

14. Admissions

This chapter explains the legislation relating to school admissions and the responsibilities of the governing body and the LA in each area of admissions law. It provides only basic information on key aspects of school admissions and must be read in conjunction with the School Admissions Code, the School Admissions Appeals Code, the relevant sections of the School Standards and Framework Act 1998 (“the 1998 Act”) and the associated admission regulations and other legislation listed below.

Legislative framework

1. The 1998 Act, together with the regulations listed at the end of this chapter, set out the legislative requirements for school admissions. The School Admissions Code is made under section 84 of the 1998 Act. The Code (July 2013) imposes requirements and gives guidance to LAs and other admission authorities on the law, and on the guiding principles for administering school admissions. All those involved with administering admission arrangements must act in accordance with the statutory School Admissions Code and School Admissions Appeals Code (December 2013).

Responsibility for admissions to school

2. Parents of children between the ages of 5 and 16 must ensure that their children receive suitable full-time education and LAs are responsible for ensuring that parents carry out this duty. A child reaches compulsory school age at the beginning of the term following their fifth birthday. LAs must also ensure that there are sufficient school places for the children in their area and take steps to address any shortfalls.
3. Local authorities are the admission authorities for community schools and voluntary controlled schools (except where the LA has delegated this responsibility to the governing body with their agreement). Governing bodies are the admission authorities for voluntary aided and foundation schools. Admission authorities are responsible for all aspects of school admission, including the determination of admission arrangements and deciding admission applications.
4. The governing body of a foundation or voluntary school may delegate the functions relating to admission arrangements to a committee (but not an individual) that will administer the admission process as determined by the governing body. It is considered good practice to appoint the head teacher to an admissions committee, but head teachers have no individual role in admissions and cannot act in place of the governing body in determining the school’s admission policy, or in deciding on the admission of any individual child.

Consultation on proposed admission arrangements

5. Admission authorities in an area (including governing bodies of community and voluntary controlled schools with delegated responsibility for admissions) must

consult with each other, asking for views and comments on all aspects of their proposed admission arrangements, including admission numbers, before determining the arrangements they intend to use. The School Admissions Code gives details of the bodies with whom admission authorities must consult. All admission authorities are encouraged to establish the views of parents before determining their admission arrangements.

6. Consultation on proposed admission arrangements should take place within “the relevant area” in accordance with the Education (Relevant Areas for Consultation on Admission Arrangements) Regulations 1999. The LA determines the relevant area after appropriate consultation with the other admission authorities in the locality and any neighbouring LAs. There may be more than one relevant area within the boundary of the LA. LAs should consult on and review their relevant areas every two years.
7. LAs are required to consult on admission arrangements every year. A foundation or voluntary aided school (or the governing body of a community or voluntary controlled school with delegated responsibility for admissions) is only required to consult every third year if:
 - the governing body is proposing the same admission arrangements as determined within the previous two determination years; and
 - no objection has been made to the Welsh Ministers about the admission arrangements proposed by the governing body in any of the preceding five years.
8. Consultation on admission arrangements for each maintained school must take place between 1 September and 1 March of the school year which begins two years before the school year in which the arrangements are to apply. After this, admission authorities must determine their admission arrangements by 15 April.

Notification and publication of information

9. An admission authority must send written notification, within 14 days of determining its admission arrangements, to all those with whom it was required to consult. Where the admission authority has determined an admission number for a relevant age group which is lower than the current indicated number for that age group or where admission arrangements provide for partial selection of pupils by ability, these must be published in a local newspaper within 14 days of the determination. The details published must include an explanation of parents’ right to object to the Welsh Ministers about such selection arrangements or lower admission number. The admission authority should consult parents and other interested parties about the intention to determine a lower number.

