

DIOCESAN
GUIDANCE
ON ADMISSION
TO CATHOLIC
SCHOOLS

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INTRODUCTION

This guidance complements, but does not reproduce the Admission Code. Rather, it focuses on those areas that are of most concern to the governing bodies of Catholic schools. Those governors and panel members most directly concerned with admissions and appeals against admission decisions will need to be thoroughly familiar with the Code as well as with this guidance.

This guidance describes the primary legislation, regulations and case law most relevant to maintained school governing bodies and academy trust companies. Whilst every effort has been made to ensure the accuracy of the guidance, it must be noted that it does not provide a definitive interpretation of the law. That is entirely a matter for the courts.

Responsibility for determining arrangements and publishing policies and procedures which comply with the law, rests with the governing body, not with the diocese.

It is the responsibility of admission authorities to ensure that admission arrangements i.e. the overall procedure, practices, criteria and supplementary information to be used in deciding on the allocation of school places and any device or means used to determine whether a school place is to be offered, are compliant with admissions legislation, and the 2014 School Admissions Code (“the Code”) issued under section 84 of the School Standards and Framework Act 1998 (“SSFA 1998”).

In Catholic voluntary aided schools **the admission authority is the governing body**. In Catholic voluntary academies **the admission authority is the academy trust company**. The term “school” is used throughout this guidance to refer to Catholic schools and academies. The term “governing body” is used throughout to refer to the admission authority under the appropriate constitutional arrangements.

The Code provides, in paragraph 1.38, that admission authorities of schools designated as having a religious character **must** have regard to guidance from the body or person representing the religion or religious denomination when constructing faith based admission arrangements, to the extent that the guidance complies with the mandatory provisions and guidelines of the Code. It also requires the admission authority to consult the body or person representing the religion or religious denomination when deciding how membership or practice of the faith is to be demonstrated. The body or person who is the representative of the religious denomination for schools designated as Catholic (“the appropriate religious authority”) is the diocesan bishop. This includes all Catholic schools and academies, including those which are within the trusteeship of a religious order.

This guidance is provided by the diocese to support governing bodies in discharging their responsibilities as admission authorities. It provides guidance about the construction of admission arrangements and diocesan requirements in relation to membership and practice of the Catholic faith **to which all Catholic school within the diocese must have regard. This document, which is effective from September 2017 replaces all previous guidance issued by the diocesan bishop as the appropriate religious authority for all Catholic schools situated in his diocese.** This includes all Catholic maintained schools and Catholic academies, including those within the trusteeship of a religious order.

The bishop expects schools to comply with this guidance unless there are clear and proper local reasons for not doing so. He expects such a position to be the exception, and only to be reached following discussions with diocesan officers.

SECTION 1: GENERAL PRINCIPLES

1.1 Admission policies in Catholic schools are a key element in preserving and developing the distinctive religious character of Catholic schools. This guidance also reflects that there are some underlying principles which should inform admission arrangements in all Catholic schools. Some of these are set out here.

1.2 A Catholic education must:

- encourage the formation and growth to maturity of the whole human person;
- enable physical, moral and intellectual talents to be developed harmoniously;
- teach all to know and live the mystery of salvation;
- assist all to work towards their eternal destiny;
- promote the common good of society;
- ensure that all develop a greater sense of responsibility and a right use of freedom; and
- provide formation for every person to take an active part in social life.¹

1.3 In England and Wales, the Bishops have also said that *“whether or not market forces are regulated in some way by a supervising authority, it remains the Christian duty of individual schools themselves to promote the common good and support “the poor, vulnerable, powerless and defenceless” by reviewing and, where necessary, amending their admission procedures; accepting that sacrifices sometimes have to be made by individual institutions for the sake of the common good; and working at local, diocesan and national levels to ensure an equitable distribution of the resources available to education.”*²

1.4 Each Catholic school is established in the diocese to form, in partnership with home and parish, an integral part of that local Catholic faith community which bears the mission of the Church to embrace the gospel of Christ, to live by its values, and to proclaim Christ as the light of all peoples. A key role of the school is to assist parents of baptised Catholics to fulfil the responsibilities taken on at their child’s baptism. By striving to be a Christ-centred community providing excellent education, the school will also play its part in the witness and mission of the local Church.

1.5 Catholic schools are established and maintained as part of the education system, in which the Catholic community undertakes a responsibility to provide for the education of Catholic children in schools whose philosophy, recruitment, admission of pupils, delivery of the curriculum and daily life are determined by the distinctive Catholic ethos of their faith community. **As part of the diocesan community of parishes and schools, no school should act for its own perceived interests alone.**

1.6 It is the responsibility of Catholic schools, in cooperation with each other and other admission authorities, and with the assistance of the diocese, to ensure that the maximum number of Catholic children are able to take advantage of a Catholic education provided at a local Catholic school. Catholic schools should therefore:

- work with each other to draw up admission policies which ensure that places are provided equitably for all local Catholic communities (including Eastern Catholic Churches and ethnic chaplaincies); and
- coordinate their admission arrangements to maximise parental satisfaction with their choice of Catholic school.

¹ Code of Canon Law (*Codex Juris Canonici*: CJC) cann.795, 217; Gravissimum Educationis.

² The Common Good in Education, p.17.

SECTION 2: ADMISSION PROCEDURES

A. The Role of the Governing Body

2.1 Admission criteria are set by the governing body and published in its admissions policy. In deciding on the admission arrangements for the school the governing body must comply with the law, including to have regard to this diocesan guidance. In all Catholic voluntary academies the admission authority is the academy trust company. This is the case for Multi Academy Trust Companies (“MAT”). This means that the MAT is responsible for determining the admission policies for all its schools and taking decision on applications. The MAT may, however, delegate responsibility for determining the admission policies for an individual school within the MAT, and/or taking decisions on applications, to the local governing body or local committee of the individual schools.

