Subject: **OPEN ENROLMENT IN PRIMARY SCHOOLS**	**Circular Number: 2026/20** **Date of Issue:** **13 October 2026**
Target Audience: • Principals and Boards of Governors of all Grant-aided Primary Schools; Nursery Schools and Preparatory Departments of Grammar Schools; • Education Authority; and • The Council for Catholic Maintained Schools (CCMS).	**Governor Awareness:** Essential
Summary of Contents: This Circular sets out the arrangements for the admission of pupils to grant-aided primary schools under open enrolment and will apply until further notice. The admissions timetable is updated and issued annually as a separate circular.	**Status of Contents:** Advice for Principals and Boards of Governors **Related Documents:** Circular 2011/01 (Class Sizes) Circular 1990/27 (Compulsory School Age) Circular 2013/24 (Duty to Verify) Circular 2012/10 (Waiting Lists) Circular 2026/03 (Temporary Variations) **Superseded Documents:** Circular 2025/13 **Expiry Date:** Not Applicable
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OPEN ENROLMENT IN PRIMARY SCHOOLS

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1. INTRODUCTION

1.1 **Part III of the Education (Northern Ireland) Order 1997** sets out the statutory requirements for the admission of pupils to grant-aided primary schools under open enrolment. This circular reflects the statutory position for the admission of pupils to grant-aided primary schools under open enrolment until further notice. The admissions timetable is updated and issued as a separate circular on an annual basis.

1.2 It is important to note that schools may have a duty to verify information contained within admission applications if they are to ensure the correct application of their admissions criteria. For further advice and information on the duty to verify, this circular should 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.

2. SUMMARY OF MAIN POINTS

2.1 The main roles and responsibilities in relation to open enrolment in primary schools are set out below:

- the **Department of Education** (the Department) determines maximum enrolment and admissions numbers for each school.

- the **Education Authority** (EA) make arrangements to enable parents to express their preference as to the grant-aided primary school they wish their children to attend.

- **Parents** have the right to:
  - express their preference as to the primary school they wish their children to attend; and,
  - appeal, to an independent appeal tribunal, **only** if they consider that a school has not applied its admissions criteria or has not applied them correctly.

- **Schools** are required to:
  - admit pupils up to their admissions number, even if, in doing so would cause the overall enrolment number to be exceeded;
  - comply with a preference expressed by a parent for admission of a child to a year group (other than one to which the admissions number refers) if the school's enrolment number has not been reached, unless in doing so to do so would prejudice the efficient use of resources;
  - publish the criteria they will use to select pupils in the event of their being over-subscribed. These criteria must be capable of selecting pupils down to the last available place;
  - give priority to Northern Ireland residents;
  - consider their waiting list policy; and,

- verify “qualifying information” contained within applications if, at the point of applying the admission criteria, it has “general knowledge or belief” that the information provided may be false.

3. APPLICATION OF CIRCULAR

3.1 The arrangements set out in this Circular will apply to admissions to primary schools for all future years until further notice. They will apply to the admissions of children who have not attained the lower limit of compulsory school age as well as to those who have, and to the admission of children who are already enrolled in an approved nursery class at a school.

3.2 These arrangements **do not** apply to admissions to nursery schools, pre-school settings, nursery classes in primary schools (in some cases referred to as a nursery unit or wing), or to preparatory departments of grammar schools. See section 7 in relation to the admission of children below compulsory school age including those to reception classes.

4. THE ROLE OF THE DEPARTMENT

The Legal Position

4.1 **Articles 10, 11 and 12 of The Education (Northern Ireland) Order 1997** require the Department to determine an enrolment number and an admissions number respectively for each primary school, in consultation with Boards of Governors and having also considered any representations made by the Council for Catholic Maintained Schools (CCMS) and the EA in relation to all schools in their area.

4.2 In determining the enrolment number for a school, the Department is required to have regard to:

- the requirements as to school premises under **Article 18 of the Education and Libraries (Northern Ireland) Order 1986** (as amended); and,
- the accommodation available for use by pupils at the school.

4.3 In determining the admissions number of a school, the Department is required to have regard to:

- the requirements of **Article 18 of the 1986 Order** (as amended);
- the requirements of **Article 16 of the 1998 Order**; and
- the school’s enrolment number.

Definitions

4.4 A **school’s enrolment number** = the **maximum number** of pupils which may be enrolled in any school year.

A **school's admissions number** = the **maximum number** of pupils which may be admitted in any one school year in the normal age group for the admission of pupils to the school.

4.5 Schools may not exceed their enrolment or admissions numbers **without the specific approval** of the Department, unless it is to admit a child:

- for whom the EA is maintaining a statement of special educational needs;
- who is the subject of a school attendance order;
- where a direction has been made under **Article 42 of the Education (Northern Ireland) Order 1996** to admit a child to a specified school; or
- in compliance with the findings of an Appeal Tribunal.

4.6 It continues to be a matter for school Principals to determine the number of pupils in each class in the school, taking account of the accommodation available, the needs of the pupils, the deployment of teaching staff and the class size policy at Foundation Stage and Key Stage 1.

