whatever it may be. Even where no waiting list is maintained by the school, this information should be publicly available. Further advice on this issue can be found in Circular 2012/10.

Further information

- 12.6 Further information about the transfer procedure will be published by the Education Authority on its website at www.eani.org.uk

12.7 Any enquiries about the transfer procedure arrangements should be addressed to the body responsible in accordance with the responsibilities set out in Section 3.

13. TRANSPORT ARRANGEMENTS

13.1 The arrangements for the provision of home to school transport, which were revised from 1 September 1997, should continue to apply in general terms. The Education Authority will continue to provide assistance with transport for a post-primary school pupil where he/she enrolls at a school which is more than three miles distance from his/her home **PROVIDED THAT** the pupil has been unsuccessful in gaining a place at **all** suitable schools within that three mile limit.¹ This provision normally takes the form of a bus pass for use on public transport, of a seat on an Education Authority bus, of other transport arranged by the Education Authority or of a parental allowance towards transport costs.

13.2 Bi-lateral schools - i.e. schools with separate secondary and grammar intakes as recognised by the Department - may fall into any of the six categories described in the footnote below, but for the purposes of transport assistance:

- an application to the secondary stream will be treated as an application to a secondary school in one of the other categories; and
- an application to the grammar stream of a bi-lateral school will be treated as an application to the corresponding grammar school category.

13.3 It should be drawn to the attention of parents that changes in Departmental policy may alter transport eligibility criteria, entitlement to assistance and transport arrangements during their child's time at any particular school and this should be taken into consideration when making their school selection.



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¹ The concept of school suitability that had informed transport assistance policy is based on the same six categories of school: denominational grammar, non-denominational grammar, Catholic maintained, controlled secondary, Irish-medium and Integrated. This reflects the fact that a grammar school is legally defined as a grammar school in a manner unconnected with the nature of its admissions process and will remain one in this manner whether or not it uses an entrance test.

GUIDANCE FOR PRIMARY PRINCIPALS ON INFORMATION AND ADVICE TO PARENTS

INTRODUCTION

The advice in this Annex reflects the fact that schools are no longer eligible to claim substitute teacher cover to facilitate the hosting of one-to-one transfer interviews with each P7 parent. The Department recognises the important role to be played by primary schools in ensuring that P7 parents are adequately informed about the transfer process and this Annex provides advice on the sort of information that should be provided, and alternatives to resource-intensive individual interviews for communicating that advice.

WHAT ADVICE SHOULD BE GIVEN TO PARENTS

1. Parents with children transferring to post-primary school will need advice on the transfer process in general, specific details about key dates in the process, and information and advice relating to the completion of the Transfer Form, including what information they need to collect in order to complete the form. The Education Authority will ensure that all of this information and advice is published on its website. Other sources of information are listed at the end of this Annex. However, primary schools may wish to provide additional advice and support.

HOW ADVICE MAY BE PROVIDED TO PARENTS OF P7 CHILDREN

2. Schools are free to choose the most appropriate combination of ways in which to engage with parents and communicate information and advice about the transfer procedure. The only constraint lies in ensuring that important transfer related communications from DE and/or the Education Authority are passed on to parents, and that completed Transfer Forms are collected from parents of all transferring children and that these are passed on to the Education Authority **by the relevant date in February.**
3. Engagement may take the form of meetings where groups of parents are addressed, which may be most appropriate to impart advice about the transfer procedure in general. The structured advice set out in paragraphs 6-13 below may be suitable for delivery at group meetings. Some schools may wish to consider using planned teacher/parent meetings as a means of providing individual parents with general advice about issues to take into account in considering their child's future education in the context of a discussion about the child's educational progress to date.
4. Information regarding the completion of the Transfer Form will be provided in the DE advice leaflet that is circulated to parents of P6 children before Christmas each year. Parents should be asked to retain this leaflet until the following year. Schools may, however, still receive requests from parents for such advice. It remains open to schools to provide advice on choosing a post-primary school, but it should be noted that this is not a requirement.

5. Where it is considered that a parent has a particular need of advice to enable completion of a Transfer Form a school may consider it necessary to arrange a bespoke meeting, for example for parents with language or literacy difficulties who might otherwise struggle to understand what is required of them. It will be a matter for each school to decide when such additional support is needed and how to deliver it within their existing resources.