2.2 Governing bodies are required by law to comply with the Trust Deed and constitutional documents in discharging their functions, including when determining admission arrangements. For schools the constitutional document is their Instrument of Government and for academies is their Articles of Association. The constitutional documents include the school’s duty to serve as a witness to the Catholic faith, and to comply with the requirements of canon law.

2.3 Catholic school governing bodies have an over-riding duty to offer places to Catholics first. This is a requirement of the Trust Deed and therefore a legal requirement on governing bodies. Catholic schools must not operate any policies if the consequence is to offer a place to a non-Catholic and deny that place to a Catholic.

Determination of Admission Arrangements

2.4 Governing bodies must determine the school’s admission arrangements annually. The governing body must do so formally each year, even when the admission arrangements remain the same. It is important that governing bodies ensure that its decision to determine the admission arrangements each year is documented and that they keep records to evidence that they have done so.

Consultation (see paras 1.42-1.45 of the Code)

2.5 Where changes are proposed to the admission arrangements the governing body must consult on the arrangements before they are adopted by them, except where the change is to increase a school’s published admissions number (“PAN”) **The governing body must not, however, increase its PAN without the agreement of the diocese.** Canon law provides that each diocesan bishop has strategic responsibility to commission sufficient school places to meet the needs of baptised Catholic children resident in his area. The expansion of any Catholic school is part of the strategic place planning and, therefore, within the canonical responsibility of the diocesan bishop. All Catholic schools are required by their governing documents to comply with the requirements of canon law.

2.6 Where no changes are made to admission arrangements over a number of years, the admission authority must, nevertheless, carry out a public consultation every seven years. Consultation must be for a minimum of six weeks, and the Code sets out the specific time frame within which that consultation must take place (see para 1.43 of the Code).

2.7 The Code also sets out those with whom the governing body are required to consult. This includes consultation with the appropriate religious authority. Catholic schools must, therefore, consult with the diocese, since the appropriate religious authority is the diocesan bishop.

2.8 It is important for the governing body to give careful consideration to identify those persons or bodies with whom they need to consult, and the means by which they might effectively do so. The

diocese will be able to provide further guidance about the persons or bodies to be consulted and the governing body should contact the diocese at the earliest opportunity to seek its guidance.

2.9 Once admission arrangements are determined, the governing body must notify all those persons or bodies specified by the Code. This includes the diocese who will send a copy of the full, determined arrangements to the local authority on behalf of the school. It is important to note that the determined admission arrangements must be published on the school's website for the whole of the school year in which offers for places are made.

2.10 Where an admission authority has determined a PAN that is higher than in previous years, they must notify the local authority that they have done so, and make specific reference to the change on their website as soon as determined (see para. 1.48 of the Code). **The governing body must always consult with the diocese in good time to obtain its consent to the increase in its PAN, allowing sufficient time for it to be factored into the next normal admission round if approved.**

2.11 The governing body must provide all the information that their local authority needs to compile the composite prospectus within the time frame required by the Code.

Allocating Places

2.12 The governing body of a Catholic school is the admission authority, and is responsible for decisions on admissions to the school.

2.13 With the exception of designated grammar schools, all maintained schools, including Catholic schools, must offer a place to every child who has applied where they have enough places. Where there are insufficient places available **the governing body must allocate places on the basis of their determined admission arrangements only.**

2.14 A decision to offer, or refuse admission must not be made by one individual in an admission authority. The whole governing body, or an admissions committee established by the governing body, must make these decisions.³ The decisions of the governing body, or the admissions committee, must be recorded in the minutes of the meeting of the governing body and the minutes must be retained in accordance with the school's record retention policy.

2.15 It is important that applications for in-year admissions are processed as quickly as possible to avoid any delay in a child starting school. Usually the governing body will establish an Admissions Committee to which the governing body will delegate responsibility to make the decisions about admission to the school. The relevant regulations require that the quorum for any meeting of such committee must be determined by the committee, but in any event must be not less than three governors who are members of the committee.⁴

2.16 It is often difficult to arrange meetings of the committee on short notice to deal with ad hoc in-year applications. The regulations do, however, provide that the governing body may approve alternative arrangements for committee members to participate or vote at meetings of a committee including, but not limited to by telephone or video conference.⁵ It should be noted that the requirement is for a meeting of the committee, albeit not necessarily in person. An exchange of emails **would not amount** to participation in a meeting and therefore would not be compliant with the regulations.

³ Para. 2.7 School Admissions Code December 2014

⁴ Reg. 22(2) School Governance (Roles, Procedures and Allowances) (England) Regulations 2013

⁵ Reg. 14(8) School Governance (Roles, Procedures and Allowances) (England) Regulations 2013

2.17 It is therefore advised that the governing body, when establishing the Admissions Committee, should include within the delegation an approval of alternative arrangements to facilitate a virtual meeting, in order to ensure that decisions in relation to in-year applications are not delayed.

2.18 The governing body may delegate this responsibility to a committee and, if it does so, the head teacher should be a member. **However, headteachers have no individual role in school admissions and may therefore not be delegated the power to accept or refuse admissions on their own.**

2.19 It is important that the school's parish priest is not a member of any admissions panel. The parish priest is likely to be the parish priest for many of the families which are making application to the school for their child. He will, in that capacity, have a pastoral role to play which should not influence any decision to admit an individual child. The parish priest is also likely, in his capacity as the parish priest of a family, to be requested to provide any Certificate of Catholic Practice which is required by virtue of the school's oversubscription criteria. His membership of an admissions panel may therefore place the parish priest in a position where there is a conflict of interest. In the circumstances, it is not appropriate for the parish priest to participate in any admissions panel.

