

<p><b>Subject:</b></p> <p><b>THE PROCEDURE FOR TRANSFER FROM PRIMARY TO POST-PRIMARY EDUCATION</b></p>	<p><b>Circular Number:</b> <b>2023/15</b></p> <p><b>Date of Issue:</b> <b>23 October 2023</b></p>
<p><b>Target Audience:</b></p> <ul style="list-style-type: none"> <li>• Principals and Boards of Governors of all Grant-Aided Schools;</li> <li>• Proprietors of Independent Schools;</li> <li>• Education Authority;</li> <li>• The Council for Catholic Maintained Schools; and</li> <li>• Council for the Curriculum, Examinations and Assessment (CCEA).</li> </ul>	<p><b>Governor Awareness:</b> Essential</p>
<p><b>Summary of Contents:</b></p> <p>This Circular advises principals and Boards of Governors of the arrangements for transfer from primary to post-primary education and will apply until further notice.</p> <p>The transfer timetable will be updated and issued annually as a separate Circular.</p> <p>Throughout this Circular the term “parent” is defined as the person who has legal custody of a child. Also, the words “post primary school” include both grammar and non-grammar schools and “FSME” means Free School Meal Entitled/Entitlement.</p>	<p><b>Status of Contents:</b> Advice for Principals and Boards of Governors</p> <p><b>Related documents</b>  <a href="#">Circular 1996/24</a>  (Transfer of Pupils Schools other than at the Normal Age)  <a href="#">Circular 2013/24</a>  (Duty to Verify)  <a href="#">Circular 2012/10</a>  (Waiting Lists)</p> <p><b>Superseded Documents:</b> Circular 2022/15</p> <p><b>Expiry Date:</b> Not Applicable</p>
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## THE PROCEDURE FOR TRANSFER FROM PRIMARY TO POST-PRIMARY EDUCATION

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## 1. INTRODUCTION

- 1.1 This Circular sets out the arrangements for transfer from primary to post-primary education which will apply until further notice. In future this Circular will only be re-issued where a change to the processes or the Department of Education (the Department) advice on them occurs.
- 1.2 This Circular does not constitute an authoritative legal interpretation of the **Education and Libraries (NI) Order 1986; the Education Reform (NI) Order 1989; the Education (NI) Order 1996; the Education (NI) Order 1997; the Education (NI) Order 2006 or Regulations supporting these Orders.** Its application covers both primary and post-primary sectors and all principals are advised to read the Circular carefully.
- 1.3 **This Circular should be read in conjunction with [Circular 2013/24](#) which advises principals and Boards of Governors on the duty to verify information contained within application for admission.**
- 1.4 This Circular applies equally to schools that operate transfer at age 14 within the Dickson Plan system.

## 2. SUMMARY OF MAIN POINTS

- 2.1 The Department sets out recommended admissions criteria that post-primary schools should use for Year 8 admissions. Boards of Governors of post-primary schools are required in law to “have regard” to these recommendations when drawing up their admissions criteria. The key recommendations can be found at section 9 of this guidance.
- 2.2 Admissions criteria are a matter for individual Boards of Governors. All Boards of Governors should review and amend their criteria to ensure that they comply with the requirement in primary legislation that they are capable of distinguishing among applicants down to the last available place. In practical terms this means that the admissions criteria of every school should include an effective tie-breaker (see paragraph 9.20).
- 2.3 While the arrangements for admission to post-primary schools enable parents to express their preferences for schools which they would like their child to attend, schools which are over-subscribed will only be able to admit pupils up to the limit of their admissions number. All schools are required to admit pupils up to, but not exceeding, their approved admissions number. They may not exceed their overall enrolment number. No pupil can be guaranteed a place at any school.
- 2.4 Schools must, by law, admit all applicants of the appropriate age if they have places available within their admissions number. This applies to Year 8 applications to **all** post-primary schools. Grammar schools are reminded that they are no longer exempt from this obligation.

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

<https://www.education-ni.gov.uk/publications/circular-202312-open-enrolment-nursery-primary-and-post-primary-schools-timetables-2023-24>

### 3. ROLES AND RESPONSIBILITIES

#### The role of the Education Authority

- 3.1 The process of applying to post-primary schools in order of an applicant’s preference will be administered by the Education Authority (EA) as set out in **Articles 9, 15 and 17 of the Education (NI) Order 1997 (as amended by Schedule 3 to the Education (NI) Act 2014)**. The EA will publish information on the post-primary transfer procedure, including each post-primary school’s admissions criteria and appeal arrangements, on its website at [www.eani.org.uk](http://www.eani.org.uk) each year.
- 3.2 The process will be online for Year 8 admissions in 2024. An online Portal for making Transfer Applications will open in late January 2024.
- 3.3 The EA will act as a clearing house for the processing of applications in accordance with parental preference as expressed on the Transfer Application.
- 3.4 Admissions decisions will issue to applicants in May 2024. Following the issue of admissions decisions, the EA will facilitate the operation of Appeals Tribunals. These Tribunals will receive, consider, and make decisions on appeals as set out in the **Education (NI) Order 1997** – i.e., according only to whether a school’s admissions criteria were not applied or not correctly applied and according to whether, or not, under the correct application of criteria, an appellant would or would not have been admitted.

#### The role of the Department of Education

- 3.5 This circular offers comprehensive guidance on the post-primary admissions process. The Department will also provide the parents of P6/7 children with advice on the transfer procedure and their role within it. The Department continues to set the admissions and enrolment numbers for each school in accordance with the **Education (NI) Order 1997 (Articles 11 and 12)**.