THE TYPE OF ADVICE THAT MAY BE HELPFUL TO PARENTS OF P7 CHILDREN

6. The following outline of the transfer procedure may be helpful as a guide for structuring advice to parents. There are two elements to this information and advice: firstly details of the process itself, including key dates; and secondly the very important role that falls to each individual parent.
7. **The transfer process:**
- The Department of Education decides the number of pupils a school may admit. This number is based on the accommodation of each school.
 - Each post-primary school may only admit this number of pupils. If more pupils apply than a school has places available (i.e. if the school is oversubscribed) then the school has to decide who to admit.
 - Schools must be open about how they select pupils for admission. They have to publish the factors they take into account when selecting pupils. These are called the admissions criteria. The schools choose their own admissions criteria and these are published in Transfer Booklets and school prospectuses.

Key Date

Step in Process

**November/
December**

- The Education Authority publishes information on the post-primary transfer procedure, including each post-primary school's admissions criteria, on its website.
- Parents of P6 children receive a leaflet from the Department of Education providing important information and advice about the transfer procedure, including how to go about choosing a post-primary school and complete a Transfer Form.

January

- Parents may request prospectuses and attend open nights at schools they are considering for their child.
- Primary school principals issue parents of P7 children with blank Transfer Forms and guidance notes for their completion. Parents are advised that completed forms must be returned to the primary school (with parents retaining the pink coloured copy) in good time for these to be forwarded to the Education Authority **by the relevant date in February**.
- Parents decide which schools they would like their child to be considered for in order of preference.

- February**
 - Primary schools return all Transfer Forms completed by parents to the Education Authority.

- March**
 - Applications are sent to those schools listed as first preferences.

- March to May**
 - Applications are considered by post-primary schools and where a school is **not** oversubscribed it must admit all applicants. If over-subscribed with applications it selects pupils using its admissions criteria. Schools are not allowed to use any information other than that relevant to their published admissions criteria in deciding which pupils to admit.
 - The applications of those pupils not selected are passed to their second preference schools and the same process is applied. This is repeated until as many pupils as possible are placed.
 - Where a pupil is not selected by any of the schools they have listed as preferences, his/her parents will need to liaise with the Education Authority to find a school with places available after the placement letters have issued. The Education Authority will no longer seek further preferences from parents prior to the date when placement letters issue at the end of May.

- Towards the end of May**
 - Placement letters issue advising parents which post-primary school their child has been admitted to.

- Within two weeks of placement letters issuing**
 - Parents who consider that a school did not apply its admissions criteria when selecting pupils, or applied the criteria incorrectly, have a right to appeal to an independent Appeal Tribunal established by the Education Authority.
 - **Two weeks after the issue of placement letters** is the date by which the Education Authority must receive from parents notification of their intention to appeal against post-primary schools' admissions decisions.

- Any point in the year**
 - Parents are also advised in the placement letter of their right to submit an application to an independent Exceptional Circumstances Body if they consider there are compelling reasons why their child must attend a particular post-primary school.
 - There is no equivalent closing date for applications to the Exceptional Circumstances Body as this Body considers cases that relate to Year 8-12 admissions at any point in the year.

8. **Advising parents on their role:** parents have a key role to play in the transfer process as it is their responsibility to:

- Complete a Transfer Form for each child transferring to post-primary school and return it to the primary school. Parents should be advised that they can complete a Transfer Form in Irish if they so wish, but they should not complete forms in both English and Irish;

- State their preference for the schools where they would like their children to be considered for admission. Parents should be made aware that they have the right to state their preference of school, but that if the school is over-subscribed then their child may not be admitted; and
 - Ensure that **all the relevant information** (relating to the admissions criteria of all the schools they have listed, for example, whether their child is the eldest or only child or first boy/girl to transfer, and whether siblings attend) is correct and is provided when they complete the Transfer Form to enable schools to consider their child's application properly. Parents should be made aware of the importance of ensuring that information provided on the Transfer Form is accurate, especially personal details including their address and that it is the child's normal place of residence. Also, parents should understand that, where relevant to an admissions decision, declarations of FSME registration will be checked by the Education Authority and other important qualifying information, such as address details, will be checked by over-subscribed post-primary schools in accordance with the Department's Duty to Verify Guidance.
9. Parents should be advised that there will be no limit to the number of preferred schools which a parent may list on the Transfer Form and that **at least four** should be selected. Failure to express sufficient preferences risks a child being unplaced at the end of the procedure, resulting in a limited offer of schools with places still remaining.
10. Parents should be encouraged to think carefully about the preferences they express for their child's post-primary school, taking into account the following:
- The child's own views on where he/she would be happiest;
 - The child's aptitudes and the school(s) and provision to which they would best be suited;
 - The impression of schools gained from a range of sources e.g. from visits to the schools, reading school prospectuses, talking to other parents etc;
 - The arrangements schools make for pupils who may require special help;
 - The arrangements schools make to provide support for pupils who are not able to keep up with their class in specific subjects;
 - The admissions criteria of schools - whether the schools are traditionally oversubscribed and therefore likely to apply their admissions criteria, and if so, to what extent the child meets these criteria;
 - The information that will be published in schools' prospectuses;
 - School fees (if relevant) and other additional costs (e.g. are pupils required to participate in certain activities such as particular sports, which also have costs associated with kit etc.);
 - Transport entitlement (see paragraphs 13.1 – 13.3);