2.20 The governing body must maintain a waiting list until at least 31 December of each school year for each relevant age group, which is the age group at which pupils are, or will normally be admitted to the school e.g. reception, year seven and year 12. **The diocese recommends that a waiting list is maintained by the governing body for the whole of the school year.** The admission arrangements must set this out, and state that each child added to the list will be ranked in accordance with the published oversubscription criteria. Priority must not be given based on the date a child's application is received or their name was added to the list. Looked after children, previously looked after children, and those allocated a place through a local Fair Access Protocol, must take precedence over those on the school's waiting list, in accordance with the school's admissions criteria (see para 2.14 of the Code).

B. The Role of the Local Authority

2.21 The local authority is the body which coordinates applications for admission to schools within its area in the normal admissions round.

2.22 Each year all local authorities must formulate a scheme to coordinate admission arrangements for all publicly funded schools within their area (see para. 2.20 of the Code). They are required to publish the scheme on their website. All admission authorities in that area, including all Catholic schools, are required to participate in co-ordination and provide the local authority with the information it needs to coordinate admissions by the dates agreed within the scheme.

2.23 Local authorities must provide a common application form (CAF) to enable parents to express their preference for a place at any publicly funded school, with a minimum of three preferences in rank order, allowing them to give reasons for their preferences (see para 2.1 of the Code). Where additional information is required to enable an admission authority to allocate places, the admission authority may provide supplementary information forms (SIF). **If so the SIF must only request information which has a direct bearing on decisions about oversubscription criteria or for the purpose of selection by aptitude or ability (see para 2.4 of the Code).**

2.24 There is no requirement for local authorities to coordinate in-year applications, but they must provide information in the composite prospectus, published by the local authority, on how in-year applications can be made and will be dealt with. A parent can apply for a place for their child at any time to any school outside the normal admission round. They can do so directly to the school, except where local arrangements are in place whereby it has been agreed that the local authority will coordinate in-year applications (see para 2.21). **It is, however, important to note that, where the local authority coordinates in-year applications, it does not make the decision about whether to offer a place**

at the school. Since the governing body is the admission authority, it is for the governing body to make all decisions about admission to the school including in-year applications.

2.25 It is legally possible for the governing body to delegate decisions on admissions to the local authority where the local authority's scheme for coordinated admissions makes provision for such delegation.⁶ However, the right of the governing body of a Catholic school as the admission authority and, therefore, the body which is entitled to make decisions in relation to admissions, has always been central to the protection of the Catholic character of the school. Governing bodies should not, therefore, agree to the inclusion of any such provisions in the Scheme. Local authorities are required to formulate a scheme by 1 January in each year and to consult, including with each governing body in the event that changes are made to the Scheme which make it substantially different from the Scheme adopted for the preceding academic year, or every six years.⁷ It is likely that existing Schemes may already include provision allowing for a local authority to make certain decisions on admissions. Where that is the case governing bodies must, at the next opportunity, make clear to the local authority that it will henceforth make all future decisions in relation to admissions to the school and has rescinded any previous delegation of its authority to the local authority, further that the Scheme must not include any provision which does not reflect this.

2.26 The governing body must, on receipt of an in-year application, notify the local authority of both the application and its outcome. This allows for the local authority to keep up to date figures on the availability of places in the area. It also allows for the local authority to ensure that children in the area receive the offer of a school place and are not out of school for a significant period. It is therefore extremely important that this information is provided to the local authority without delay.

2.27 It should be noted that local authorities **must** refer an objection to the Schools Adjudicator if they are of the view, or suspect, that the admission arrangements of a school are unlawful.⁸ In addition any person or body (including any diocese) who considers that the admission arrangements of a school are unlawful, or not in compliance with the Code or relevant law relating to admissions, can make an objection to the Schools Adjudicator.⁹

Fair Access Protocol

2.28 Each local authority must have a Fair Access Protocol agreed with the majority of schools in its area (see para 3.9 of the Code) and all admission authorities must participate in it (see para. 3.11 of the Code). This is to ensure that, outside the normal admission round, unplaced children are offered a place at a suitable school as quickly as possible.

2.29 It should be stressed that not all children applying for a place in-year will fall within the Fair Access Protocol. The list of children to be included in the Fair Access Protocol should be agreed with the majority of schools and is intended to apply to children who have difficulty securing a school place. The Code, at para. 3.15, sets out a list of the children to be included in the Fair Access Protocol as a minimum.

2.30 Outside the normal admission round the governing body may give absolute priority to a child where admission is requested under any locally agreed Fair Access Protocol, even where this would mean admitting the child would exceed the school's PAN (subject to the infant class size exceptions).

⁶ The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012.

⁷ Reg. 27 The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012.

⁸ Para. 3.2 School Admissions Code December 2014

⁹ Section 88H of the SSFA 1998

C. The Role of the Diocese

2.31 A diocese is the portion of the people of God entrusted to a bishop. It constitutes a particular Church in which and from which the one and only Catholic Church exists.

2.32 The diocesan bishop governs the particular Church entrusted to him as Vicar of Christ: he has proper, ordinary and immediate jurisdiction, exercised by him personally in Christ's name. Canon law provides that each diocesan bishop has strategic responsibility to commission sufficient school places to meet the needs of baptised Catholic children resident in his area. A Catholic school is one which is recognised as such by the diocesan bishop.

2.33 As works of the apostolate, all Catholic schools are subject to the jurisdiction of the diocesan bishop, even those that are not in diocesan trusteeship. **Canon 806§1** provides that the diocesan bishop has the right of supervision, visitation and inspection of Catholic schools in his diocese, even those established or directed by members of religious orders. He also has the right to issue directives concerning the general regulation of Catholic schools.