Determining the Admissions Number

4.7 A school's admissions number will normally be determined by dividing the approved enrolment number by the number of year groups of children of compulsory school age in the school. For most primary schools the number of year groups in the school will be 7, but, where the school is an infant or junior school, the year groups will be 3 and 4 respectively. Where appropriate, the Department may adjust a school's admissions number to facilitate the implementation of the class size policy.

4.8 The admissions number may be less than the enrolment number divided by the number of year groups because the Department has capped the admissions number to facilitate the implementation of the class sizes policy. If a school considers that this cap should be lifted, the Principal should write to the Department setting out the reasoning for the request and providing evidence regarding how the class size policy would continue to be facilitated by the school in the event of the school being granted a new, higher, admissions number. The Department will consider each of these requests on its own merits and will take into consideration the overall provision in the sector in the area before reaching a decision.

Consultation on Enrolment and Admissions Numbers

4.9 The Department will consider representations from Boards of Governors regarding their enrolment and admissions numbers together with any representations from the EA and CCMS. Schools should note, however, that any permanent, **significant** change to the admissions and/or enrolment numbers of a school can only be implemented following the approval of a Development Proposal to this effect. It is important to note that the Department will not make any changes to a school's admissions or enrolment numbers once the approved figures for that specific year are published. Any request should therefore be forwarded to the Department before 30 September in any year to ensure the Department has sufficient time to consider and consult on the request before information is published.

Temporary Variation of Enrolment and Admissions Numbers – Pre-approved temporary increases

4.10 Schools whose actual enrolment numbers have remained within the approved enrolment set by the Department in previous school years, may be permitted to admit a small number of additional pupils by way of a pre- approved variation to the school's admissions number. The upper limit of this number will be specified by the Department and should be used at the school in the event of oversubscription. The school is under no obligation to use the variation and can admit pupils up to the usual approved admissions number only, if this is more practicable.

4.11 A school can only use the pre-approved variation **if the admission of the additional pupils does not cause the school to exceed the approved enrolment number.**

4.12 In these cases, the Department enables schools to exceed their approved admissions number as follows:

Enrolment number	Permitted maximum % increase to admissions number
0-42	50%
43-70	30%
71-140	20%
141-350	10%

Schools with an enrolment number of more than 350 will be able to admit above their admissions number, in any one year by up to a maximum of 5 pupils, without requiring the Department's approval.

4.13 If a school has the Department's permission to use such a variation it will be clearly expressed in the Department's letter to the school setting the approved admission and enrolment numbers. **Schools which have not been granted the Department's prior permission in this way cannot use this facility.**

Temporary Variation of Enrolment and Admissions Numbers – Pre-approved Temporary Variations on a case-by-case basis

4.14 Where a school wishes to exceed the approved admissions or enrolment numbers, (or the upper limit of the variation permitted by the Department as set out in paragraphs 4.10-4.13), it must seek the Department's prior approval by way of a temporary variation.

4.15 In seeking such approval, the Board of Governors should follow the process set out in the Department's circular number 2026/03 'Admissions and Enrolment Numbers – Temporary Variation Requests'.

4.16 When considering whether a temporary variation should be sought the school must be prepared to sign a declaration that the additional pupils can be safely accommodated within existing accommodation and be able to ensure that the pupils already attending the school will not be disadvantaged in terms of accommodation.

The school must also confirm that if approval to an increase is granted, all classes in Foundation Stage and Key Stage 1 will comply with the class sizes policy. If this is not possible the school must state that a class size exception is required. The Department will then deal with this request as set out in paragraph 4.29.

Unauthorised Admissions

4.17 Exceeding the 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, EA and the Boards of Governors of schools must act accordingly. To this end schools **must not**:

- admit any pupil or pupils 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; and,
- 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. See also paragraphs 4.20-4.24.

4.18 Regardless of pressure placed upon the school by parents, political representatives or any other person, the Board of Governors, being the admissions authority for the school, will have acted unlawfully if excess pupils are admitted by the school without the prior approval of the Department. Such admissions affect the other schools in the same sector in a given area to which the pupil or pupils would have been admitted and this is often the reason why the Department has not granted a temporary variation for the pupil or pupils in question in the first instance. As such if a school is found to have acted unlawfully in this way the Department will take this action extremely seriously and will act accordingly.

4.19 Action could be taken including, but not limited to:

- ensuring that the excess pupil or pupils are weighted 'zero' for Local Management of Schools (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 a reduced admissions number for future years to bring the school's actual enrolment back in line with the approved enrolment where the two differ; and,
- directing the school not to admit the excess pupil or pupils. This direction would fall under **Article 101 of the Education and Libraries (Northern Ireland) 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

4.20 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.

4.21 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.

4.22 The 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.

4.23 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.

4.24 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.

Oversubscribed Schools

4.25 The area planning process will identify area-based need for an increased number of places in a geographical area or sector and will also specify how these places should be provided. This may be through a new school or through increasing the capacity of existing schools. Any **significant** change will require the publication and approval of a Development Proposal. If approved these proposals will then progress through the normal capital investment process within available funding. This managed approach is the **only** way in which a school can grow to meet demand. This, along with the Department's power to grant temporary variations to approved numbers where there is a shortage of places in a particular sector in an area in any given year, will ensure that every pupil is admitted to a school in their chosen sector. **There is no need, therefore, for schools to respond to demand by acting unlawfully**.

