



# Commencement of Certain Sections of the Education (Admission to Schools Act) 2018

## Frequently Asked Questions

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This FAQ is intended as a guide to assist schools and should be read in conjunction with the provisions of the Education Acts 1998-2018, the Equal Status Acts 2000-2018, the Education (Welfare) Act 2000.

The purpose of this FAQ is to provide guidance to patron(s), schools and parents on the revised arrangements required by the act for school admissions. The FAQ covers the steps that must be followed by the school's board of management and patron(s), from preparation of the revised draft policy to the point of an offer of a school place being made and accepted, in addition to sections for parents and other general information relating to school admissions.

Templates for an [Admission Policy](#) and [Annual Admission Notice](#) for schools are available.

**NOTE:** This FAQ is not a legal interpretation of the legislation and the information/guidance in this document does not constitute legal advice. It is the responsibility of each school authority to read and familiarise themselves with the requirements of the legislation. Furthermore, it is the responsibility of each school authority to satisfy itself, having regard to its own legal advice, if required, that it has met any obligations that arise under the legislation.

It should also be noted that many of the issues addressed in this FAQ are linked and readers should therefore be careful not to read individual questions in isolation but should read this document in its entirety and in conjunction with the associated documents and information and the relevant legislative provisions.

### Key Dates

- 1 February 2020 – Schools have 3 months from this date to draft their admission policy
- 30 April 2020 – The draft admission policy must be submitted to the patron for approval by this date
- 15 September 2020 – The date by which the admission policy must be fully approved and returned to the board by the patron
- 1 October 2020 – The first day that schools can start accepting applications for the intake group for the 2021/22 school year

### Key Documents

- School Admission Policy
- Annual Admission Notice
- Application Form for admission to school

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## **Section 1 – Preparing the Admission Policy – Guidance for Boards of Management and Patrons**

### **1. What steps do boards of management and patron(s) need to take when preparing and approving the school’s admission policy?**

- (a) The board of management (‘the board’) must consult with the patron(s), parents of students attending the school and staff of the school when preparing the draft admission policy.**

Section 62 of the act deals with the new processes around admission policies. This section requires the board to consult with parents, staff and the patron(s) before drafting the policy and this is a once off process and is not required on an ongoing basis, except where a school decides to review the policy at some future date. Where a board decides to review its admission policy at a future date it must repeat the process of consultation and approval as if it was publishing the policy for the first time.

- (b) The board must prepare a draft of their admission policy before 30 April 2020.**

In accordance with the act, boards have three months after the commencement of section 62, on 1 February 2020, in which to prepare their draft admission policies i.e. 30 April 2020. As all schools have existing admission policies the drafting of the new admission policy as required by the legislation should not involve significant changes for the majority of schools.

A template Admission policy document can be found at the following link: [Admission Policy Template](#)

- (c) The board must forward the draft admission policy to the patron(s) for approval.**

The patron(s), upon receipt of the draft admission policy, must approve the policy. However, if the patron(s) wishes to make modifications to the draft policy they should return the policy to the board so that the modifications can be completed. The board must then make any specified modifications within 2 weeks and return the policy to the patron(s) for approval.

The patron(s) must approve the draft policy or the modified draft policy, as soon as practicable but in any case no later than 15<sup>th</sup> September.