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

- 3.6 Post-primary schools' Boards of Governors are the statutory admissions authority for their post-primary school. Their duties and responsibilities in respect of admissions and transfer are defined by **Articles 10, 13, 15 and 16 of the Education (NI) Order 1997**.
- 3.7 Post-primary schools' Boards of Governors are required to draw up admissions criteria for their schools and the EA is required to publish these criteria in full including tie-breaker or random selection criteria. Having published their criteria, post-primary schools' Boards of Governors are only able to change them with the approval of the Department.
- 3.8 Where schools are oversubscribed, post-primary schools' Boards of Governors must select children for admission by application of their published admissions criteria. ([see section 9](#))

## **The role of primary schools**

- 3.9 Primary school principals continue to have an important role in advising parents of P7 children about the transfer procedure. This role is described in detail at [Annex 1](#). All transfer documents aimed at parents will be distributed through primary schools and it is vitally important that schools ensure that all parents receive these documents without delay. Parents should be encouraged to make use of the parental guides which will be available on the EA website.

## **The role of parents**

- 3.10 Parents of P6/7 children can access advice provided by the Department describing in detail their role in the transfer procedure on the Department's website at:

[Advice for P6 Parents - January 2023](#)

Parents are ultimately responsible for ensuring that Transfer Applications contain all the information necessary for schools to apply their admissions criteria and the applications are submitted on time.

- 3.11 In addition to any advice provided by a primary school, parents will receive guidance notes to assist with completion of the Transfer Application. Parents will be instructed to ensure that the Transfer Application is submitted by the relevant deadline..

## **4. PUPILS ELIGIBLE TO TRANSFER**

### **Age groups**

- 4.1 **Article 46A of the Education and Libraries (NI) Order 1986**, as inserted by **Article 156 of the Education Reform (NI) Order 1989 and amended by Article 31 of the Education (NI) Order 1996**, specifies the age at which a pupil must transfer from primary to post-primary education.

- 4.2 Except where it is in a child's best interests to start at a later date; a child shall commence post-primary education at the age of 11.
- where he/she attains the age of eleven years on a date occurring in the period beginning on (and including) 1<sup>st</sup> September in any year and ending on (and including) 1<sup>st</sup> July in the following year, on 1<sup>st</sup> August in that following year;
  - where he/she attains that age on a date occurring in the period beginning on (and including) 2<sup>nd</sup> July in any year and ending on (and including) 31<sup>st</sup> August in the same year, on 1<sup>st</sup> August in the following year.
- 4.3 Put simply, this means that where, for example, a child's 11<sup>th</sup> birthday falls on or between 2 July 2023 and 1 July 2024, he/she should commence post-primary education on 1 August 2024.
- 4.4 **The School Age (NI) Act 2022** became law on 28 April 2022. This legislation allows flexibility for "young for year" children to defer starting primary school (and also pre-school) by 12 months. The right to defer applies to children born between 1 April – 1 July (inclusive) or children born prematurely who were due to be born on or after 1 April if born at term. Consequently, children who defer at either pre-school age or primary school age will commence post-primary education after completing 7 years of primary education.
- 4.5 [Circular 1996/24](#) (as amended) applies on those occasions where the Board of Governors of a pupil's primary school decides whether a pupil should transfer to post-primary education a year earlier or a year later than the normal age.

### **Independent schools**

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

## **Pupils with special educational needs**

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

## **5. ADMISSIONS AND ENROLMENT NUMBERS**

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

### **Requesting a temporary variation to a school's approved numbers**

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

the form are available on the Department's website under School Admissions Guidance.

### **Unauthorised (and therefore unlawful) admissions**

5.6 Exceeding the approved admissions or enrolment numbers of a school by the admission of an additional pupil or pupils without the Department's prior approval is an unlawful act and the Department, the EA and the Boards of Governors of schools must act accordingly. Therefore, schools **must not**:

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

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

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



## **Resisting parental pressure to admit pupils unlawfully**

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

## **6. COMMUNICATIONS TO PARENTS ABOUT TRANSFER**

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

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

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

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

This information will be published online by the EA at [www.eani.org.uk](http://www.eani.org.uk) each year.

### **School prospectuses**

6.3 Schools are required to publish a range of information which must be available to parents at least six weeks before the date on which they express their preferences for post-primary schools. All post primary schools must publish the number of applications received and the number of places granted in respect of the school year in which the prospectus is published and in each of the previous two school years.

### **The Department's advice**

6.4 Each year the Department provides an information booklet which can be accessed on the Department's website using the link below:  
[Advice for P6 Parents - January 2023](#)

The booklet provides advice on the transfer procedure, how to go about choosing a post-primary school and how to complete a Transfer Application. Parents are advised to read this booklet in good time to ensure they have all of the relevant information to make an informed choice well in advance of completing a transfer application.

### **Primary school advice**

6.5 Primary school principals should note that it is important that they continue to offer advice to all P7 parents. The nature of this advice and how it may be provided is described at [Annex 1](#).