Class Size Policy

4.26 The Government's policy is that all classes in Foundation and Key Stage 1 (years 1-4) are limited to a maximum of 30 pupils. Schools are required to comply with the statutory limit, subject to any exceptions approved by the EA. Circular 2011/01, which issued in February 2011, reminded schools of their statutory responsibility, and explained in what circumstances a school might be eligible for additional funding to ensure implementation.

4.27 The EA can permit exceptions to the statutory limit. The circumstances where exceptions to the statutory limit are tightly constrained, e.g., where a child is admitted to a school following the decision of an Admissions Independent Appeal Tribunal, or where compliance with the class size policy would lead to unreasonable expenditure.

4.28 The policy applies to the Foundation Stage and Key Stage 1 (years 1-4) and the Department will continue to monitor class sizes to ensure that all primary schools continue to meet the requirements of the policy.

4.29 If a school enrols a class of more than 30 pupils in the Foundation Stage and Key Stage 1 in any given year without the EA approval to an exception, consideration may have to be given to zero rating such extra pupils for LMS purposes.

4.30 Schools should also note that where the admission of a pupil or pupils will cause the school to exceed both the Class Size Policy and the approved admissions and/or enrolment numbers of the school a school will require **both** a class size exception from the EA **and** a temporary variation to the admissions/enrolment number from the Department (School Admissions Team). In these cases, the school should write to School Admissions Team in the Department stating that they require both a temporary variation and a class size exception. The Department will consider the temporary variation request under its normal policy and if it decides to grant a temporary variation the Department will consult with the EA regarding whether a class size exception will be granted. The Department will inform the school in question as to the results of both the temporary variation request and the class size

exception. Only in the case of both a class size exception and a temporary variation being granted should a school admit such an excess pupil.

4.31 Where a school requires a class size exception **only**, they should continue to write to the class size exception officer in the EA directly.

Deferral of School Starting Age

4.32 The **School Age (Northern Ireland) Act 2022** became law on 28 April 2022. This legislation allows flexibility for "young for year" children to defer starting primary school (and pre-school) by 12 months.

4.33 The right to deferral applies to children born between 1 April–1 July (inclusive) and to children who were due to be born on or between those dates but were born early. The option to defer is entirely a matter of parental choice and is in no way mandatory.

4.34 All children, regardless of whether they defer or not, will continue to be eligible to receive 12 years of compulsory education.

4.35 The EA will provide guidance to parents considering deferral for their child, including how to make a deferral request.

4.36 **The following children will be eligible to apply for Year 1 in September 2027**:

- **Children born on or between 1 April 2022 and 1 July 2022** (inclusive) and children born before **1 April 2022** but with a due date on or after **1 April 2022** whose parents deferred their admission to primary school in **September 2026.**

  These children will have deferred entry from September 2026 and are eligible to apply for Year 1 in September 2027. It is essential that primary schools are advised to include them in their eligibility criteria in the same manner as all other eligible children applying for Year 1. They should be treated in the same manner as all other Year 1 applicants.

- **Children born on or between 2 July 2022 and 31 March 2023** (inclusive and whose due date was not after **1 April 2023**)

  These children are not eligible to defer entry to Year 1 and should apply for Year 1 admissions.

- **Children born on or between 1 April 2023 and 1 July 2023** (inclusive), and children born before **1 April 2023** but with a due date on or after **1 April 2023.** Parents of these children can apply for Year 1 or they may decide to defer and apply for pre-school. They are not permitted to apply for both a pre-school and Year 1 place.

4.37 Once a child has commenced P1 a parent cannot subsequently opt to defer their admission.

5. THE ROLE OF THE EDUCATION AUTHORITY

Parental Preference

5.1 **Article 9 of The Education (Northern Ireland) Order 1997** requires the EA to make arrangements for parents to express, in order of preference, the primary school in which they wish education to be provided for their child and to give reasons for these preferences. It also provides that a parent making an application for admission direct to a school shall be regarded as having expressed a preference for that school in accordance with EA arrangements.

Applications

5.2 It is recommended that all parents seeking a place for their child provide all relevant information requested by the schools for which they have expressed a preference. In addition to information such as name (as given on the birth certificate), date of birth, address, brother/sister already attending, parents should nominate **at least 4 preferences** for schools. This is particularly important when applying to schools in areas where known pressures exist. While open enrolment allows parents to express their preference for a particular school, no child can be guaranteed a place. It is important therefore that parents provide alternative preferences if possible. The EA has designed a standard application where relevant information can be included, and any school to which a child's application for admission is referred, will be able to consider the application against the school's admissions criteria.

Publication of Information

5.3 **Article 17 of The Education (Northern Ireland) Order 1997** requires the EA to publish particulars of the arrangements:

- for the expression of parental preferences
- for the admission of pupils to schools in their areas; and,
- for enabling parents to appeal against admissions decisions.

5.4 **The Education (School Information and Prospectus) Regulations (Northern Ireland) 2003** also require the EA to publish, in relation to each school in its area, particulars of:

- 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 the principal in relation to admissions to the school; and,
- the criteria for admission to the school.

5.5 **The Education (School Information and Prospectus) Regulations (Northern Ireland) 2003** requires the Board of Governors or the relevant authority on their behalf to publish, in relation to each school in its area, particulars of:

- the number of applications received, and the number of places approved in respect of the school year in which the prospectus is published and in each of the previous two school years; and,
- the number of pupils admitted to the school in each of those three years.