Objection to admission arrangements

10. Consultees who wish to object to the determined admission arrangements must do so in writing to the Welsh Ministers within six weeks of the date on which they were notified that the arrangements had been determined. The governing body of

a foundation or voluntary aided school can object to the Welsh Ministers about any aspect of the admission arrangements of other admission authorities within their own relevant consultation area, provided that the objection does not seek an alteration to the admission arrangements which can be made only by way of publishing statutory proposals (for example, the introduction of pupil banding or single sex admission). The governing bodies of community and voluntary controlled schools may not object to the admission arrangements of other schools that are their own admission authority within the relevant consultation area unless the community or voluntary controlled school have delegated authority for admissions arrangements. They may object to the Welsh Ministers about the admission number determined by the LA for their school, but not to any other aspect of the LA's admission arrangements for community and voluntary controlled schools.

11. The Welsh Ministers may also hear objections from parents who are eligible to object (see paragraph 2.18 of the School Admissions Code) to a proposed admission number for any year group which is set lower than that indicated by the capacity assessment method set out in the guidance document, Measuring the capacity of schools in Wales (see paragraph 2.17 of the School Admissions Code).

Informing parents: publication of admission arrangements

12. Each LA must publish an annual composite prospectus which sets out the determined admission arrangements (including a timetable for the admissions process which sets out the relevant dates for the receipt and determination of applications and receipt of appeals) for every maintained school within its area and ensure that up to date arrangements are included. This prospectus must be published by 1 October in the school year immediately preceding the school year to which the admission arrangements will apply or no later than six weeks before the date by which parents may express a preference. Admission authorities other than LAs must ensure that they supply their relevant LA with a copy of their admission arrangements by 1 June to allow the LA to comply with these publication requirements.

Variation to determined admission arrangements

13. Once admission arrangements have been determined for an academic year they may only be varied in certain circumstances as set out in paragraph 2.20 of the School Admissions Code.

Parental preference

14. LAs have a specific duty to make arrangements enabling parents to express a preference for the school they would like their child to attend and to give reasons for that preference. LAs and the governing bodies of all schools must comply with an expressed preference unless certain specified circumstances apply. In most cases, where preferences are refused it is because the school is full, or, in legal terms, because complying with the preference would prejudice the provision of

efficient education or the efficient use of resources (which includes circumstances where to admit would be incompatible with the duty to meet class-size limits).

15. Other circumstances in which LAs and governing bodies can refuse to comply with an expressed preference are where:

- the child has been permanently excluded from two or more schools; and the latest exclusion took place within the preceding two years; or
- the arrangements for admission are based wholly on ability or aptitude and compliance with the parental preference would therefore not be feasible.

If the expressed preference is for a school which has a religious character, the admission authority is unable to refuse admission simply because the parent does not meet their denominational criteria if there are places available at the school.

Common date of return and common offer dates

16. In order to ensure consistency between admission authorities and avoid confusion on the part of parents, all admission authorities in a local authority area must have a common date of return for primary applications and secondary applications for the normal year of entry. Different common dates for the return of applications may be agreed for primary and secondary applications. Admission authorities should consult neighbouring authorities through their admission forum to agree common dates for return of application forms.

17. Admission authorities must ensure that offer letters for secondary school applications are made on the prescribed Secondary Offer Day of 1 March or the next working day and the prescribed Primary Offer Day 16 April or the next working day.

The full timetable and procedures for school admissions are set out in the School Admissions Code and the relevant regulations.

Offer Year	
1 October and not later than six weeks before closing date	Deadline for admissions authority to publish a composite prospectus
February	Deadline for admission authorities to publish their Appeals timetables on their websites.
1 March or next working day	National offer day for secondary school places
16 April or next working day	National offer day for primary school places

Admission forums

18. All LAs must have an Admission Forum. Core members of the Forum include members and/or officers of the LA, representatives of community and voluntary controlled schools, representatives of voluntary aided and foundation schools,

parent governor representatives and those nominated by the relevant Church in Wales and Catholic dioceses. In addition the core members may nominate other members who represent the interests of any section of the local community.