- 6.6 **Primary school provision of information about pupils to support applications:** primary school principals and their Boards of Governors should note that legislation (including the General Data Protection Regulation and the Data Protection Act 2018 with strict confidentiality and security rules) governs the extent to which information about a pupil's formal record of academic achievement, other skills and abilities and academic progress can be provided to third parties. Boards of Governors only have a duty to pass this kind of information about a child to another school when that child becomes a pupil at that other school. Regulations are clear that there is no requirement for schools to make this sort of information about pupils available other than to the pupil, his/her parents, a school to which the pupil has been admitted, or CCEA. Paragraph 9 – (1) (a) of the Education (Pupil Records and Reporting) (Transitional) Regulations (Northern Ireland) 2007 refers.

## 7. THE TRANSFER APPLICATION

- 7.1 A Transfer Application must be completed for each pupil transferring to a post-primary school. Primary school principals should provide appropriate advice to help parents understand what is required to ensure that the application is properly completed with all relevant details (particularly information that may qualify them for a school's published admissions criteria).
- 7.2 Applications for Year 8 post primary school places in 2024 will be made online through a Portal on the EA website. In circumstances where a parent is unable to complete an online application, a hard copy form may be completed. Parents can complete a hard copy Transfer Application in Irish if they so wish.
- 7.3 Parents should be advised that the Transfer Application must be submitted by the relevant date. Parents may nominate as many schools as they wish, and the schools should be nominated in order of preference. Parents should be encouraged to nominate all the post-primary schools where they would like their child to be considered for admission. The number of nominations will vary depending on local circumstances but **at least four schools** should always be nominated, including at least one non-grammar school.
- 7.4 All relevant information that might qualify a pupil for a school's published admissions criteria must be included at the time of application. **Parents should be advised that it is their responsibility to ensure this information is provided and that it is both complete and accurate before submitting with the online Transfer Application.**
- 7.5 If a boarding place is being sought, this should be listed as a separate preference on the Transfer Application.
- 7.6 If an Irish Medium place is being sought, it should be listed as a separate preference on the Transfer Application.
- 7.7 Submitted Transfer Applications will be made available to the post-primary schools listed as first preference (and then on to lower preferences later in the process if necessary).

## 8. THE TRANSFER APPLICATION PROCESS

- 8.1 The EA will make available to each post-primary school all the Transfer Applications of pupils whose parents have nominated that school as a first preference. The EA will confirm whether or not the pupil is registered as FSME. For the majority of children, the Transfer Applications will contain all the information which post-primary schools should require to select suitable pupils.
- 8.2 There may be other cases where the Board of Governors will wish to obtain further information from the parent e.g. verifying documents.
- 8.3 Post-primary schools should notify the EA of any applications (including boarders) for places they have received directly from parents and for which an online Transfer Application has not been submitted.
- 8.4 Each Board of Governors will make a provisional selection for the Year 8 intake via the online Portal, by the relevant date as specified in the separate annual Circular
- <https://www.education-ni.gov.uk/publications/circular-202312-open-enrolment-nursery-primary-and-post-primary-schools-timetables-2023-24>
- 8.5 of those pupils whom they wish to admit up to the school's admissions number. The applications of pupils not selected at first preference stage will move to the second preference school for consideration. The Board of Governors will adjust their provisional list of admissions considering the Transfer Application of their criteria to further preferences.
- 8.6 At each stage schools will record their decisions on the Portal of those pupils being admitted or not admitted.
- 8.7 The processing of preferences leads to a considerable amount of work for schools and the EA. In particular, pressures are generated in the later stages of the timetable. It is essential, therefore, that schools consider preferences quickly so that subsequent parental preferences can be taken account of before the date on which parents are notified about school placements in accordance with the timetable.
- 8.8 The EA will continue to process applications until each pupil is accepted by a school. It is possible that a small number of pupils will not have been placed at the conclusion of the transfer procedure. Parents will be advised accordingly and invited to state further preferences for schools which still have places available.
- 8.9 Official notification of placements is set out in the Circular 'Open Enrolment in Nursery, Primary and Post-Primary Schools – Timetables'.

<https://www.education-ni.gov.uk/publications/circular-202312-open-enrolment-nursery-primary-and-post-primary-schools-timetables-2023-24>

- 8.10 Schools must not notify parents in any way of their intention to admit (or not to admit) pupils in advance of this date.

## 9. ADMISSIONS CRITERIA

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

considering first preferences and throughout the processing window for applications at all preferences as they are received. The notification of decisions in the portal must not be delayed as to hinder or prevent the transfer procedure being concluded within the timetable.

## **The recommended admissions criteria**

### **9.6 The recommended criteria are:**

- applicants who are entitled to Free School Meals (FSME): priority to be given so that the proportion of such children admitted is not less than the proportion of first preference FSME applications received within the total number of first preference applications received” (see paragraphs 9.8-9.13). Any school using this criterion **must** list it as the first criterion.
- applicants from a feeder/named primary school;
- applicants residing in a named Parish (with nearest suitable school);
- applicants residing in a geographically defined/catchment area (with nearest suitable school);
- applicants for whom the school is the nearest suitable school;
- applicants who have a sibling currently attending the school; and,
- applicants who are a Child Looked After
- tie-breaker criteria.

### **9.7 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 included at [Annex 2](#).**

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

## **The FSME criterion**

### **9.8 First, schools using this criterion must publish it in the following format (including the asterisked notes).**

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

\* “entitled to Free School Meals” will mean applicants who are listed on the Education Authority register as entitled to Free School Meals at the date on which their parent or guardian has submitted their post-primary

Transfer Application, or at any date up to and including the final date for parents to communicate FSME to the Education Authority as specified in the separate annual Circular – *Open Enrolment in Nursery, Primary and Post Primary Schools – Timetables*."