2.34 The religious authority for all Catholic schools is the diocesan bishop. In accordance with the Code the admission authority must consult with the religious authority (the diocesan bishop) when deciding how membership or practice of the faith is to be demonstrated. As the local ordinary, it is for the diocesan bishop to decide how membership and practice is to be demonstrated. Therefore, in determining faith-based admission arrangements the governing body may only use the methods and definitions laid out in this guidance by their diocesan bishop. The governing body must have regard to this guidance in accordance with para. 1.38 of the Code, unless it does not comply with the mandatory provisions and guidelines of the Code or the school can demonstrate that it has considered and engaged with the guidance and has a clear and proper reason to depart from it. It will be particularly difficult for the governing body to demonstrate a clear and proper reason for departing from this guidance if that departure:

- i. fundamentally undermines the core or underlying principles of the guidance;
- ii. is expressly forbidden by or in conflict with the guidance; or
- iii. is substantially different in a material respect from the guidance.

2.35 Published admission arrangements must make clear how membership or practice is to be demonstrated in line with this guidance.

2.36 The governing body is also required to consult with the diocese before making any changes to the school's admission arrangements. The governing body must propose any changes to its admission arrangements to the diocese for approval in advance of going out to wider consultation. The governing body is also required to provide the diocese with a copy of its determined admissions arrangements.

2.37 The diocese recognises that dealing with admissions can be one of the most difficult tasks facing governing bodies. It is hoped that this guidance will be of some assistance. Where governing bodies have any uncertainty or concern about any aspects of admissions and the process the diocese is happy to assist and governing bodies should contact the diocese.

SECTION 3: DRAFTING (STRUCTURE) OF ADMISSION POLICIES

A. Drafting Oversubscription Criteria

General

3.1 Governing bodies are required by law to comply with the Trust Deed and constitutional documents in discharging their functions, including when determining admission arrangements. For schools the constitutional document is their Instrument of Government and for academies is their Articles of Association. The constitutional documents include the school's duty to serve as a witness to the Catholic faith, and to comply with the requirements of canon law.

3.2 Catholic school governing bodies have an over-riding duty to offer places to Catholics first. This is a requirement of the Trust Deed and therefore a legal requirement on governing bodies. Catholic schools must not operate any policies if the consequence is to offer a place to a non-Catholic and deny that place to a Catholic.

Objectivity and Construction of Oversubscription Criteria

3.3 Oversubscription criteria must be reasonable, clear, objective, procedurally fair and comply with all relevant legislation, including equalities legislation. Parents should be able to understand how their application will be handled and what chance their child's application has of succeeding.

3.4 The way that the oversubscription criteria are constructed should be clear to those reading them. It is advisable to set out the criteria in a numbered list, with those who fall within criterion 1 being admitted before those in criterion 2, and so on.

3.5 The criteria themselves should be as simple as possible. Definitions, clarifications, and requirements in relation to supporting evidence should, therefore, be included in explanatory notes which form part of the admission policy.

3.6 Governing bodies should avoid proliferation of criteria which are not required. For example, a school which is routinely heavily oversubscribed with Catholic children is unlikely to require criteria which distinguish between different types of non-Catholic children. You should, however, always remember to include as the final criterion "any other children" to avoid inadvertently appearing to exclude any applicants.

3.7 Schools should use the diocesan model admission policies. These are contained in the Admission Arrangements document.

3.8 Any variation to the model policy must first be agreed by the diocese.

Religious Criteria: Diocesan Bishops Guidance

3.9 The religious authority for all Catholic schools is the diocesan bishop.

3.10 The Code provides, in paragraph 1.38, that admission authorities of schools designated as having a religious character **must** have regard to guidance from the body or person representing the religion or religious denomination when constructing faith based admission arrangements. It also requires the admission authority to consult the body or person representing the religion or religious denomination when deciding how membership or practice of the faith is to be demonstrated.

3.11 Therefore, in accordance with the Code the admission authority must consult with the religious authority (the diocesan bishop) when deciding how membership or practice of the faith is to be demonstrated. As the local ordinary, it is for the diocesan bishop to decide how membership or practice is to be demonstrated. Therefore, in determining faith-based oversubscription criteria, governing bodies of Catholic schools should only use the methods and definitions agreed by their diocesan bishop. The admission authorities of Catholic schools must follow diocesan guidance, unless it is contrary to the Code or the school can demonstrate that it has considered and engaged with the guidance and has a clear and proper reason to depart from it. Published admission arrangements must make clear how membership or practice is to be demonstrated in line with guidance from the diocesan bishop.

Highest priority for Catholics

3.12 Catholic schools in the diocese are **required by the diocesan bishop** to give priority to Catholic children, as defined in this guidance, when determining admission criteria. **No exceptions will be permitted except where the diocesan bishop has issued a written dispensation.**

3.13 Governing bodies must therefore ensure that none of their criteria could have the effect of giving non-Catholic children preference over those from Catholic families.

Definition of 'Catholic' for the purposes of admission criteria

3.14 For the purposes of admission criteria, the term 'Catholic' means a baptised person who is a member of any Catholic Church that is in full communion with the See of Rome. This includes members of the twenty-one Eastern Catholic Churches in full communion with the See of Rome. Members of these Churches have the full rights of any member of the Catholic Church and must not be discriminated against in any way, directly or indirectly.

3.15 In admission arrangements, the designation 'Catholic' is to be preferred to any other, and the term 'Roman Catholic' is not to be used.

3.16 Membership of a Catholic Church is gained in one of two ways.

- a) an unbaptised person becomes a Catholic by baptism in a Catholic Church. This is recorded in the Church's Baptismal Register.
- b) other baptised Christians become Catholics by being received into a Catholic Church. This is recorded in the Church's Register of Receptions or, exceptionally, in the Church's Baptismal Register.

3.17 Governing bodies should therefore require, and must accept either of the following as evidence of membership of a Catholic Church:

- a) a certificate of baptism from a Catholic Church, or
- b) a certificate of reception into the Catholic Church.

3.18 Here the term 'certificate' means a certified copy of an entry in the appropriate register. Since it is possible for parents to obtain duplicate certificates when required, it is reasonable for governing bodies to require the production of one of these documents to support an application for admission to the school, or, in exceptional circumstances, other documentary evidence acceptable to the governors.