19. Admission Forums have a key role in ensuring a fair admissions system. Forums allow admission authorities and other key interested parties to get together to discuss the effectiveness of local admission arrangements, seek agreements on how to deal with difficult admission issues and advise admission authorities on ways in which their arrangements can be improved. Their tasks include considering existing and proposed admission arrangements and how well they serve the interests of local parents and children, suggesting improvements to admissions processes where appropriate. They should also review the comprehensiveness and accessibility of guidance for parents. Forums must act in accordance with the Code and admission authorities must have regard to any advice offered by the Forum.
20. Forums are also responsible for seeking to promote agreements on arrangements for dealing with a range of difficult issues, including how to ensure that potentially vulnerable children or those arriving outside the normal admission round are effectively provided for in admission arrangements.

Looked-after children (LAC) and previously looked after children

21. Admission authorities must give first priority in their oversubscription criteria to looked-after children (LAC) in accordance with the Education (Admissions of Looked after Children (Wales) Regulations 2009 and previously looked after children in accordance with the School Admissions Code. There are some permitted exceptions to this:
 - Admission authorities for schools with a designated religious character (faith schools) may give first priority to all LAC and previously LAC, whether or not of the faith. As a minimum they must give priority to LAC and previously LAC of their faith above any other children of their faith, then to LAC and previously LAC not of their faith ahead of others not of their faith.
 - Schools which select by pupil banding must give first priority to LAC or previously LAC within each band over other children eligible for a place in that band.
22. Outside the normal admissions round, the Education (Admission of Looked after Children) (Wales) Regulations 2009 place a duty on admission authorities to admit looked after children where an application for admission is made by the corporate parent on their behalf. However, before making an application, the corporate parent (i.e. the Welsh LA responsible for looking after the child) must consult with the relevant admissions authority (and in the case of a looked after child permanently excluded from two or more schools, the governing body of the relevant community or voluntary controlled school) and make every effort to ensure the appropriateness of the named school in the light of the child's background and needs.

Infant class sizes

23. Subject to certain limited exceptions, infant classes (i.e. classes where the majority of pupils reach the age of 5, 6 or 7 during the academic year) may not contain more than 30 pupils with a single teacher. Admission authorities may refuse to admit a child on the grounds that to do so would cause “class size prejudice”. Class size prejudice arises where, if the child were admitted to the school, the admission authority could only comply with the infant class size legislation by taking qualifying measures, i.e. building an extra classroom and/or employing an additional teacher. However, in relation to the normal year of entry (i.e. Reception year) such prejudice cannot be said to arise unless the school’s admission number would be exceeded. In relation to years 1 and 2 admission authorities should not normally refuse admission on the grounds of class size prejudice unless the school’s admission number would be exceeded.

Admission numbers

24. A school must have an admission number for each “relevant” age group. A relevant age group is defined in law as “an age group in which pupils are or will normally be admitted to the school in question”. It may be necessary for some schools to have more than one admission number. For example, where a secondary school operates a sixth form and admits other pupils from other schools at age 16, an admission number will be required for Year 12 as well as for year 7. Admission numbers must refer in each case to pupils to be admitted to the school for the first time. They should not include pupils transferring from earlier age groups. The one exception is in the case of a primary school making nursery provision, where the admission number will be the number of all children to be admitted to the Reception Year, as children do not automatically transfer from nursery to reception if the school is oversubscribed.

25. Admission authorities are responsible for determining admissions numbers following local consultation on admission arrangements. Admission numbers should be set with regard to the capacity assessment for the school. The capacity of the school is the number of pupil places available. This is calculated by the assessment method set out in guidance document, Measuring the capacity of schools in Wales. Pupils should not be admitted above the published number unless exceptional circumstances apply.

26. An admission authority can determine an admission number for a relevant age group lower than that indicated by the capacity formula, but if they do so, they must publish information for parents who may object to this lower number.

Admission appeals

27. Admission authorities are required to establish independent appeal panels; parents have a right to appeal to such a panel against refusal of admission to a school. For applications for a place in a school’s sixth form, both the parent and the young person have the right of appeal against refusal of a place.