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

- 9.9 **Second**, the online Transfer Application will include a tick box for eligible parents to indicate if their child *is currently listed on the EA register as entitled to Free School Meals*.
- 9.10 **Third**, parents of children who are not listed on the EA register on the date on which they submit the online Transfer Application will have up to and including the relevant date in the timetable circular to become registered and communicate this in writing to the Admissions Office so that their Transfer Application can be adjusted. This deadline for accepting changes to information provided on the Transfer Application is set out in the separate annual Circular– ‘Open Enrolment in Nursery, Primary and Post Primary Schools – Timetables’.
- 9.11 **Fourth**, post-primary schools will thus receive Transfer Applications that (amongst other information) may feature a parent’s declaration that their child is currently listed on the EA register as FSME.
- 9.12 **Fifth**, where parents contact an EA officer to inform them of a new FSME registration after the Transfer Application has been submitted but on or before the deadline to accept changes, the EA must ensure that this new information is communicated to the post-primary schools listed on the applicant’s Transfer Application. The EA will only verify the applicant’s FSME status if requested to do so by the school as set out in paragraph 9.11 above. In such cases, the EA will ensure that the information is verified as quickly as possible.
- 9.13 The Duty to Verify Guidance ([Circular 2013/24](#)) takes into account the need to verify applicants’ declarations of FSME registration and the role of the EA in assisting schools to discharge this duty.

#### **Admissions criteria that are not recommended**

- 9.14 It is strongly recommended that post-primary schools **do not** use the following criteria:
- preference criteria i.e. the prioritising of applicants according to the level of preference of their application;
  - familial criteria beyond sibling currently attending the school;
  - criteria prioritising children of employees/governors of a school;

- distance tie-breakers – as they disadvantage rural/outlying applicants; and,
- criteria related to compelling individual circumstances.

9.15 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”.

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

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

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

9.17 The EA will help schools ensure that their admissions criteria are functional. However, ultimately it is the responsibility of Boards of Governors to ensure that a school’s criteria achieve the desired effect. If, for example, it is a school’s intention to prioritise the admission of children who live close to the school, which the Department would recommend, care should be taken to ensure that appropriate criteria are used. Annex 2 offers guidance on how geographical criteria and feeder primary criteria can be helpful in this regard.

9.18 Criteria should be listed in priority order and should be objective, clear and easily understood by all concerned. They should be capable of verification by the post-primary school and Appeal Tribunals. For example, the exact nature of a family relationship may need to be defined and contributory primary schools would need to be specified. Criteria should include the order of priority for the admission of pupils where a school is over-subscribed.

9.19 Boards of Governors are legally responsible for ensuring that admissions criteria are capable of selecting applicants down to the last available place. In practice this means that **it is an obligation (set in primary legislation) for all admissions criteria to include a “tie-breaker” criterion**. Paragraphs 8-10 of Annex 2 offer guidance on recommended tie-breakers. 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.

- 9.20 Criteria must provide for all children resident in Northern Ireland, at the time of their proposed admission to the school, to be selected for admission before any child not resident in Northern Ireland may be selected for admission

### **Boarding Departments**

- 9.21 The total number of pupils (Boarders and non-Boarders) that a school with a Boarding Department can admit must, of course, not exceed their admissions and enrolment number. Within that, the number that can be admitted to a Boarding Department is, effectively, a matter for a Board of Governors, obviously having regard to the limits of the accommodation available.

### **Armed Forces Covenant**

- 9.22 **The Armed Forces Covenant Duty** came into effect on 22 November 2022. This places a legal duty on public bodies, including BoGs, 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.

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

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

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; attendance at a feeder primary school; or parental employment/membership of the BoG at a school.

If a criterion is used which does not support the principles of the Covenant, BoGs 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.

Alternatively, BoGs may wish to consider whether special consideration should be given to forces children when considering individual admissions criteria. For example, should a 'feeder primary school' criterion be used by a post-primary? BoGs may wish to consider how the criterion should be applied to children who have not had the opportunity to attend a feeder primary 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.

## **Integrated Education**

9.23 **The Integrated Education Act (NI) 2022** came into operation on 26 October 2022 and amended the previous duty on the Department 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.

9.24 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.

9.25 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. Under the law, this is a matter for individual Boards of Governors to determine and cannot be prescribed by the Department.

## 10. APPEAL ARRANGEMENTS

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

## 11. EXCEPTIONAL CIRCUMSTANCES

- 11.1 The Department has established an Exceptional Circumstances Body (ECB) to provide a mechanism to consider the cases of a small group of children with exceptional and compelling circumstances, particular to the individual child, that require admission to a specific post-primary school but where the child is unable to secure such admission through the application of the school's admissions criteria.
- 11.2 The ECB can consider appeals from parents in relation to situations where a non-statemented child of compulsory school age seeking admission to Years 8-12 has not, through the normal processes, gained a place in the specified school, and it is asserted by the parents that the child must attend that school, and that school only.

The appeals process requires parents to provide evidence in support of any such assertion.