5.6 This information will be published online by the EA at www.eani.org.uk 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. A hard copy of a school's admissions criteria will also be provided to parents on request (by either the EA or the school).

Administration

5.7 In order to allow parents time to consider their preferences, the general information about the open enrolment arrangements and the information about individual schools must be published not later than 6 weeks before the date up to which parents may express a preference for a school.

5.8 Whilst EA will provide a central processing system for applications to all primary schools it must be emphasised, that actual admissions decisions remain the responsibility of individual schools.

5.9 Applications will include a declaration that no other application for admission to a grant-aided school has been made in respect of the child.

Appeals

5.10 **Article 15 of The Education (Northern Ireland) Order 1997** requires the EA to make arrangements which enable parents to appeal if they are dissatisfied with an admissions decision. The appeal will be to an Independent Appeal Tribunal constituted by the EA in accordance with the **School Admissions (Appeal Tribunals) Regulations (Northern Ireland) 1998 (SR 1998 No 115)**.

5.11 The EA should publish details of the arrangements for appeals against admissions decisions made by schools. Parents may appeal to a tribunal a decision refusing their child admission to a school **only** on the grounds that the Board of Governors, by or on whose behalf the decision was made, did not apply, or did not correctly apply, its published admissions criteria.

5.12 Where children are not admitted to the school of their parents' first or subsequent preferences, the EA should advise parents about other schools in which places are available. This, however, does not affect parents' statutory right of appeal.

5.13 Decisions of Independent Appeal Tribunals are binding on all parties and consequently, in respect of a successful appeal, pupils will be admitted to a school in compliance with a direction given by an Independent Appeal Tribunal, even if this leads the school to exceed its admissions and/or enrolment numbers.

5.14 Where a school loses admission appeal cases and must admit in excess of its approved admissions and enrolment numbers, it is important that the school reviews its admissions criteria and the process for applying them. If a school does not address the issue to resolve the problem, the Department will consider using sanctions against the school. These could include but are not restricted to; ensuring that the excess pupil or pupils are weighted 'zero' for LMS purposes for at least one academic year up to and including all the academic years for which the pupils attend the school in question and setting a reduced admissions number for future years to bring the school's actual enrolment back in line with the approved enrolment where the two differ.

6. THE ROLE OF THE SCHOOL

Admissions Criteria

6.1 Admissions criteria must be in place to ensure that the Board of Governors can select pupils for admission to a school if it is over-subscribed with applications. It is essential that criteria can distinguish between applicants to the last available place. The Department will not grant a school any additional places to allow a school to admit additional pupils to avoid a high number of successful appeals due to a malfunction of the school's admission criteria, including for instance, where criteria has not been able to distinguish between applicants to the last available place. The Department will investigate the case of any school with a high number of successful appeals and will act accordingly. Boards of Governors should also be aware that as Open Enrolment Policy seeks to maximise the system's ability to meet a parent's preference for a particular sector, criteria which reflect the order of a parent's preferences, for instance so-called 'first preference' criteria, are not recommended.

6.2 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 has 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**.

6.3 Responsibility for drawing up criteria rests with the Board of Governors, who must consider:

- in all schools, any representations made by the EA; and,
- in the case of a Catholic maintained school, any representations made by the CCMS.

6.4 A school's Board of Governors will need to ensure that their admissions criteria are available in sufficient time for the EA to publish them as outlined under paragraphs 5.3-5.6.

6.5 Where a Board of Governors proposes to make a significant change to a long-standing aspect of its admissions criteria, it should consider how prospective parents will be made aware of that change in advance of, or alongside, publication of the criteria. This is particularly important where previous practice may have led parents to form an expectation about how applications would be prioritised. Boards of Governors should ensure that any such change is clearly reflected in the published criteria and communicated in a way that supports transparency and informed parental preference.

6.6 **The Primary School (Admissions Criteria) Regulations (Northern Ireland) 1997** apply to the admissions criteria used by primary schools. These regulations require that:

The admissions criteria **shall** include:

- the order of priority in which pupils shall be admitted to the school where the school is over-subscribed;
- provision to give priority to children who will have attained compulsory school age at the time of their proposed admission, including those children born on or between 1 April 2022 and 1 July 2022 (inclusive) and children born before 1 April 2022 but with a due date on or after 1 April 2022 whose parents deferred their admission to primary school in September 2026; and,
- provision to give priority to children resident in Northern Ireland at the time of their proposed admission to the school before those who are not so resident.

The admissions criteria **shall not** include:

- provision for the selection of pupils by reference to ability or aptitude; and,
- the performance of any pupil in a test or examination held by, or on behalf of, the Board of Governors.

6.7 In addition, the Department would strongly recommend that primary schools do not use the following criteria:

- Attendance at a specified nursery/preschool setting;

- Order of parental preference. Schools should not use a criterion which gives priority on the basis that a family has identified it as a first preference. **Use of these so-called 'first preference' criteria limits the proper operation of parental preference**;
- Distance tie-breakers – as they disadvantage rural/outlying applicants;
- Familial criteria beyond sibling currently attending the school; and,
- Criteria prioritising children of employees/governors of a school.