- Travelling time and travel arrangements.
11. Attention should be drawn to the Department’s recommendation that all schools should use first a criterion giving a degree of priority to children who are listed on the Education Authority register as entitled to free school meals (FSME), explaining in particular:
- That if a school adopts the FSME criterion in the form recommended by DE this will not mean automatic entry into a school for all FSME registered applicants, but they will be given a degree of priority to ensure that the proportion of such pupils admitted reflects the proportion of first preference applicants to that school who are FSME registered;
 - **That it will be very important therefore that parents register their child’s entitlement to FSM with the Education Authority as soon as possible** so that they are in a position to record this registered entitlement on the Transfer Form;
 - Parents should also be made aware that declarations of entitlement recorded on Transfer Forms will be checked with the Education Authority if relevant to an admissions decision.
12. In general, the importance of the information published online by the Education Authority should be stressed to parents. In particular, parents should understand that the Education Authority’s online directory will tell them the admissions criteria that schools will use to select children if they are oversubscribed. These criteria will help parents understand the importance of the information that they will be responsible for providing when completing their child’s Transfer Form.
13. If parents are unable to access the information published online, they should be advised that a book containing admissions criteria for schools in the area will be made available in each school and in public libraries for reference. The Education Authority will also provide parents with a hard copy of a school’s admissions criteria on request. Alternatively, parents may approach a school directly for this information.

14. **Sources of information:**

Parents may be directed to:

- The Department of Education’s information leaflet for parents of children in P6. This helps parents get ready for their child’s move to post-primary school.
- Information published online by the Education Authority (www.eani.org.uk), including a searchable directory containing the admissions criteria of all post-primary schools. A small guidance leaflet setting out the transfer procedure, which will direct parents to this information on the Education Authority website, will be issued with the Transfer Form.
- Books containing admissions criteria for schools in the area which will be available in each school and in public libraries for reference.

- School prospectuses. These will be available free from post-primary schools (they may also be available on school websites) and contain much more detailed information about each school.
- Post-primary school open nights. Usually held in January, this is when parents can see around the school and its facilities, see examples of pupils' work and talk to teachers and pupils.
- The relevant school operating an unregulated entrance test if a parent is seeking advice on how a test result should inform completion of a Transfer Form.

Admissions Criteria – Explanatory Notes

The table below records the Department’s recommended admissions criteria, followed by some additional explanatory notes.

First Criterion for all Schools	Notes
Applicants who are entitled to Free School Meals (FSME): priority to be given so that the proportion of such children admitted is not less than the proportion of first preference FSME applications received within the total number of first preference applications received	For example, if 20% of the total number of first preference applications is from FSME applicants, then at least 20% of the school’s places should be allocated to FSME applicants. All schools and the Education Authority should be aware of the eligibility criteria that establish entitlement.
Other Recommended Criteria (in no particular order)	Notes
Sibling	This criterion to be defined as “Children who, at the date of their application, have a child of the family currently enrolled at the school”. The phrase “child of the family” covers children fostered, adopted etc. and avoids having to define all the various permutations of sibling.
Eldest Child	This criterion to be defined as “children who, at the date of their application, are the eldest child of the family to be eligible to apply for admission to the school.” This wording covers “only” children and is also intended to treat twins (or other multiples) as joint eldest. The term “eldest” can include eldest boy/girl in the case of single sex schools.
Feeder/named primary school	This criterion to be defined as “children who attend a named primary school to which a Board of Governors chooses to give priority”. Post-primary schools should not give a higher level of priority to one primary school than is given to a primary school