- 11.3 Parents are advised on how to obtain further information about the process and how to apply to the ECB in the placement letter they receive at the end of the admissions process. Information is also available on the nidirect website at [Appealing a school place decision | nidirect](#).
- 11.4 Parents can make applications to the ECB in parallel with applications to an Appeal Tribunal. As the ECB receives applications in relation to Years 8-12, and on an ongoing basis, its function is not an integral part of the transfer procedure or timetable.
- 11.5 Decisions of the ECB are binding on all schools and consequently pupils have to be admitted to a school in compliance with a direction given by the Body. In accordance with **Article 10(3)(aa) and 10(4)(aa) of the Education (NI) Order 1997, as amended by Article 29 of the Education (NI) Order 2006**, all such admissions that are in compliance with a direction of the ECB will not count against the admissions and enrolment numbers of the school for the school year in which the admission has been directed. Thereafter, a child admitted, as a result of an ECB direction counts towards a school's enrolment number.
- 11.6 If, in the school year(s) following that in which a direction was issued, a school finds itself unable to admit to its full Year 8 admissions number and remain within its approved enrolment number as a direct result of one or more ECB directions, that school should apply to the Department's School Admissions Team for a temporary variation to its approved enrolment number.

## 12. OTHER ADMISSIONS MATTERS

### Transfers between schools

- 12.1 The arrangements for the transfer of pupils from one post-primary school to another are quite separate from those for the transfer of pupils from primary to post-primary education, and the admissions criteria for transfer between post-primary schools may also be different. It follows, therefore, that schools may draw up separate admissions criteria for transfer between schools.
- 12.2 Pupils admitted to post-primary schools, other than to Year 8, will not count towards a school's admissions number but will have to be contained within the school's enrolment number.
- 12.3 Paragraphs 10.1-10.3 set out the arrangements whereby a parent may appeal against a school's decision to refuse a child a place at an over-subscribed school by the application of the school's published admissions criteria. Paragraphs 11.1-11.6 set out the arrangements whereby a parent may claim that there are exceptional and compelling circumstances, particular to an individual child, that require admission to a specific post-primary school but where the child is unable to secure such admission through the application of the school's admissions criteria. All other cases of parental

challenge to admissions decisions should be designated complaints under **Article 101 of the Education and Libraries (NI) Order 1986** as amended by **Article 158 of the Education Reform (NI) Order 1989**. The process whereby such complaints may be made to the Department was notified to schools in a Circular letter dated 4 June 2010. This procedure is currently under review.

## Applications for Places Post-16

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

## Waiting Lists

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

## Further information

- 12.6 Further information about the transfer procedure will be published by the EA on its website at [www.eani.org.uk](http://www.eani.org.uk)
- 12.7 Any enquiries about the transfer procedure arrangements should be addressed to the body responsible in accordance with the responsibilities set out in [section 3](#).

## 13. TRANSPORT ARRANGEMENTS

- 13.1 The arrangements for the provision of home to school transport are set out in DE [Circular 1996/41](#). The EA will continue to provide assistance with transport for a post-primary school pupil where he/she enrolls at a school which is more than three miles distance from his/her home **provided that** the pupil has been unsuccessful in gaining a place at **all** suitable schools in the same category within that three mile limit.<sup>1</sup> For example, a pupil wishing to apply for transport assistance to a controlled secondary school more than three miles from their home would have to have been unsuccessful in gaining a place at all controlled secondary schools within three miles of their home. This provision normally takes the form of: a bus pass for use on

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

Translink Bus; a seat on an EA bus; other transport arranged by the EA; or a parental allowance towards transport costs.

13.2 The EA 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 \(eani.org.uk\)](http://eani.org.uk)

13.3 Schools with separate secondary and grammar streams recognised by the Department of Education (sometimes called bilateral schools) may fall into any of the categories set out in the footnote below, but for the purposes of transport assistance:

- An application to the secondary stream will be treated as an application to a secondary school in one of the other categories; and
- an application to the grammar stream of a school recognised as bilateral for transport purposes will be treated as an application to the corresponding grammar school or to another integrated school that admits children on the same basis

The following schools are recognised as bilateral for the purposes of transport eligibility:

- St Patrick's College, Maghera;
- St Killian's College, Carnlough;
- Holy Cross College, Strabane;
- Slemish College, Ballymena; and
- Lagan College, Belfast

13.4 It should be drawn to the attention of parents that changes in Departmental policy may alter transport eligibility criteria, entitlement to assistance and transport arrangements during their child's time at any particular school.



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## **GUIDANCE FOR PRIMARY PRINCIPALS ON INFORMATION AND ADVICE TO PARENTS**

### **INTRODUCTION**

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

### **WHAT ADVICE SHOULD BE GIVEN TO PARENTS**

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

### **HOW ADVICE MAY BE PROVIDED TO PARENTS OF P7 CHILDREN**

2. Schools are free to choose the most appropriate combination of ways in which to engage with parents and communicate information and advice about the transfer procedure. The only constraint lies in ensuring that important transfer related communications from DE and/or the EA are passed on to parents.
3. Information regarding the completion of the Transfer Application can be accessed on both the DE and the EA websites using the following links:

[Advice for P6 Parents - January 2023](#)

[Post-Primary Admissions Guide | Education Authority Northern Ireland \(eani.org.uk\)](#)

Schools may, however, still receive requests from parents for such advice. It remains open to schools to provide advice on choosing a post-primary school, but it should be noted that this is not a requirement.

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

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

5. The following outline of the transfer procedure may be helpful as a guide for structuring advice to parents. There are two elements to this information and advice: firstly, details of the process itself, including key dates; and secondly the very important role that falls to each individual parent.

### **6. The Transfer Process:**

- the Department decides the number of pupils a school may admit.
- each post-primary school may only admit this number of pupils. If more pupils apply than a school has places available (ie. if the school is oversubscribed) then the school has to decide who to admit.
- schools must be open about how they select pupils for admission. They have to publish the factors they take into account when selecting pupils. These are called the admissions criteria. The schools choose their own admissions criteria, and these are published online by the EA and in school prospectuses.