6.8 Boards of Governors have a legal duty, as set out at **Article 16B of the Education (Northern Ireland) Order 1997**, to 'have regard to' the Department's guidance on school admissions processes. During a Judicial Review hearing in 2021, where the applicant challenged the decision of a school to set criteria that deviated from the Department's advice, the Court took the view that the phrase "to have regard to" meant that the school must "engage with and give real weight to the guidance" and "should only depart from the guidance on the basis of cogent and reasoned justification".

6.9 Boards of Governors should carefully consider the content of their admissions criteria and where guidance is not being followed the reasons for this should be clearly recorded (e.g., in the relevant Board of Governors minutes). If a school fails to follow guidance or "have regard to" the guidance and does not have sufficient reason for doing so the school may not be indemnified, whether through the Education Authority or an insurance policy that the school may have if legal proceedings are initiated against the school.

6.10 The following criteria are recommended:

- applicants who have a sibling currently attending the school;
- applicants residing in a named Parish (with nearest suitable school);
- applicants residing in a geographically defined area (with nearest suitable school), Boards of Governors must ensure that the boundary lines of the Catchment area are clear and a map of the Catchment area available for parents. **(See Annex 1 Geographically defined/catchment area);**
- applicants who are a Child Looked After;
- applicants for whom the school is the nearest suitable school; and
- a tie breaker to distinguish applicants to the last available place.

6.11 The Department no longer specifically recommends the use of an eldest child criterion, and it should be noted that to obtain proof of eldest child may incur a charge to parents. Where a Board of Governors wishes to use such a criterion, they are advised to consider carefully how it is constructed and clearly list what verification is required. Advice on the issues to consider when formulating an eldest child criterion is also included at Annex 1.

6.12 Since the application of a school's admissions criteria is the key factor in an Independent Appeal Tribunal's consideration of a parent's appeal against an admissions decision, it is essential that the admissions criteria:

- are listed in priority order;
- are objective;
- are capable of verification; and,
- are capable of distinguishing between pupils down to the last available place.

6.13 Boards of Governors should ensure that there is an objective basis on which such decisions can be taken. If there are a number of pupils who have an equal claim to a place on other grounds, then an objective criterion – such as random selection of letters – should be used as a simple and effective tie-breaker. Other recommended tie-breaker methods are detailed in Annex 2. Where the geographical location of the child's home relative to the school must be ascertained, the school should declare by what means the calculation will be measured, for example by Google Maps as walking distance. Boards of Governors should endeavour, where the means of calculation is not publicly available, to make it available to parents.

6.14 It is important to note that schools may have a duty to verify information contained within admission applications if they are to ensure the correct application of their admissions criteria. For further advice and information on the duty to verify, this circular should be read in conjunction with Circular 2013/24 as revised which advises principals and Boards of Governors on the duty to verify information contained within applications for admission.

6.15 Taking due regard of the guidance outlined in this Circular, all Admissions Criteria drawn up **must** be clear, concise and **must** be applied literally as published according to the wording in order to select pupils down to the last available place. It is the literal content of the criteria which parents of applicant pupils absorb and on which they assess how their child may meet the Admissions Criteria as published. The introduction of any variation to the Admission Criteria as published, even if considered to be reasonable for administrative purposes, may be construed as an incorrect application of criteria and therefore open to challenge by an Admissions Appeal Tribunal. This guidance is also applicable in relation to the literal application of any distance measurement tool or random selection a Board of Governors decides to publish in their Admissions Criteria and use if oversubscribed with applications for available places.

Determination of Criteria

6.16 The Board of Governors of the school must carefully consider what circumstances it wishes to prioritise within its admissions criteria before setting the criteria rather than relying on receiving additional places to rectify the situation after such pupils have already been unsuccessful in gaining a place. If a set of circumstances are sufficiently important for the Board of Governors to request additional places from the Department at a late stage in the process, for instance, then they are sufficiently important to prioritise through the initial setting of the school's criteria. Careful consideration of the criteria is the school's best method for ensuring that pupils, in

the circumstances the Board of Governors has identified as a priority, gain admission to the school. The Department's power to vary numbers, primarily to ensure that there is a place for every child in the appropriate sector in any given year, should not be used for this purpose.

6.17 Where a school includes special circumstances (e.g., medical, or social factors) in its criteria, it is recommended that the criteria should allow for these to be considered. Supporting evidence for such special circumstances should be provided to the school by parents. Any such criteria must be objective and capable of distinguishing down to the last available place.

Integrated Education

6.18 **The Integrated Education Act (Northern Ireland) 2022** came into operation on 26 October 2022 and amended the previous duty on the Department of Education from "to encourage and facilitate the development of integrated education" to also include "support", which the Act defines. Among other matters the Act also amends the definition of integrated education, expanding this to include a range of pupil categories that must be educated together in an integrated school. The Act defines an integrated school in terms of the ethos it must support, protect, and advance, and the Act introduces a purpose of integrated education which will need to be reported on in terms of how successfully it has been achieved.

6.19 The legislation sets out that "integrated education" means the education together, in an integrated school, of:

- those of different cultures and religious beliefs and of none, including reasonable numbers of both Protestant and Roman Catholic children or young persons;
- those who are experiencing socio-economic deprivation and those who are not; and
- those of different abilities.