	<p>of the same sector and that is geographically closer to the post-primary school. In general this criterion should be used to prioritise children attending a post-primary school's local primary schools. The Department may intervene where it considers that this criterion may be used in a manner that disregards these specific points.</p>
<p>Parish (with nearest suitable school)</p>	<p>This criterion to be defined as "children who reside in a named parish". For the purposes of this criterion, a Parish is a geographical area. Applicants will qualify for a Parish Criterion by residing within the geographical area of the Parish and regardless of whether they are of a particular religious background.</p>
<p>Catchment area (with nearest suitable school)</p>	<p>This criterion to be defined as "children who reside in the named catchment area of the school". A catchment area can be defined as "a geographical area served by a school which is defined by the Board of Governors".</p> <p>This guidance recommends that either of these two "geographical" admissions criteria ("Parish" and "Catchment Area") should only be used if used in combination with the "Nearest Suitable School" criterion. So, for instance, the recommended use of the Parish Criterion by a maintained school would be "Children who reside in the Parish of [name] and children for whom [school name] is the nearest maintained post-primary school" (for the categories by which suitable school should be defined – please see the notes to the "Nearest Suitable School Criterion"). The purpose of this is to ensure that outlying and rural applicants are treated with equal priority within admissions as those whose address qualifies them for a school's geographical criteria. If followed, this recommendation will mean that an applicant with an outlying address in terms of their nearest suitable school (e.g. a rural applicant) will not be disadvantaged by that address.</p> <p>Apart from the effect intended by combining these two geographical criteria with the nearest suitable school criterion, post-primary schools should not give a higher level of priority to those resident in one area or parish than is given to those resident in another area or parish that is geographically closer to the post-primary school. The proper use of these two criteria is to prioritise applicants in a post-primary school's local areas or parishes. The Department may intervene where</p>

	it is informed that these criteria are to be used in a manner that disregards these specific points.
Nearest Suitable School	This criterion is defined as “children for whom the school is the nearest suitable school.” The relevant definition would be: “nearest to the child’s normal place of residence.” The decision for the post-primary school’s Board of Governors is whether or not there is another school in the same category as theirs which is nearer to the child’s address. If not, the child meets the criterion. The categories of schools to be used for the purposes of these decisions should (irrespective of whether a school is attempting to practise academic admissions) continue to be denominational grammar, non-denominational grammar, maintained secondary, controlled secondary, Irish-medium and Integrated. ²
A tie-breaker	Board of Governors must have admissions criteria that are capable of identifying for admission the exact number of children equivalent to their admissions number. This is a long-standing and continuing legal obligation. A tie-breaker is an admissions criterion that will distinguish between individual children. For detailed guidance on which tie-breakers should be used and how – see below.
<i>Note: Integrated schools will continue to prioritise applications on the basis of religious background in order to maintain the required religious balance of their intakes.</i>	

1. **The FSME Criterion:** An illustrative example of an admissions process based on the use of this criterion, and other aspects of the recommended menu of criteria, is attached at Annex 3.

² A grammar school is legally defined as a grammar school in a manner unconnected with the nature of its admissions process. The existing definition is contained in the interpretation section of the Education and Libraries Order (NI) 1986 and is as follows:
“‘grammar school’ means a secondary school which—
(a) immediately before the coming into operation of Article 128 of the 1989 Order was a school in which fees were charged or could have been charged in respect of pupils admitted to the school, or a school which replaces such a school or schools; or (b) is established after the coming into operation of that Article and is designated by the Department as a grammar school.”

2. **Sibling and Eldest Child:** applicants should qualify for the Sibling Criterion according to whether or not they have another “child of the family” already attending the school in question. Applicants should qualify for the Eldest Child Criterion according to whether or not, at the date of their application, they are the eldest child of the family to be eligible to apply for admission to the school.
3. Boards of Governors planning to use the recommended criterion, “Applicants who are the eldest child”, should note the following guidance: this criterion is recommended on the basis that it intends to prioritise the child of a family that have not had the opportunity to have an elder child already and currently enrolled. The most common reason why this might be the case is in respect of the first or eldest child of a family or the only child of a family. However, a Board of Governors may wish for this criterion to cover other circumstances where a family have, in the opinion of the Board of Governors, not had the opportunity to have an elder child already and currently enrolled (i.e. cases where a child is more than seven years younger than their next eldest sibling; cases where a family has moved residence so that a child who is not the eldest child of the family is the first to have the practical opportunity to apply to a school). It is for a Board of Governors to conceive of the circumstances that they wish this criterion to cover and to ensure that these and their precise limits are described clearly and fully in their published criteria. Boards of Governors should note the importance of using the phrase “child of the family” in whatever formulation of this criterion that they use.
4. The phrase “child of the family” is a well established concept of family law. To provide a definition from Article 2(2) of the Domestic Proceedings (NI) Order 1980: "child of the family" in relation to the parties to a marriage or parties living together in the same household means:
 - a child of both of them; and
 - any other child who has been treated by both of those parties as a “child of their family”.
5. DE has been advised that this definition of “child of the family” covers:
 - a child born to a married couple;
 - a child born to a co-habiting couple;
 - a child of either of those people by a previous marriage or relationship;
 - a child living with same sex partners whether there is a civil partnership under the Civil Partnership Act 2004 or not;
 - an adopted or fostered child;
 - a situation where for example an orphaned cousin is being brought up with a family.