#### **Key Date**

#### **Step in Process**

**January**

- Parents of P6/7 children can access information and advice on the Department website about the transfer procedure, including how to go about choosing a post-primary school using the link below:  
[Advice for P6 Parents - January 2023](#)

**January/  
February**

- Parents may request prospectuses and take part in open days/nights with schools they are considering for their child.
- The EA publishes information on the post-primary transfer procedure, including each post-primary school's admissions criteria, on its website.
- Primary school principals issue parents of P7 children information from the EA about the transfer process and



	submitting an online Transfer Application including the deadline for doing so.
	<ul style="list-style-type: none"> <li>• Parents decide which schools they would like their child to be considered for in order of preference.</li> </ul>
<b>February/ March</b>	<ul style="list-style-type: none"> <li>• Applications are made available to those schools listed as first preferences.</li> </ul>
<b>February to May</b>	<ul style="list-style-type: none"> <li>• Applications are considered by post-primary schools and where a school is <b>not</b> oversubscribed it must admit all applicants. If over-subscribed with applications, it selects pupils using its admissions criteria. Schools are not allowed to use any information other than that relevant to their published admissions criteria in deciding which pupils to admit.</li> <li>• The Transfer Applications of those pupils not selected are passed to their second preference schools and the same process is applied. This is repeated until as many pupils as possible are placed.</li> <li>• Where a pupil is not selected by any of the schools they have listed as preferences, his/her parents will need to liaise with the EA to find a school with places available after the placement notifications have issued. The EA will not seek further preferences from parents prior to the date when placement notification issues.</li> </ul>
<b>May</b>	<ul style="list-style-type: none"> <li>• Placement notification advising parents which post-primary school their child has been admitted to.</li> </ul>
<b>Within 10 days of notification of the outcome of applications</b>	<ul style="list-style-type: none"> <li>• Parents who consider that a school did not apply its admissions criteria when selecting pupils, or applied the criteria incorrectly, have a right to appeal to an independent Appeal Tribunal established by the EA.</li> <li>• <b>Ten days after the notification of the outcome of applications</b> is the date by which parents must submit appeal forms to the EA against post-primary schools' admissions decisions.</li> </ul>
<b>Any point in the year</b>	<ul style="list-style-type: none"> <li>• Parents are also advised in the placement notification of their right to submit an application to the independent ECB if they consider there are compelling reasons why their child must attend a particular post-primary school.</li> <li>• There is no equivalent closing date for applications to the ECB as this Body considers cases that relate to Year 8-12 admissions at any point in the year.</li> </ul>

7. **Advising parents on their role:** parents have a key role to play in the transfer process as it is their responsibility to:
- complete a Transfer Application for each child transferring to post-primary school. Parents should be advised that they can complete a hard copy Transfer Application in Irish if they so wish, but they should not complete applications in both English and Irish. The parents should contact the EA if an Irish Transfer Application form is required;
  - state their preference for the schools where they would like their children to be **considered** for admission. Parents should be made aware that they have the right to state their preference of school, but that if the school is over-subscribed then their child may not be admitted; and,
  - ensure that **all the relevant information** (relating to the admissions criteria of all the schools they have listed, for example, whether their child is the eldest or only child or first boy/girl to transfer, and whether siblings attend) is correct and is provided when they complete the Transfer Application to enable schools to consider their child's application properly. Parents should be made aware of the importance of ensuring that information provided on the Transfer Application is accurate, especially personal details including their address and that it is the child's normal place of residence. Also, parents should understand that, where relevant to an admissions decision, declarations of FSME registration will be checked by the EA and other important qualifying information, such as address details, and 'eldest child' will be checked by over-subscribed post-primary schools in accordance with the Department's Duty to Verify Guidance.
8. Parents should be advised that there will be no limit to the number of preferred schools which a parent may list on the Transfer Application and that **at least four** should be selected **including at least one non-grammar school**. Failure to express sufficient preferences risks a child being left without a school placement at the end of the procedure, resulting in a limited offer of schools with places still remaining.
9. Parents should be encouraged to think carefully about the preferences they express for their child's post-primary school, taking into account the following:
- the admissions criteria of schools - whether the schools are traditionally oversubscribed and therefore likely to apply their admissions criteria, and if so, to what extent the child meets these criteria;
  - the child's own views on where he/she would be happiest;
  - the child's aptitudes and the school(s) and provision to which they would best be suited;
  - the impression of schools gained from a range of sources eg. from visits to the schools, reading school prospectuses, talking to other parents etc;
  - the arrangements schools make for pupils who may require additional help;
  - the arrangements schools make to provide support for pupils who are not able to keep up with their class in specific subjects;