3.19 The governing body may request additional supporting evidence if the written documents that are provided do not clarify the fact that the child was baptised, e.g. where the name and address of the Church is not on the certificate or where the name of the Church does not state whether it is a Catholic Church or not.

3.20 The diocesan model admission policies refer to situations where there may be difficulty in obtaining written evidence of baptism or reception into the Church. In such cases contact should be made with the parish priest who, after consulting with the bishop, will decide how the question of baptism is to be resolved and how written evidence is to be produced in accordance with the law of the Church.

‘Catholic’ as the basic category

3.21 Normally schools should use ‘Catholic’ as the basic first category, and this should be followed by other (e.g. geographical etc.) criteria, worked out with other schools in the area so that there are no groups of the faithful who are effectively denied a Catholic education.

‘Practising Catholic’

3.22 For the purposes of admission criteria, a ‘practising Catholic’ is a baptised Catholic child with a Certificate of Catholic Practice. A ‘Certificate of Catholic Practice’ means a certificate given by the family’s parish priest, or the priest in charge of the Church where the family practises in the form laid down by the Bishops’ Conference of England and Wales. See appendices 1 and 2.

3.23 **A higher test than ‘Catholic’ (i.e. that of ‘practising Catholic’) must not be used unless there is an absolute shortage of places in the locality.** An absolute shortage of places is not to be confused with oversubscription at a particular school. When there are sufficient places in Catholic schools within the locality for all Catholic children, other criteria should be used to distribute the places available on an equitable basis. **In order for the governing body to decide whether it needs to use the test of ‘practising Catholic’, it will need to seek the agreement of the diocese, since the diocese will have the information about the availability of places in Catholic schools in the locality.**

3.24 Schools themselves must not make judgments on pastoral matters such as Catholic practice: it is the role of a priest to determine whether applicants meet the requirements of canon law in order for the priest to provide the Certificate of Catholic Practice. The role of the governing body is to devise and publish a policy and, subsequently, to apply the policy to applicants, giving priority to those who have a Certificate of Catholic Practice.

3.25 Schools **must not** use criteria related to the following or similar matters: financial contributions, registration in parishes, active participation of parents or pupils in parish, parish related or other Church activities, or service in Church ministry in any capacity. Such criteria may contravene the Code, since any such requirement exceeds what the diocesan bishop has set out in this guidance as the test of what is needed to demonstrate that a person is a practising Catholic i.e. that the person is in receipt of a Certificate of Catholic Practice.

3.26 Governing bodies **must not** request certificates, references or other information from priests about sacraments other than baptism. In particular, information may not be requested relating to First Confession or First Holy Communion. Criteria based on *worship* at a particular parish or church may **not** be used. Such criteria are unlawful under the Equality Act because they disproportionately discriminate against certain ethnic groups, such as members of Eastern Catholic Churches or those who choose to worship at an ethnic chaplaincy.

Catechumens and Members of other Eastern Christian Churches

3.27 Governing bodies must make explicit provision for two particular categories of persons whom the Church regards as having a particular and special status, namely **catechumens** and **members of other Eastern Christian Churches**.

3.28 *Catechumens* are persons who wish to be baptised and have been accepted into the Order of Catechumens by the appropriate liturgical rite.

3.29 The *Eastern Christian Churches* (other than the Eastern Catholic Churches) include the Orthodox Churches and other Eastern Churches whose sacraments are recognised by the Catholic Church.

3.30 Both Catechumens and members of Eastern Christian Churches should be given priority over all other non-Catholic applicants (except looked after and previously looked after children).

3.31 Acceptance into the catechumenate is normally demonstrated by a certified copy of the entry in the Church's Register of Catechumens.

3.32 Membership of an Eastern Christian Church is normally demonstrated by a certificate of baptism or a certificate of reception from the authorities of that Church.

3.33 The governing body may request additional supporting evidence if the written documents that are provided do not clarify the fact that the child was received into the Catholic Church, e.g. where the name and address of the Church is not on the certificate or where the name of the Church does not state whether it is a Catholic Church or not.

Other Christian Denominations and Other Faiths

3.34 Admissions legislation allows for priority to be given not only to those who are members of the school's own faith designation, but also to those of other faiths. Where such criteria are adopted they must always rank below Catholic criteria and below looked after and previously looked after children.

3.35 If a school is routinely heavily oversubscribed with Catholic children it will not require criteria which distinguish between different types of non-Catholic children.

3.36 Schools should be advised to check with the diocese in cases of doubt as to whether a Christian denomination or faith meets the requirements of the definition contained within the school's admission arrangements.

Other Oversubscription Criteria

3.37 In the event that the governing body wish to include any other criteria which are not faith based, for example to allow priority for children of staff at the school, they should always consult their diocese. This will help them to ensure that they are complying with the requirements of their Bishop and, in particular, with their overriding duty to offer places to Catholic first.

B. Diocesan Model Admission Policies

3.38 The diocesan model policies have been carefully drafted to help schools comply with admissions legislation, including the Code. Schools are expected to use the diocesan model policies. This aims to minimise the risk of schools producing policies which are non-Code compliant. It also aims to ensure that governing bodies continue to provide priority to Catholic children.

3.39 Use of the diocesan model documents will also afford a level of consistency across Catholic schools in the diocese. With the proliferation of new admission authorities in the education sector, consistency across the Catholic sector will provide a level of strength in upholding the Catholic requirements and will also mean that parents will see less variation between policies and, therefore, should have a clearer understanding of how their children may gain admission to their local Catholic schools.

Statements of support for the school's aims and ethos

3.40 Governing bodies **must not** give priority in their oversubscription criteria to applicants who indicate that they are willing to give support to the aims and ethos of the school, or include any statement to this effect on the Supplementary Information Form.