The child should be a child of the family as at the date of application since these complex living arrangements may change rapidly.

6. **The Nearest Suitable School Criterion:** the important point that must be clear in relation to this recommended criterion is that it is the Boards of Governors of a post-primary school who determine whether or not their school, in respect of an applicant’s residence, is the nearest school of its type to the applicant. For the purposes of this criterion, and in line with transport eligibility policy, the Guidance recognises six types of school, irrespective of a school’s decision on whether or not to continue using academic admissions criteria: denominational grammar, non-denominational grammar, maintained secondary, controlled secondary, Irish-medium and Integrated.³
7. For example, if the Board of Governors of a denominational grammar school uses the “Nearest Suitable School Criterion”, the actual wording of the criterion may read: “Applicants for whom [school name] is the nearest denominational grammar school”. An applicant will then qualify for this criterion as a matter of geographical fact.
8. **Tie-breakers:** the Department recommends the following:

Method A - Age: A criterion that prioritises applicants by age (eldest or youngest) established by date of birth as entered on a Birth Certificate;

Method B - Alphabet: A criterion that prioritises applicants by where the letters of their name (as entered on a Birth Certificate) places them on a rank established by any order of all of the letters within the alphabet. A typical description of this well established tie-breaker by a school is:

“Children will be selected for admission on the basis of initial letter(s) of surname (as entered on Birth Certificate) in the order set out below:

E M Y K T S L Mac Z Q O G N A Mc I H F V P R W D B C U J X

This order was determined by random selection.

³ A grammar school is legally defined as a grammar school in a manner unconnected with the nature of its admissions process. The existing definition is contained in the interpretation section of the Education and Libraries (NI) Order 1986 and is as follows:

“‘grammar school’ means a secondary school which—

(a) immediately before the coming into operation of Article 128 of the 1989 Order was a school in which fees were charged or could have been charged in respect of pupils admitted to the school, or a school which replaces such a school or schools; or (b) is established after the coming into operation of that Article and is designated by the Department as a grammar school.”

In the event of surnames beginning with the same initial letter the subsequent letters of the surname will be used in alphabetical order. In the event of two identical surnames the alphabetical order of the initials of the forenames will be used.”

Method C - Random Selection: capable of leaving a clear audit trail (e.g. computerised random selection).

9. Methods A and B do not present the operational difficulties for the processing of preferences that are presented by Method C. The only weaknesses with Methods A and B is that Method A will not distinguish between children with the same date of birth and Method B will not distinguish between children with exactly the same full name. However, if a school’s admissions criteria permit the school to apply the “Age tie-breaker” in the event of a tie within the “alphabet tie-breaker”, or *vice versa* then this will nearly always be effective. In any very unlikely case where this combination is not effective, if a school’s admissions criteria then permit it to apply a method of random selection, even pupils with exactly the same date of birth and full name can then be distinguished.
10. The optimal entry for a tie-breaker criteria for a Board of Governors to consider is, therefore, either of:

Method A, then Method B, then Method C
Method B, then Method A, then Method C

Admissions Criteria - Illustration

In the autumn term, School A, a controlled post-primary school, draws up its admissions criteria for entry into the following school year as follows:

School A's Admissions Criteria

1. Applicants who are entitled to Free School Meals (FSME): priority to be given so that the proportion of such children admitted is not less than the proportion of first preference FSME applications received within the total number of first preference applications received.
2. Applicants with a sibling currently attending the school.
3. Applicants attending primary schools 1, 2, 3 and 4.
4. Applicants residing in catchment areas 1, 2, 3 and 4 and applicants for whom the school is the nearest controlled post-primary school.

If, after applying Criteria 4, the school needs to apply further criteria in order to identify which applicants are to be admitted, then the following criteria will be applied:

5. Older Applicants – established by date of birth as entered on a Birth Certificate.

If applicants are still tied at Criteria 5, then priority shall be determined amongst these tied applicants according to the placement of their surname in a rank order determined according to a randomly developed order of all of the letters of the alphabet (if applicants have the same surname then first forename shall then be used).