- the information that will be published in schools' prospectuses;
  - school fees (if relevant) and other additional costs (eg. are pupils required to participate in certain activities such as particular sports, which also have costs associated with kit etc.);
  - transport entitlement (see paragraphs 13.1 – 13.3); and,
  - travelling time and travel arrangements.
10. In relation to schools that use first a criterion giving a degree of priority to children who are listed on the EA register as entitled to free school meals (FSME), explaining in particular:
- that if a school adopts the FSME criterion in the form recommended by DE this will not mean automatic entry into a school for all FSME registered applicants, but they will be given a degree of priority to ensure that the proportion of such pupils admitted reflects the proportion of first preference applicants to that school who are FSME registered;
  - **that it will be very important therefore that parents register their child's entitlement to FSM with the EA as soon as possible** so that they are in a position to record this registered entitlement on the Transfer Application; and,
  - parents should also be made aware that declarations of entitlement recorded on Transfer Applications will be checked with the EA if relevant to an admissions decision.
11. In general, the importance of the information published online by the EA should be stressed to parents. In particular, parents should understand that the EA's online directory will tell them the admissions criteria that schools will use to select children if they are oversubscribed. These criteria will help parents understand the importance of the information that they will be responsible for providing when completing their child's Transfer Application.
12. If parents are unable to access the information published online, they should be advised the EA will also provide parents with a hard copy of a school's admissions criteria on request. Alternatively, parents may approach a school directly for this information. The EA will also provide parents with a hard copy Transfer Application form in the event that they are unable to submit an online form.
13. **Sources of information:**
- Parents may be directed to:
- The Departments information leaflet for parents of children due to transfer. This helps parents get ready for their child's move to post-primary school and can be found on the Departments website at:  
[Advice for P6 Parents - January 2023](#)
  - Information published online by the EA ([www.eani.org.uk](http://www.eani.org.uk)), including a searchable directory containing the admissions criteria of all post-primary

schools. A guidance leaflet setting out the transfer procedure, which will direct parents to this information on the EA website, will be shared with parents via their child's primary school. This leaflet can be accessed at:

[Admissions | Education Authority Northern Ireland \(eani.org.uk\)](https://eani.org.uk/Admissions)

- School prospectuses. These will be available free from post-primary schools (they may also be available on school websites) and contain much more detailed information about each school.
- The school operating an entrance test, if a parent is seeking advice on how a test result should inform completion of a Transfer Application.
- In all cases post primary schools must be mindful of their GDPR responsibilities when developing materials for publication.

### ADMISSIONS CRITERIA – EXPLANATORY NOTES

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

Recommended Criteria	Notes
Applicants who are entitled to Free School Meals (FSME): priority to be given so that the proportion of such children admitted is not less than the proportion of first preference FSME applications received within the total number of first preference applications received	<p>For example, if 20% of the total number of first preference applications is from FSME applicants, then at least 20% of the school's places should be allocated to FSME applicants.</p> <p>All schools and the EA should be aware of the eligibility criteria that establish entitlement.</p> <p>Any school using this criterion <b>must</b> list it as the first criterion.</p>
Sibling	<p>This criterion to be defined as "Children who, at the date of application, have a child of the family <u>currently</u> enrolled at the school".</p> <p>The phrase "child of the family" covers children fostered, adopted etc. and avoids having to define all the various permutations of sibling.</p>
Feeder/named primary school	<p>This criterion to be defined as "children who attend a named primary school to which a Board of Governors chooses to give priority".</p> <p>Post-primary schools should not give a higher level of priority to one primary school than is given to a primary school of the same sector and that is geographically closer to the post-primary school.</p> <p>In general, this criterion should be used to prioritise children attending a post-primary school's local primary schools.</p> <p>The Department may intervene where it considers that this criterion may be used in a manner that disregards these specific points.</p>
Parish (with nearest suitable school)	<p>This criterion to be defined as "children who reside in a named parish". For the purposes of this criterion, a Parish is a geographical area.</p> <p>Applicants will qualify for a Parish criterion by residing within the geographical boundary of the Parish and</p>

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

	secondary, controlled secondary, Irish-medium and Integrated.
Child Looked After	<ol style="list-style-type: none"> <li>1. Child Looked After is defined by the Children (NI) Order 1995 as children 'who are in the care of a Trust or who are provided with accommodation by a Trust.'</li> <li>2. Accommodation may be in a residential home, residential school, foster placement or in a family placement with a relative or occasionally at home.</li> </ol>
A tie-breaker	<p>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.</p> <p>A tie-breaker is an admissions criterion that will distinguish between individual children even to the point of determining between twins or children of multiple births. For detailed guidance on which tie-breakers should be used and how – see below.</p>
<p><i>Note: Integrated schools will continue to prioritise applications on the basis of religious background in order to maintain the required religious balance of their intakes.</i></p>	

**Schools wishing to use 'eldest child' criterion should consider the following guidance.**

Eldest Child	<p>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."</p> <p>This wording covers "only" children and is also intended to treat twins (or other multiples) as joint eldest.</p> <p>The term "eldest" can include eldest boy/girl in the case of single sex schools.</p> <p>The 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. in cases where a child is more than 7 years younger than their next sibling; cases where a family has moved residence; or cases where an older sibling cannot attend mainstream school, for example attends a special school.</p> <p>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').</p>
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1. **The FSME Criterion:** An illustrative example of an admissions process based on the use of this criterion, and other aspects of the recommended menu of criteria, is attached at Annex 3.

2. **Sibling and Eldest Child:** applicants should qualify for the Sibling criterion according to whether or not they have another “child of the family” currently attending the school in question. Applicants should qualify for the Eldest Child criterion according to whether or not, at the date of their application, they are the eldest child of the family to be eligible to apply for admission to the school.
3. **Eldest Child:** It is for a Board of Governors to conceive of the circumstances that it wishes this criterion to cover and to ensure that these and their precise limits are described clearly and fully in their published criteria. Boards of Governors should note the importance of using the phrase “child of the family” in whatever formulation of this criterion that they use.
4. **Child of the family.** 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; or,
  - a situation where for example an orphaned cousin is being brought up with a family or individual.