To provide such education, integrated schools may include measures in their published admissions criteria that differ from those that would be appropriate for settings of other management types.

6.20 As the Board of Governors of a school is that school's admissions authority, Boards of Governors of integrated schools should be cognisant of the definitions and requirements contained within the Act when defining the criteria, they wish to use to select children for admission and satisfy themselves that the criteria for admissions from the 2023/24 school year onwards is in line with these. This is a matter for individual Boards of Governors to determine and cannot be prescribed by the Department.

The Armed Forces Covenant

6.21 The Armed Forces Covenant Duty came into effect on 22 November 2022. This places a legal duty on public bodies to have **due regard** to the Armed Forces Covenant. The Covenant seeks to ensure that those who serve in the Armed Forces, whether regular or Reserve, those who have served in the past, and their families, should face no disadvantage compared to other citizens in the provision of public and commercial services.

6.22 Public bodies are legally obliged to have **due regard** to the principles of the Armed Forces Covenant when exercising specific functions.

The key areas relating to education in Northern Ireland are:

- Admissions
- Educational attainment and curriculum
- Child wellbeing
- Transport
- Attendance
- Additional needs support

6.23 In respect of the admissions process, Boards of Governors must have **due regard** to the effects on the children of Armed Forces Personnel when setting admissions criteria.

6.24 Schools should consider each of their admissions criteria and consider whether they may discriminate against children of forces personnel. Examples of such criteria could include sibling attendance at a school; parental attendance at a school; or parental employment/membership of the Board of Governors at a school.

6.25 If a criterion is used which does not support the principles of the Covenant, Boards of Governors should document how they have shown due regard to the criteria and the reasons as to the necessity of using such criteria within their admissions process.

6.26 Alternatively, Boards of Governors may wish to consider whether special consideration should be given to forces children when considering individual admissions criteria. For example, should a 'sibling attendance' criterion be used by a school alongside an 'eldest child' criterion, Boards of Governors may wish to consider how the criterion should be applied to children whose elder siblings have not had the opportunity to attend the school. Such a criterion may recognise the needs of children of forces personnel, however may also benefit children who have no connection to the armed forces but have relocated into, or within Northern Ireland.

Application of Criteria

6.27 The admissions criteria, to be used by schools to select pupils in the event of their being oversubscribed, will apply to:

- school-age children - children who have or who will have attained the lower limit of compulsory school age; and,

- children born on or between 1 April 2022 and 1 July 2022 (inclusive) and children born before 1 April 2022 but with a due date on or after 1 April 2022 whose parents deferred their admission to primary school in September 2026.

For Primary Schools with a Current Reception Class

6.28 Reception-age children - children aged 4 at point of admission but who have **not** attained the lower limit of compulsory school age. **This only applies where a school already has a policy of enrolling such children.** (see paragraphs 7.1-7.8)

- criteria will **also** apply to the admission of children to primary school, who are already enrolled in an approved nursery class at the school. **Articles 32(6) and 90(3) of The Education (Northern Ireland) Order 1998** require Boards of Governors of primary schools which have nursery classes attached to draw up and from time to time amend the criteria to be applied in selecting children for admission to such classes.

6.29 Separate criteria should be drawn up for admission of children in year 2 to year 7 classes, or in the cases of an infant school, year 2 to year 3 or junior school, year 5 to year 7. These should be published by the EA as required by relevant Regulations.

6.30 Further advice on the setting and application of admissions criteria can be found in 'Primary School Admissions Criteria – A Guide' which is available under School Admissions Guidance on the Department's website at www.education-ni.gov.uk.

Consideration of Applications by Schools

6.31 Schools should consider all applications for admission in accordance with the timetable as set out by the Department. In schools which are over- subscribed, applications for pupils who have not been accepted for admission at their first preference school. This process will be repeated until all pupils are placed.

6.32 Schools should not advise parents of the outcome of applications prior to the notification date per the published DE Timetable. Consideration of any appeals against schools' admissions decisions will take place, where possible, during the summer term.

6.33 Where parents' preferences have been exhausted, the EA will **not seek further preferences** from the parents during the admissions process. All parents will be advised of the outcome of applications either placed or unplaced at the same time. Punctual applications (i.e., those received by the specified closing date for receipt of applications) will be given priority consideration in the admissions process and allocated the places which are available. After the process has closed, a list of under-subscribed primary schools will be published by EA, "late" applicants can then apply to remaining places. Where places subsequently become available in over-subscribed schools, unsuccessful punctual applications should be considered on an

equal basis with any “late” applications received after the specified closing date, and places allocated to the children who best satisfy the schools’ admissions criteria.

6.34 Parents can access information on a school’s admissions criteria from the EA’s website or from schools on request. Parents of children, unplaced at the end of the process, should refer to the EA website to identify suitable alternative provision.

Non-Enrolment of a Child

6.35 When an application has been made to a primary school and the child has been accepted but does not attend at the start of the academic year i.e. due to a dual application to another school, medical reasons etc. this is considered as non-enrolment.