If applicants are still tied after this, then priority will be determined amongst them by a method of random selection.

- *These criteria are published by the Education Authority.*

- *School A has 100 places available for admission into Year 8 for the forthcoming school year.*

- *In March, School A receives 150 first preference applications for its 100 Year 8 places. Of these 150 first preference applications, the application forms of 30 (20%) show that they are FSME.*

- **First Preference Stage: Step 1:** School A applies its published admissions criteria to its 150 first preference applications and determines that:

(a) 25 first preference applicants have a sibling already attending School A. These 25 qualify first under Criteria 2. They are ranked as places 1-25 in the school's rank-order. Their individual placement within ranks 1-25 is determined by whether they also qualify for lower criteria – applied in the order set down.

(b) 50 first preference applicants do not have a sibling currently attending and attend one of primary schools 1, 2, 3 and 4. These qualify under Criteria 3. They are ranked as places 26-75. Their individual placement within ranks 26-75 is determined by whether they also qualify for lower criteria – applied in the order set down.

(c) 50 first preference applicants do not have a sibling currently attending and also do not attend one of primary schools 1, 2, 3 and 4 but do reside in catchment areas 1, 2, 3 and 4 or are applicants for whom the school is the nearest controlled post-primary school - and qualify for Criteria 4. These qualify for Criteria 4. They are ranked as places 76-125. Their individual placement within ranks 76-125 is determined by whether they also qualify for lower criteria – applied in the order set down.

Of course, the first of the lower criteria at this point is Criteria 5: "Older Applicants – established by Date of Birth as entered on a Birth Certificate. Therefore, the 50 applicants who equally qualify for Criteria 4 (i.e. who are tied) have their individual placement within ranks 76-125 determined by their date of birth – with the eldest ranked highest.

(d) The remaining 25 first preference applicants do not have a sibling currently attending, do not attend one of primary schools 1, 2, 3 and 4 and also do not either reside in catchment areas 1, 2, 3 and 4 or are applicants for whom School A is the nearest controlled post-primary school. These applicants do not qualify for Criteria 2, 3 and 4. They are ranked as places 126-150. Their individual placement within ranks 126-150 is determined by whether they qualify for lower criteria – applied in the order set down.

Once again, the first of the lower criteria at this point is Criterion 5: "Older Applicants – established by Date of Birth as entered on a Birth Certificate. Therefore, the 25 applicants who equally did not qualify for Criteria 2, 3, or 4 (i.e. who are tied) have their individual placement within ranks 126-150 determined by their date of birth – with the eldest ranked highest.

- **First Preference Stage: Step 2:** At this point, when it has determined a rank order for all applicants, School A considers its first Criterion: “Applicants who are entitled to Free School Meals (FSME): priority to be given so that the proportion of such children admitted is not less than the proportion of first preference FSME applications received within the total number of first preference applications received”. Given that 30 of the 150 first preference applications received by School A were from FSME applicants (i.e. 20% of first preference applicants were FSME applicants) School A’s first criterion requires it to ensure that 20 of its 100 Year 8 places (i.e. 20%) are awarded to FSME applicants.

So, School A now observes that, of those applicants currently placed in ranks 1-100, 15 are FSME. The 15 other FSME applicants are placed amongst those currently placed from ranks 101-150. In order to meet its First Criterion, School A installs into ranks 96-100, in their existing order, those 5 highest ranking FSME applicants who were amongst ranks 101-150. It moves, in their existing order, those applicants who had been in ranks 96-100 to ranks 101-105, pushing down those who had been in ranks 101-105 and below in the order in which they remain (see diagram below):

Rank Order of Places 91-150 before adjustment for FSME Criterion (asterisked applicants are FSME applicants)