3.41 It is, however, important for the Catholic character, and the school's aims and ethos, to be clear so that parents understand what is expected of them, and their children, once the child is a pupil. They will, therefore, be in a position to make an informed choice about whether it is a suitable school for their child. Governing bodies may make a factual statement about the school's aims and ethos in the preamble to the policy. The diocese expects the inclusion of such statement, and this is included in the diocesan model admissions policies.

Published Admission Numbers

3.42 The governing body is required to set an admission number for each 'relevant age group' i.e. the age group at which pupils are, or will normally be admitted. For primary schools this is likely to be reception, but there may be other entry points, and if so the admission number for that age group must also be specified in the policy.

3.43 Likewise, for secondary schools, there are likely to be entry points at year 7 and to the sixth form at year 12. These entry points are included in the draft policy but, should there be any other points of entry, the admission number for this age group must also be specified.

Supplementary Information Form

3.44 Where governing bodies require information over and above the information on their local authority Common Application Form (CAF), they are permitted to provide Supplementary Information Forms (SIF). A model SIF is included at appendix 3.

3.45 The SIF may only request information that has a direct bearing on decisions about oversubscription criteria or for the purposes of selection by aptitude. It must not request information that is already included on the local authority CAF.

3.46 In the event that the SIF, together with all supporting documentation, is not returned to the school by the closing date given in the policy, a child will still be ranked within the appropriate criteria if the relevant information is provided. As long as the governing body has the relevant information and supporting documentation, then the child should be ranked in the relevant criteria regardless of the lack of a SIF.

‘Looked After’ and ‘Previously Looked After Children’

3.47 Highest priority must be given to ‘looked after children’ and ‘previously looked after children’. Governing Bodies should refer to para. 1.7 of the Code and the relevant footnotes, which sets out the definition of these terms.

3.48 The Code sets out the provisions of the relevant admission regulations at para.1.7. In most dioceses Catholic schools are legally required to give priority to Catholic children. The law permits Catholic schools to differentiate between Catholic and non-Catholic ‘looked after’ and ‘previously looked after children’. They must give the highest priority to Catholic ‘looked after’ and ‘previously looked after children’ above other Catholic children. They must also give priority to non-Catholic ‘looked after’ and ‘previously looked after’ children above other non-Catholic children.

Residence in Parishes or Deaneries

3.49 The governing body may give higher or lower priority to children from particular parishes or deaneries (effectively a ‘catchment area’) but, if so, these parishes or deaneries must be named in the over subscription criteria. Care must be taken not to appear to guarantee a place to a resident of a catchment area/parish/deanery.

3.50 Such a criterion may be particularly appropriate when taking account of alternative Catholic schools available to parents. The selection of the area covered by the parishes or deaneries must be reasonable. To ensure this the governing body must consult the diocese, which will be able to advise the school about how the selection of the parishes or deaneries fits with the admission arrangements of other Catholic schools in the area.

3.51 Where geographical area such as parishes or deaneries are used, a map showing the boundaries of any such parishes or deaneries should be available to view at the school. This enables the criteria to make it clear that, if there is any dispute as to the identity of the boundary, the map shown to parents at the time will prevail.

3.52 Schools which serve more than one parish or deanery may wish to ensure that children from the more distant areas of the parishes or deaneries served are not disadvantaged. There are two widely used strategies to accommodate this difficulty.

3.53 One option is that places may be offered as priority to children from a named parish or deanery for whom this is the nearest Catholic school. This potentially displaces children who live nearby but for whom there are nearer alternatives, thereby releasing places for children at a distance for whom there is no alternative.

3.54 Another option is setting ‘quotas’ for children in named parishes. The policy would need to be explicit about the number of places available and alert parents to the possibility of not securing a place. The procedures for offering places where the quota is exceeded should be clear and applicants should have the opportunity of being considered for any places remaining within the overall total on an equal basis with other applicants.

3.55 Any governing body contemplating using either option must work closely, through the Diocesan Education Service, with other local Catholic schools. This will ensure that the criteria fit well with those of other local schools and that no group of Catholics is disadvantaged by the system.

Feeder Primary Schools

3.56 Attendance at one or more Catholic feeder primary schools is a legitimate criterion. However, in areas where the demand for Catholic primary education exceeds the supply of places, care must be

taken not to disadvantage Catholic children who have not been able to obtain a place in a Catholic primary school.

3.57 The selection of feeder schools must be made on reasonable grounds. To ensure this the governing body must consult the diocese, which will be able to advise the school about how the selection of the feeder schools fits with the admission arrangements of other Catholic schools in the area. In this way, the governing body should be able to demonstrate that the selection is reasonable and avoid inadvertent disadvantage of Catholic children not attending the feeder schools.

Social, Medical or Pastoral Need

3.58 Some governing bodies wish to give themselves scope to offer a small number of places to pupils in exceptional circumstances should the need arise. Extreme caution is needed, as such a criterion can easily be seen as lacking in objectivity. Where governing bodies decide to include this criterion, the following factors should be borne in mind.

- The admission arrangements must make it clear what circumstances are envisaged, and what evidence will be needed to demonstrate this.
- Evidence, or claims under this criterion must be made at the time of application. Governing bodies should not accept a case which is put forward retrospectively.
- The needs should be the needs of the child, not the social or domestic convenience of the family.
- The case must be made for a place at the particular school in question not a general need.

3.59 The diocesan model policy allows for priority to be given to a child, where evidence that the child has an exceptional social, medical or pastoral need which can most appropriately be met at the school, has been provided at the time of application. The child will be placed at the top of the criteria under which the application has been made if that particular criteria is oversubscribed. Where the criteria is not oversubscribed the child would, in any event, be offered a place at the school.