6.36 Where a school is undersubscribed with applications, there is no specific guidance in place to determine how long the school should hold a place where a child has not enrolled and no update has been received from parents, however, in accordance with Common Funding Formula 2026/27 (Annex B), pupils should be counted as follows for funding purposes:

‘*Pupils to be included in Census Returns*

1. In the case of pupils in primary schools (Years 1-7), primary pupils in preparatory departments of grammar schools, and post-primary pupils, a pupil should be included in a school’s statistical return for funding purposes only if the pupil has been enrolled in the school by the census date. The Annual School Census will normally take place on the first Friday of the first full week in October.

For funding purposes, enrolment data from the school census return will be subject to verification by the Education Authority before the formula is run.

Definition of Enrolment

2. Enrolment is defined as having occurred when the school has accepted an application for admission and the child in question has attended the school for at least one day on or before the census date.

3. In the case of pupils in nursery schools, pupils in approved nursery classes and reception classes in primary schools (as per Section 7 below), and pupils in reception classes in preparatory departments in grammar schools, if a school has accepted an application for enrolment but the child has not attended in the current school year, they should be included in the census return only if the school has documentary evidence of an intention to attend before 31st October i.e. a letter from the parent/guardian of the pupil agreeing with the school that the pupil will be in attendance on or before 31st October. Funding will be removed if the pupil has not*

attended on or before the 31st October. ***Note: * whilst reception pupils within preparatory departments are not formula funded, they must still be recorded on the annual census return.***

4. Other pupils who were expected to have enrolled i.e. the school had accepted the application for admission but have not yet attended, may only be included in the census return if there is documentary evidence to explain their absence i.e. a medical certificate or a letter from their parent/guardian. If a pupil does not attend during the academic year funding will be removed'.

6.37 Where a school is oversubscribed with applications, the parents of any child who does not present at the start of term should be contacted, in writing if possible, to seek confirmation of a start date for the child or a reason why they are unable to attend. This correspondence should explain that a place cannot be reserved indefinitely and that the child's place will be allocated to another child if no response is received. It is suggested that a two-week deadline for response be provided. If no response has been received within the two weeks, further correspondence should issue, which should also indicate that if no response is received within two weeks, the child's offer of a place **will** be rescinded. If, following the conclusion of this further two-week period, there has been no response from the parents, the child's offer of a place may be revoked and the place offered to the next child on the school's waiting list.

7. PRIMARY SCHOOLS WITH A CURRENT RECEPTION CLASS ONLY

This section of the Circular is intended to clarify how Reception Operates.

Admission of Children Below Compulsory School Age

7.1 The Department's policy on the admission of such children (known as reception children) to a primary school is set out in Circular 1990/27. However, the policy document 'Investing in Early Learning' (April 1998) set out the Department's intention to replace reception provision over time, with suitable alternative provision which meets the standards of the Pre-School Education Programme. Investing in Early Learning indicated that, as a first step, **no new reception provision** in primary schools, i.e., provision in schools where a reception class or group did not exist in the 1998/99 school year, would be funded from September 1999. 'Learning to Learn – A Framework for Early Years Education and Learning' (October 2013) also sets out the Department's position in relation to reception provision.

7.2 Schools which **already have a policy of enrolling children below compulsory school age** should note the following points:-

- children of compulsory school age have priority and must be admitted up to but not exceeding a school's admissions number; and,

- all remaining places for admission, after children of compulsory school age have been accepted, become available for children below compulsory school age.
- a school's admissions criteria will be used to select children below compulsory school age for admission where the number of such children exceeds the number of places remaining; and,
- children below compulsory school age admitted to a school in any year (other than to an approved nursery class) do not have to seek re-admission on transfer to year 1 in the same school in the following school year.

7.3 In a small number of schools where it has been the policy and practice to admit children who are below compulsory school age, the demand for places from children of compulsory school age, may cause a reduction in the number of children below compulsory school age who can be admitted. In such circumstances, and in view of the statutory requirement to give priority to children of compulsory school age, schools may wish to review the viability of their policies to admit children below compulsory school age.

7.4 Schools which do not have an existing policy of considering the admission of children who will be below compulsory school age at the time of their proposed admission are not permitted to introduce such a policy even if there is surplus capacity within their enrolment and admission numbers as determined by the Department. In addition, schools which have previously operated such a policy and subsequently removed it from their criteria are not permitted to re-introduce it.

7.5 Where a school which has been admitting reception children finds that in a particular year none have been enrolled, then the Board of Governors should review the policy considering the availability of more appropriate provision in their area.

7.6 Boards of Governors **must** indicate, in their admissions criteria, that the school has a policy of considering such children for admission.

7.7 Schools which already have a policy of enrolling children below compulsory school age **must not**:

- admit pupils to reception who are not four years old at point of admission; nor,
- contact the parents of pupils already enrolled for their final pre-school year in other pre-school settings in the area with a view to admitting them to the school during the school year as this is detrimental to the funding and planning of pre-school provision in an area. Schools that have been found to have departed from the Department's advice on this issue may have their ability to admit reception pupils revoked.

7.8 The Department will be continuing to consider the position in relation to the funding of reception provision and in doing this will seek advice and recommendations from

the Pre-School Education Group (PEGS) and consult the relevant school authorities before taking decisions and notifying the schools concerned.

8. WAITING LISTS

8.1 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.

9. TIMETABLE

9.1 The timetable for the operation of these admissions arrangements will be updated and issued as a separate circular on an annual basis. Principals are reminded that they must adhere to all dates set out in the timetable.