Rank	Applicant	Rank	Applicant	Rank	Applicant	Rank	Applicant	Rank	Applicant
91	Name 91	103	Name 103	115	Name 115	127	Name 127	139	Name 139
92	Name 92	104	Name 104	116	Name 116	128	Name 128*	140	Name 140
93	Name 93	105	Name 105	117	Name 117	129	Name 129	141	Name 141
94	Name 94	106	Name 106	118	Name 118	130	Name 130*	142	Name 142
95	Name 95	107	Name 107*	119	Name 119*	131	Name 131	143	Name 143
96	Name 96	108	Name 108	120	Name 120	132	Name 132*	144	Name 144*
97	Name 97	109	Name 109*	121	Name 121*	133	Name 133	145	Name 145*
98	Name 98	110	Name 110	122	Name 122	134	Name 134	146	Name 146
99	Name 99	111	Name 111	123	Name 123*	135	Name 135*	147	Name 147
100	Name 100	112	Name 112*	124	Name 124*	136	Name 136*	148	Name 148
101	Name 101	113	Name 113	125	Name 125	137	Name 137	149	Name 149
102	Name 102*	114	Name 114	126	Name 126	138	Name 138	150	Name 150

Rank Order of Places 91-150 after adjustment for FSME Criterion (asterisked applicants are FSME applicants)

Rank	Applicant	Rank	Applicant	Rank	Applicant	Rank	Applicant	Rank	Applicant
91	Name 91	103	Name 98	115	Name 114	127	Name 127	139	Name 139
92	Name 92	104	Name 99	116	Name 115	128	Name 128*	140	Name 140
93	Name 93	105	Name 100	117	Name 116	129	Name 129	141	Name 141
94	Name 94	106	Name 101	118	Name 117	130	Name 130*	142	Name 142
95	Name 95	107	Name 103	119	Name 118	131	Name 131	143	Name 143
96	Name 102*	108	Name 104	120	Name 120	132	Name 132*	144	Name 144*
97	Name 107*	109	Name 105	121	Name 121*	133	Name 133	145	Name 145*
98	Name 109*	110	Name 106	122	Name 122	134	Name 134	146	Name 146
99	Name 112*	111	Name 108	123	Name 123*	135	Name 135*	147	Name 147
100	Name 119*	112	Name 110	124	Name 124*	136	Name 136*	148	Name 148
101	Name 96	113	Name 111	125	Name 125	137	Name 137	149	Name 149
102	Name 97	114	Name 113	126	Name 126	138	Name 138	150	Name 150

- At this point, School A has determined those 50 of its first preference applicants who by virtue of being ranked from 101-150 after application of all criteria will not gain admission to School A. School A returns to the Education Authority the application forms of these 50 applicants and keeps the other 100 application forms. The Education Authority processes applications returned after the First Preference stage by sending returned applications to the school submitted on the application as second preference.

- This means that School A receives its second preference applications. It receives 75 of them. It applies all of the above steps to all of the 175 applications it now holds (those 100 first preference applications it did not return and those 75 second preference applications now received) so that it generates an entirely new rank order of its 175 first and second preference applicants.

- School A thus identifies those 75 of its 175 first and second preference applications that, by virtue of being placed at ranks 101-175, will not gain admission to the school. School A returns to the Education Authority the application forms of these 75 applicants and keeps the other 100 application forms.
- The Education Authority processes applications returned after the Second Preference stage by sending returned applications to the school submitted on the application as third preference. Accordingly, School A receives its third, fourth and lower preference applications and rank-orders and processes them onward until the deadline of the whole admissions process.
- At this point the top 100 established by School A is final and the top 100 are offered places at the school. School A uses the final rank order as a reserve list to establish who is next in line should a place become available (any such places are offered with regard to FSME obligations up until the start of the new school year and the physical enrolment of pupils).
- Audit trails of the entire process are kept for the purpose of Appeal Tribunals.



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Chuig: Príomhoidí agus Cathaoirligh Bhoird Gobhamóirí Bunscoileanna