Siblings

3.60 Priority for siblings helps bond links between the school and families. It also provides a degree of domestic convenience for parents. However, schools must not operate a 'siblings first' policy where the effect is to admit a non-Catholic sibling thereby denying a place to a Catholic child who may be the first or only child from a Catholic family. For this reason the diocesan model policy allows for priority to be given to siblings who will be placed at the top of the criteria under which the application has been made if that particular criteria is oversubscribed.

APPENDICES

Appendix 1 – Certificate of Catholic Practice: Guidance for Clergy

Bishops' Conference of England and Wales

Certificate of Catholic Practice: Guidance for Clergy

Definition of Practising Catholic for the Purpose of the Certificate of Catholic Practice

General Principles

The Certificate of Catholic Practice is based on the following principles.

- There is to be a single, objective, test for Catholic Practice: whether the child comes from a practising Catholic family.
- It is for a priest to make the judgment whether a child comes from a practising Catholic family.
- The priest should have enough information to allow him to build up a complete picture of the family and its circumstances in order to exercise that judgment.
- The definition of 'practising Catholic' set out in this guidance is for the purposes of Certificate of Catholic Practice only and for no other purpose.

The test for Catholic practice:

- does not impose a higher requirement than the Church itself imposes;
- is capable of being applied consistently by many different priests; and
- is susceptible to proof by reasonable evidence based on observation.

A Catholic child from a practising Catholic family is entitled to a Certificate of Catholic Practice.

The test is based upon Mass attendance, as this is capable of being observed objectively, with a reasonable degree of accuracy. Therefore, **for the purposes of the Certificate of Catholic Practice, a person is a practising Catholic if they observe the Church's precept of attending Mass on Sundays and holidays of obligation** (see *Catechism of the Catholic Church*, paragraphs 2041 - 2042).

The precise nature of this obligation is set out in the Church's canon law. For members of the Latin Church, the relevant canons are canons 1246 – 1248 of the 1983 *Code of Canon Law*. For members of Eastern Catholic churches the equivalent canon is canon 881 of the 1990 *Code of Canons of the Eastern Churches*. In applying these canons, it is important for priests to remember the following:

- children under seven are not bound by these canons¹;
- for numerous reasons, occasional non-attendance may not constitute a breach of the obligation: canon law provides for a range of particular circumstances which excuse or mitigate the obligation².

Priests cannot be expected to be able to recall whether or not each parishioner has attended Mass on every single Sunday or holiday of obligation, nor can they always be expected to know whether or

¹ CJC, c.11; CCEO, c.1490. It is therefore not permissible to attempt to measure the practice of a child below the age of seven, rather than that of the parents.

² The law itself mitigates its effects on those under 16 (18 in the Eastern Catholic churches): CJC, c.1323; CCEO, c.1413. Necessity or grave inconvenience can mitigate the effects of the canon: CJC, c.1323; CCEO, c.1414. These canons admit of substantial observance, that is to say that occasional non-observance does not constitute a violation: CJC, c.17-19; CCEO, c.1499-1501. See also Coriden, J.A., *An Introduction to Canon Law*, p.33, and *Canon Law Digest VI*, 684-5. In the Latin church, parish priests and equivalent, as well as ordinaries, have the power to dispense from the obligations of canons 1246-1248. As well as their own subjects, parish priests or equivalent may also dispense visitors and those with no fixed abode: CJC cc.1245, 91, 87.

not, on a particular occasion, a person is lawfully excused from doing so. On the other hand, it is also clear that fortnightly or monthly attendance does not constitute the practice required by the canons.

For those reasons, priests are advised that, if, by their own observation or other evidence, they can ascertain that a person has an established pattern of attending Mass most Sundays, **and** the practice claimed by that person is not less than is required by the Church, that person should be regarded as a practising Catholic for the purposes of the Certificate of Catholic Practice.

Length of Practice

Priests cannot judge whether a person's pattern of attendance at Mass corresponds to that required by the Church unless it has continued for a substantial period of time. This should always be presumed if the required pattern of attendance has continued for five years or more (or the whole time required by the Church, where this is shorter). On the other hand, priests should enquire very carefully into the circumstances where the pattern of practice has not continued over several years.

Practising Catholic Family

For the purposes of the Certificate of Catholic Practice, a family is normally to be regarded as a practising Catholic family where at least one parent is a practising Catholic and is doing his or her best to hand on the faith to his or her children. This fits with the mission of Catholic schools to assist parents in that task. It is therefore reasonable for that parent to expect the Church to assist him or her in doing so. Sometimes, unusually, a different pattern of practice may be judged by the priest to be equivalent. Examples might be where a grandparent or other relative supplements for the lack of practice of the parents, or where an older child practises despite the lack of practice of the parents. These children, too, deserve the support of the Church in their efforts.

Which priest should complete the form?

The Certificate of Catholic Practice should be given by **the appropriate priest**, who is either:

- The child's own Parish Priest (i.e. the parish priest of the parish in which the child's family lives); or
- the Parish Priest of the Parish where the child's family **fulfils its obligation** (if different).

If the family fulfils its obligation at a church which does not have a parish priest, then the priest who is the equivalent of a parish priest is the appropriate priest (e.g. administrator, ethnic chaplain etc.). If the family fulfils its obligation at more than one church, the appropriate priest is one of the above, who must take into account evidence from the other priest(s) concerned.

Particular Issues

New Parish Priests

New parish priests may need to liaise with their predecessor, where this is possible. Any assistant priests should be consulted, and in some cases it may be necessary to involve other senior members of the parish community.

Claimed Practice not Substantiated

Some priests find it particularly difficult when families insist that they practice, but this is not substantiated by the priest's own observation. In such cases it must be made clear that the onus is on the family to satisfy the priest's own mind that this is the case. The family may call upon evidence from other sources (e.g. priest of another parish which they visit regularly), but you should not issue the Certificate of Catholic Practice unless you are satisfied about the evidence presented to you.