The child should be a child of the family as at the date of application.

5. **The Nearest Suitable School Criterion:** the important point that must be clear in relation to this recommended criterion is that it is the Boards of Governors of a post-primary school who determine whether or not their school, in respect of an **applicant’s residence**, is the nearest school of its type to the applicant. For the purposes of this criterion, and in line with transport eligibility policy, the guidance recognises six types of school: denominational grammar, non-denominational grammar, maintained secondary, controlled secondary, Irish-medium and Integrated.<sup>2</sup>  
For example, if the Board of Governors of a denominational grammar school uses the “Nearest Suitable School Criterion”, the actual wording of the criterion

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<sup>2</sup> A grammar school is legally defined as a grammar school in a manner unconnected with the nature of its admissions process. The existing definition is contained in the interpretation section of the Education and Libraries (NI) Order 1986 and is as follows:

“‘grammar school’ means a secondary school which—

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



may read: “applicants for whom [school name] is the nearest denominational grammar school”. An applicant will then qualify for this criterion as a matter of geographical fact.

6. **Tie-breakers:** the Department recommends the following:

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

**Method B - 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 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 ie. 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 (eg. computerised random selection).

7. Methods A and B do not present the operational difficulties for the processing of preferences that are presented by Method C. The only weaknesses with Methods A and B is that Method A will not distinguish between children with the same date of birth and Method B will not distinguish between children with exactly the same full name. However, if a school’s admissions criteria permit the school to apply the “age tie-breaker” in the event of a tie within the “random selection 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.
8. The optimal entry for a tie-breaker criteria for a Board of Governors to consider is, therefore, either of:

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

### Admissions Criteria - Illustration

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

#### **School A's Admissions Criteria**

In the event that there are fewer applicants complying with a particular criterion than there are places available or remaining, those applicants complying with that criterion will be admitted and the next criterion will be applied to the remaining applicants. In the event that there are more applicants complying with a particular criterion than there are places available or remaining, those applicants complying with that criterion will go forward to be considered under the next criterion and those not complying with that criterion will be eliminated.

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

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

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

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

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

*These criteria are published by the EA.*

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

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

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

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

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

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

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

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

Once again, the first of the lower criteria at this point is Criterion 5: "Older Applicants – established by Date of Birth as entered on a Birth Certificate. Therefore, the 25 applicants who equally did not qualify for Criteria 2, 3, or 4

(i.e. who are tied) have their individual placement within ranks 126-150 determined by their date of birth – with the eldest ranked highest.

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

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

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

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

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

Rank	Applicant	Rank	Applicant	Rank	Applicant	Rank	Applicant	Rank	Applicant
<b>91</b>	Name 91	<b>103</b>	Name 98	<b>115</b>	Name 114	<b>127</b>	Name 127	<b>139</b>	Name 139
<b>92</b>	Name 92	<b>104</b>	Name 99	<b>116</b>	Name 115	<b>128</b>	Name 128*	<b>140</b>	Name 140
<b>93</b>	Name 93	<b>105</b>	Name 100	<b>117</b>	Name 116	<b>129</b>	Name 129	<b>141</b>	Name 141
<b>94</b>	Name 94	<b>106</b>	Name 101	<b>118</b>	Name 117	<b>130</b>	Name 130*	<b>142</b>	Name 142
<b>95</b>	Name 95	<b>107</b>	Name 103	<b>119</b>	Name 118	<b>131</b>	Name 131	<b>143</b>	Name 143
<b>96</b>	Name 102*	<b>108</b>	Name 104	<b>120</b>	Name 120	<b>132</b>	Name 132*	<b>144</b>	Name 144*

<b>97</b>	Name 107*	<b>109</b>	Name 105	<b>121</b>	Name 121*	<b>133</b>	Name 133	<b>145</b>	Name 145*
<b>98</b>	Name 109*	<b>110</b>	Name 106	<b>122</b>	Name 122	<b>134</b>	Name 134	<b>146</b>	Name 146
<b>99</b>	Name 112*	<b>111</b>	Name 108	<b>123</b>	Name 123*	<b>135</b>	Name 135*	<b>147</b>	Name 147
<b>100</b>	Name 119*	<b>112</b>	Name 110	<b>124</b>	Name 124*	<b>136</b>	Name 136*	<b>148</b>	Name 148
<b>101</b>	Name 96	<b>113</b>	Name 111	<b>125</b>	Name 125	<b>137</b>	Name 137	<b>149</b>	Name 149
<b>102</b>	Name 97	<b>114</b>	Name 113	<b>126</b>	Name 126	<b>138</b>	Name 138	<b>150</b>	Name 150

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

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

School A thus identifies those 75 of its 175 first and second preference applications that, by virtue of being placed at ranks 101-175, will not gain admission to the school. School A returns to the EA the applications of these 75 applicants and keeps the other 100 applications.

The EA processes applications returned after the Second Preference stage by sending returned applications to the school submitted on the application as third preference. Accordingly, School A receives its third, fourth and lower preference applications and rank-orders and processes them onward until the deadline of the whole admissions process.

At this point the top 100 established by School A is final and the top 100 are offered places at the school. School A uses the final rank order as a reserve list to establish who is next in line should a place become available (any such places are offered with regard to FSME obligations up until the start of the new school year and the physical enrolment of pupils).

Audit trails of the entire process are kept for the purpose of Appeal Tribunals.