To: Principals and Chairs of Boards of Governors of Primary Schools

9 Feabhra 2010

9 February 2010

AISTRÍÚ 2010: BUNSCOILEANNA AGUS PLEANANNA CÚINSÍ AR LEITH SCOILEANNA TRIAIL IONTRÁLA

1. Sonraíodh go soiléir agus go cuimsitheach polasaí na Roinne ar Aistriú 2010 ina Treoir ar Aistriú 2010, a foilsíodh ar 25 Meitheamh, 2009: mhóil an Roinn go soiléir nár chóir d'iar-bhunscoileanna leanúint d'úsáid critéir acadúla iontrála.
2. Chomhairligh an Treoir do scoileanna a bhí le leanúint d'úsáid critéir iontrála acadúla freagracht aonair a ghlacadh as gach gné de ghnáthaimh roghnaithe ar bhonn acadúil ar bith a bhféachadh siad leo. Le leas bunscoileanna agus le leas na bpáistí a mbíonn siad ag freastal orthu, go háirithe, comhairlíodh do na scoileanna gramadaí seo Gnáthamh Cúinsí Ar Leith a thobairt nár thug aon ról do bhunscoil.
3. Tá foirm foilsithe ar na mallaibh ag na heagrais atá freagrach as trialacha iontrála le haghaidh Aistriú 2010 a n-iarrtar ar thuismitheoirí a chomhlánú más mian leo, ar son a bpáiste, cur isteach ar Ghnáthamh Cúinsí Ar Leith scoile a d'úsáid triail iontrála. Mar is eol do chuid mhór príomhoidí bunscoile, is gá, go ginearálta, do thuismitheoirí a chomhlánaíonn na foirmeacha seo agus sa Ghnáthamh Cúinsí Ar Leith atá molta ag cuid mhór scoileanna a d'úsáid trialacha iontrála, eolas a tháil ó phríomhoide bhunscoil a bpáiste.

TRANSFER 2010: PRIMARY SCHOOLS AND THE SPECIAL CIRCUMSTANCES PLANS OF ENTRANCE TEST SCHOOLS

1. The Department's policy on Transfer 2010 was clearly and comprehensively stated in its Transfer 2010 Guidance, published on 25 June, 2009: the Department clearly recommended against post-primary schools' continued use of academic admissions criteria.
2. The Guidance advised schools continuing to use academic admissions criteria to bear sole responsibility in all aspects of any academically selective procedures that they might attempt. In particular, in the interests of primary schools and the children they serve, such grammar schools were advised to develop a special circumstances procedure that ascribed no role to a primary school.
3. The organisations responsible for providing grammar schools with entrance tests for Transfer 2010 have recently published forms which parents are requested to complete if they wish, on behalf of their child, to apply to an entrance test school's Special Circumstances Procedure. As many primary principals will be aware, the completion of these forms by parents, and the Special Circumstances Procedures proposed by many entrance test schools generally, require parents to obtain information from their child's primary principal.



4. Ós rud é nach raibh comhairliúchán de chineál ar bith ag na scoileanna gramadaí leis an Roinn ná le hearnáil na bunscolaíochta, tá an roinn ag eisiúint na treorach breise seo. Léiríonn an treoir seo an fhíríc gur shuigh páistí scrúduithe i mbunscoileanna ar mhaithe le cuspóirí dearfacha oideachais na bunscoile agus nár cruthaíodh ná nár cuireadh i bhfeidhm iad le haghaidh gnáthaimh iontrála iar-bhunscoileanna.
4. In the absence of any form of consultation on the part of grammar schools with the Department or the primary sector, the Department is issuing this further guidance. This guidance reflects the fact that tests sat by children in primary schools were sat for the constructive educational purposes of the primary school and were not designed, or operated, for the admissions processes of post primary schools.
5. Maidir le socruithe Cúinsí Ar Leith scoileanna gramadaí, ba chóir do phríomhoidí bunscoile a ról a mheas de réir na bpointí seo a leanas:
5. In relation to the special circumstances arrangements of grammar schools, primary principals should consider their role according to the following points:
- Tá ceart dleathach ag tuismitheoirí/caomhnóirí ar eolas ar bith atá ag bunscoil a bhaineann lena bpáiste agus leis sin amháin;
 - Parents/guardians have a legal right to any information held by a primary school that relates solely to their child;
 - Níl d'iachall ar bhunscoileanna, de réir dlí, eolas a chur ar fáil i bhformáid a iarradh go sainiúil;
 - Primary schools are not required, in law, to provide information in a specifically requested format;
 - Níor chóir do bhunscoileanna eolas gnóthachtála a chur ar fáil do thuismitheoirí a bhaineann le páiste ar bith seachas a bpáiste féin;
 - Primary schools should not provide performance information to parents or guardians relating to any child other than their own;
 - Níor chóir do bhunscoil, de réir dlí, eolas gnóthachtála a bhaineann le duine ar bith dá cuid daltaí a chur ar fáil do scoil ar bith eile¹.
 - A primary school should not, in law, provide performance information relating to any of its pupils to any other school¹.

AN ROINN OIDEACHAIS

DEPARTMENT OF EDUCATION

¹ Is eisceacht air seo má chuireann scoil taifid dalta ar fáil do scoil inar glacadh dalta le haghaidh iontrála agus a mbeidh sé/sí ag aistriú chuici ar ball – mar a leagtar síos go sainiúil sa reachtaíocht.

¹ Excepted from this is a school's provision of a pupil's records to a school into which the pupil has been accepted for admission and will shortly transfer - as specifically provided for in legislation.