28. In the case of foundation and voluntary aided schools the duty to establish an appeal panel falls on the governing body as the admission authority. For community and voluntary controlled schools it is the responsibility of the LA, even where the governing body has delegated responsibility for admissions. Although the governors of foundation and voluntary aided schools are responsible for establishing admission appeal panels, the panel membership is independent from the school's governing body that made the original decision to refuse a place, as well as from the LA which maintains the school.
29. Where a panel finds in favour of the parent the decision is binding on the admission authority. Where the admission authority is the LA it is also binding on the governing body of the school concerned.
30. The Education (Admission Appeals Arrangements) (Wales) Regulations 2005 specify how panels should be constituted and set out an admission authority's duty to advertise for lay members at least every three years. Details of appeal arrangements are set out in the School Admission Appeals Code.
31. The governors of foundation and voluntary aided schools can make joint appeal arrangements with their LA and with other such schools. Recruitment and training of appeal panel members is the responsibility of the admission authority.
32. The governing body of a community or voluntary controlled school has the right of appeal against an LA decision to admit a child to its school who has been twice permanently excluded in a two-year period beginning on the date on which the latest of these exclusions took place. Further guidance on these appeals is set out in the Appeals Code.

Waiting lists

33. Admission authorities are required to maintain a waiting list for oversubscribed schools, details of which are set out in the School Admissions Code. Places which become available must be offered to those on the waiting list in line with the school's published admission arrangements. If new applicants have a higher priority under the oversubscription criteria, they should be ranked higher than those who have been on the list for some time. Placing a child's name on a waiting list does not affect the parent's right of appeal against an unsuccessful application.

Selection

34. The School Standards and Framework Act 1998 prevents the introduction of new academic selection except in the limited circumstances of sixth forms and to introduce fair banding arrangements.

Nursery admissions

35. The legislation that applies in relation to admissions to primary and secondary schools generally does not apply to nursery schools or to children admitted to the nursery class of a maintained school. However, amendments made by the

Education Act 2002 clarify that the governing body is responsible for taking decisions about admissions to the nursery class in the case of foundation and voluntary aided schools, and in those community and voluntary controlled schools with delegated responsibility for admissions. The LA is responsible for deciding admissions to nursery classes in other community and voluntary controlled schools.

36. The admission authority should determine separate admission arrangements for the nursery class. A place in a nursery class does not guarantee admission to the reception class. The infant class size limit applies only to classes at maintained schools containing pupils of whom the majority will attain the ages of five, six and seven during the course of the school year. Therefore, the infant class size limit does not apply to nursery classes where the majority of pupils attending that class are below this age.

The Law

[Children Act 1989](#)

[Designation of Schools Having a Religious Character \(Wales\) Order 2014](#)

[Education Act 1996](#)

[Education Act 2002](#)

[Education and Inspections Act 2006](#)

[Education \(Admission Appeals Arrangements\) \(Wales\) Regulations 2005](#)

[Education \(Admission of Looked After Children\) \(Wales\) Regulations 2009](#)

[Education \(Relevant Areas for Consultation on Admission Arrangements\)](#)

[Regulations 1999](#)

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

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

[School Admissions \(Infant Class Size\) \(Wales\) Regulations 2013](#)

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

[School Teachers' Qualifications \(Wales\) Regulations 2012](#)

[Education \(Start of Compulsory School Age\) Order 1998](#)

[Equality Act 2010](#)

[Government of Maintained Schools \(Wales\) Regulations 2005](#)

[Human Rights Act 1998](#)

[New School \(Admissions\) \(Wales\) Regulations 2006](#)

[Placement of Children \(Wales\) Regulations 2007](#)

[School Admissions \(Common Offer Date\) \(Wales\) Regulations 2013](#)

[School Admissions \(Variation of Admission Arrangements\) \(Wales\) Regulations](#)

[2013](#)

[School Information \(Wales\) Regulations 2011](#)

[School Standards and Framework Act 1998](#)

Guidance

Key documents providing more detailed guidance on admission arrangements include:

[School admissions code](#)

[School admission appeals code](#)

[Measuring the capacity of schools in Wales: guidance](#)