10. TRANSPORT ARRANGEMENTS

10.1 The EA will provide assistance with transport for primary school pupils where there is no suitable school within two miles of the pupil's home, or where a parent has applied to all suitable schools within two miles of their home and been refused a place for their child in each. Assistance normally takes the form of; a bus pass for use on a Translink bus; a seat on an Education Authority bus; other transport arranged by the Education Authority; or a parental allowance towards transport costs. Further details of the home to school transport policy can be found in the relevant policy, Circular 1996/41, available on the Department's website.

10.2 The Education Authority has an online eligibility checker on its website which will assist parents' selection of school preferences by showing whether their child would be eligible for home to school transport assistance. This tool can be accessed at Education Authority Transport Eligibility Checker (eani.org.uk)

10.3 It should be drawn to the attention of parents that changes in Departmental school transport 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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ANNEX 1

RECOMMENDED ADMISSIONS CRITERIA – EXPLANATORY NOTES

Recommended Criteria- listed in no particular order	Notes
Sibling	1. 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'. 2. The Department considers that "child of the family" covers: • a child born to a married couple or to a couple in a civil partnership; • a child born to a co-habiting couple; • a child born to a single parent; • a child of either/any of those people by a previous marriage, civil partnership or relationship; • a child living with a couple who has been treated as a "child of the family" whether there is a marriage or a civil partnership or not; • a child living with an individual, who has been treated as a "child of the family"; • an adopted or fostered child; • a situation where for example an orphaned cousin is being brought up with a family or individual; 3. The child should be a child of the family as at the date of application.

Parish (with nearest suitable school)	1. 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. 2. Applicants will qualify for a Parish Criterion by residing within the geographical area of the Parish and regardless of whether they are of the particular religious background. 3. It is recommended that 'Parish' criteria should only be 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 [named] and children for whom [school name] is the nearest suitable school' (for the categories by which suitable school is defined – please see the notes on the 'Nearest Suitable School Criterion'). 4. The purpose of this is to ensure that outlying and rural applications are treated with equal priority within admissions as those whose address qualifies them for a school's geographical criteria.

Geographically defined/catchment area (with nearest suitable school)	1. 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'. 2. As with 'Parish', 'Catchment area' criteria should only be used in combination with the 'Nearest Suitable School' criterion. So, for instance, the recommended use of the catchment area Criterion by a school would be 'Children who reside in the catchment of [named] and children for whom [school name] is the nearest suitable school' (for the categories by which suitable school is defined – please see the notes on the 'Nearest Suitable School Criterion. The purpose of this is to ensure that outlying and rural applications are treated with equal priority within admissions as those whose address qualifies them for a school's geographical criteria. 3. Boards of Governors must ensure that the boundary lines of the Catchment area are clear and to this end should have a map of the Catchment area available for parents to view as required.
Nearest suitable school	1. 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'. It is a matter for the Board of Governors to decide whether or not there is another school in the same category as theirs which is nearer to the child's address. 2. The categories of schools to be used for the purposes of these decisions are controlled, catholic maintained, Irish-medium and Integrated. The category of school should be clearly defined within the admissions criteria.
Child Looked After	1. Child Looked After is defined by the Children (Northern Ireland) Order 1995 as children 'who are in the care of a Trust or who are provided with accommodation by a Trust.' 2. Accommodation may be in a residential home, residential school, foster placement or in a family placement with a relative or occasionally at home.

Tie-breaker	1. Boards 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 in the event of a tie for the last available place. Boards of Governors should consider the impact of their proposed tie-breaker criteria on twins or multiple birth applicants. 2. For detailed guidance on which tie-breakers should be used and how – see Annex 2.

<u>Schools wishing to use alternative criterion should consider the following guidance:</u>

Eldest Child	1. 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. 2. A Board of Governors may wish for this criterion to cover other circumstances where a family has not, in the opinion of the Board of Governors, had the opportunity to have an elder child already and currently enrolled e.g. cases where a child is more than 7 years younger than their next eldest sibling; cases where the eldest sibling is not eligible to attend mainstream school (for example they may attend a special school; cases where a family has moved residence). 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. 3. Boards of Governors should note the importance of using the phrase 'child of the family' in whatever formulation of this criterion that they use. (See notes under Sibling).

ANNEX 2

THE TIE-BREAKER CRITERION – SUGGESTED METHODS

- **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 - Random Selection of Letters :** 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 a random selection of letters. A typical description of this well- established tie-breaker by a school (within a published Transfer Booklet) 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.

  - 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."

  NB It is strongly recommended that Boards of Governors should outline within their published criteria, the tiebreaker details i.e. the order of the letters where a random selection of letters is used to distinguish between applicants.

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

  NB When using Random Selection, Boards of Governors should be mindful that it is the letter of the criteria which is published and communicated to parents that may be subject to challenge at Admission Appeal Hearings. It is the literal content of the criteria which parents of applicant pupils absorb and on which they assess how their child may meet the admissions criteria as published. Each stage of the random selection being used as a tiebreaker must be set out clearly and concisely in the school's published admissions criteria. Boards of Governors should not introduce any additional steps, when applying random selection criterion, which are not explicitly set out in the published admissions criteria.

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 admission criteria permit the school to apply the "Age tie-breaker" in the event of a tie within the "Random selection of letters 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.

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