Appendix 2 – Certificate of Catholic Practice



BISHOPS' CONFERENCE OF ENGLAND AND WALES

CERTIFICATE OF CATHOLIC PRACTICE

Details of child (for identification only)

Full name of child: _____

Address of child: _____

Postcode: _____ Date of Birth: _____

I am [the child's parish priest] [the priest in charge of the Church where the family practises]
[delete as applicable]

I hereby certify that this child and his/her family are known to me and, to the best of my knowledge and belief, the child is from a practising Catholic family.

Priest's name _____ Position _____

Parish (or ethnic chaplaincy) _____

Address _____

Telephone _____

Priest's signature _____

Parish stamp or seal

Date _____

Appendix 3 – Supplementary Information Form

DIOCESE OF HEXHAM AND NEWCASTLE
[Insert Name] CATHOLIC [Insert Primary/Secondary etc.] SCHOOL/ACADEMY

SUPPLEMENTARY INFORMATION FORM

20__/20__

[If you are expressing a preference for a place for your child at [insert name of school/academy] in [Insert local authority area] **and wish to apply under a faith criterion**, you should complete this Supplementary Information Form.

- The completed Supplementary Information Form, together with all supporting documentation (see Notes below), should be **returned to [person, address] at the school/academy** by the closing date [insert 15 January [201X] for a primary school/academy or 31 October [201X] for a secondary school/academy].
- If you are applying to more than one Catholic school or academy you will need to complete a separate Supplementary Information Form for each school/academy.
- **If you do not provide the information required in this form and return it to the school/academy, with all supporting documentation, by the closing date, your child may not be placed in the appropriate faith category and this is likely to affect your child's chance of being offered a place.**
- Remember – you **must** also complete the Common Application Form.]

Name of child: _____

Address of child: _____

Parent/Carer Details¹

Parent/Carer Name: _____

Parent/Carer Address: _____

(if different from above) _____

[Please read the relevant school/academy Admission Policy, noting in particular any faith criteria, and your Local Authority booklet, before completing this form.]

NOTE: When completing the Common Application Form, it is important that you provide details of any siblings (brothers or sisters) who will be attending the Catholic school/academy at the proposed time of admission. If this information is not provided the admission authority of the Catholic school/academy may not be able to place the application within the correct criteria.]

¹ This does not require completion where an application is being made by a pupil on their own behalf for entry to year 12.

Religious Status of child (please indicate by placing a tick in the appropriate box – please note that a tick should be indicated in only a single box)²

Criteria	Tick Box	Evidence [insert details in accordance with the Notes below]
1. Catholic with a Certificate of Catholic Practice ³	<input type="checkbox"/>	
2. [Other] Catholic ⁴	<input type="checkbox"/>	
3. Catechumen	<input type="checkbox"/>	
4. Member of an Eastern Christian Church	<input type="checkbox"/>	
5. Member of other Christian denomination	<input type="checkbox"/>	
6. Member of other faith	<input type="checkbox"/>	

Catholic [Parish] [Deanery] in which your child lives:

[The data on this form will only be used within the school/academy admissions system, and will not be divulged to any third party outside the school/academy admissions system in accordance with current Data Protection legislation.]

I confirm that I have read the Admissions Policy of the school and that the information I have provided is correct. I understand that I must notify the school immediately if there is any change to these details and that, should any information I have given prove to be inaccurate, the governing body may withdraw any offer of a place even if the child has already started school.

Signed.....

Date.....

² Schools will need to delete options to tailor the form to match their oversubscription criteria thereby avoiding asking for information which is unnecessary to apply the criteria.

³ See notes in policy on Certificate of Catholic Practice.

⁴ See notes in policy on Catholic children.

Notes

1. Evidence of Catholic Baptism

If application is being made for a place at the school for a Catholic child evidence of Catholic baptism or reception into the Church is required. A certificate of baptism or certificate of reception into the full communion of the Catholic Church should be provided at the same time as this form is returned to the school.

[The Admission Authority may request additional supporting evidence if the written documents that are provided do not clarify the fact that the child was baptised or received into the Catholic Church, e.g. where the name and address of the Church is not on the certificate or where the name of the Church does not state whether it is a Catholic Church or not. Those who have difficulty obtaining written evidence of baptism or reception into the Church should contact their Parish Priest.]

2. Evidence of Catholic Practice

If application is being made for a place at the school for a Catholic child with a Certificate of Catholic Practice, this must be signed by a Catholic priest in the form laid down by the Bishops' Conference of England and Wales. The certificate should be obtained from the family's parish priest, or the priest in charge of the Church where the family practises, and should be provided at the same time as this form is returned to the school.

3. Evidence for Catechumens

If application is being made for a place at the school for a catechumen evidence of their being a member of the catechumenate of a Catholic Church will be required. A certificate of reception into the order of catechumens should be provided at the same time as this form is returned to the school.

4. Evidence of Membership of an Eastern Christian Church

If application is being made for a place at the school for a member of an Eastern Christian Church, including Orthodox Churches, evidence of membership will be required. A certificate of baptism or reception from the authorities of that Church should be provided at the same time as this form is returned to the school.

5. Evidence for Other Christian Denominations and Other Faiths

If application is being made for a place at the school as a member of another Christian denomination or another faith a letter confirming membership of that Christian denomination or faith, and signed by the appropriate minister of religion or faith leader, will be required. The letter should be provided at the same time as this form is returned to the school.

[Checklist:

Have you enclosed?

- Copy of baptism or certificate of reception into the Catholic Church (where applicable).
- Certificate of Catholic practice (where applicable).⁵
- Letter confirming membership of a Christian denomination or other faith (where applicable).⁶

Have you completed and returned your local authority's Common Application Form?]

⁵ Delete where school is not using a criterion requiring practice.

⁶ Delete where school is not using criteria giving priority to members of another Christian denomination or other faith.