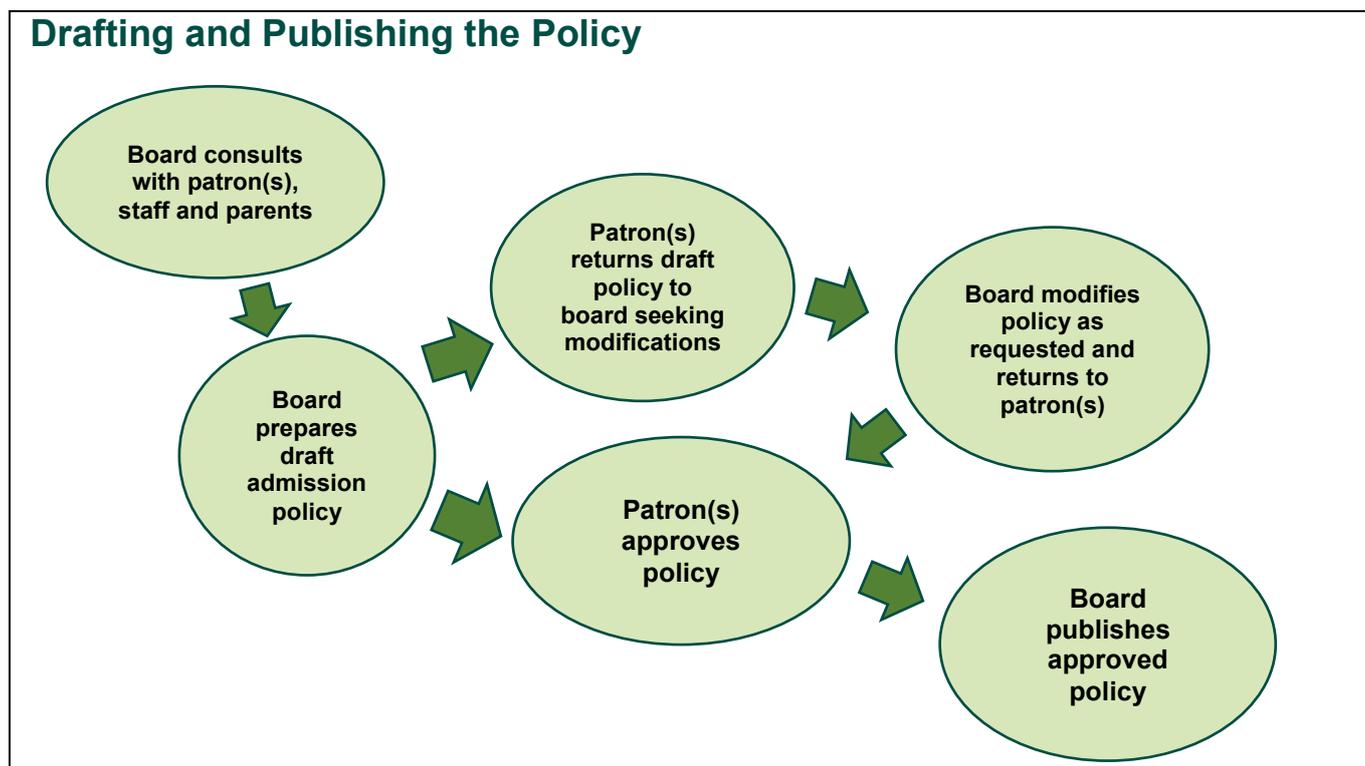
The patron(s) must then forward the approved admission policy to the board of management for publication.

- (d) The board must publish the approved policy.**

The board must publish the new policy on a publicly available website maintained by the school i.e. the school’s website. However, the new policy must not be published before 1 September 2020. This is necessary to ensure that there is no confusion and that the policy applies to the intake group for 2021/2022 and subsequent years and does not apply to applications for admission to the 2020/2021 intake group.

For future years, should a board revise its admission policy, it will have 2 weeks from the date of receipt of the approved policy from the patron(s) to publish the policy on the school’s website. The admission policy must be maintained on the school’s website until such time as it is updated and replaced by a new policy. The policy must also be available on request from the school.

The process of preparing and seeking approval for the draft admission policy is set out below:



## Section 2 – Admission Process

### 2. How do schools run their admission process?

#### (a) The board must prepare and publish the school’s Annual Admission Notice

Boards must prepare and publish an Annual Admission Notice which must contain certain information, as set out in the response to question **8 below**.

The Notice must be published at least 1 week before a school can accept applications for admission.

Schools cannot accept applications before 1 October in the year preceding the school year for which application to the intake group is being made.

The notice must be published on the school’s website and must remain there for the duration of the school year.

The notice must also be made available on written request.

Further information on the admission notice can be found at **8 below** and a template document can be found at the following link: [Annual Admission Notice Template](#)

#### (b) The school accept applications for admission

Schools must accept applications in accordance with the dates set out in their Annual Admission Notice.

#### (c) The school makes decisions on applications for admission

Decisions by schools in respect of applications for admission to the intake group must be notified to the applicant within 3 weeks of the closing date for receipt of applications as set out in the notice.

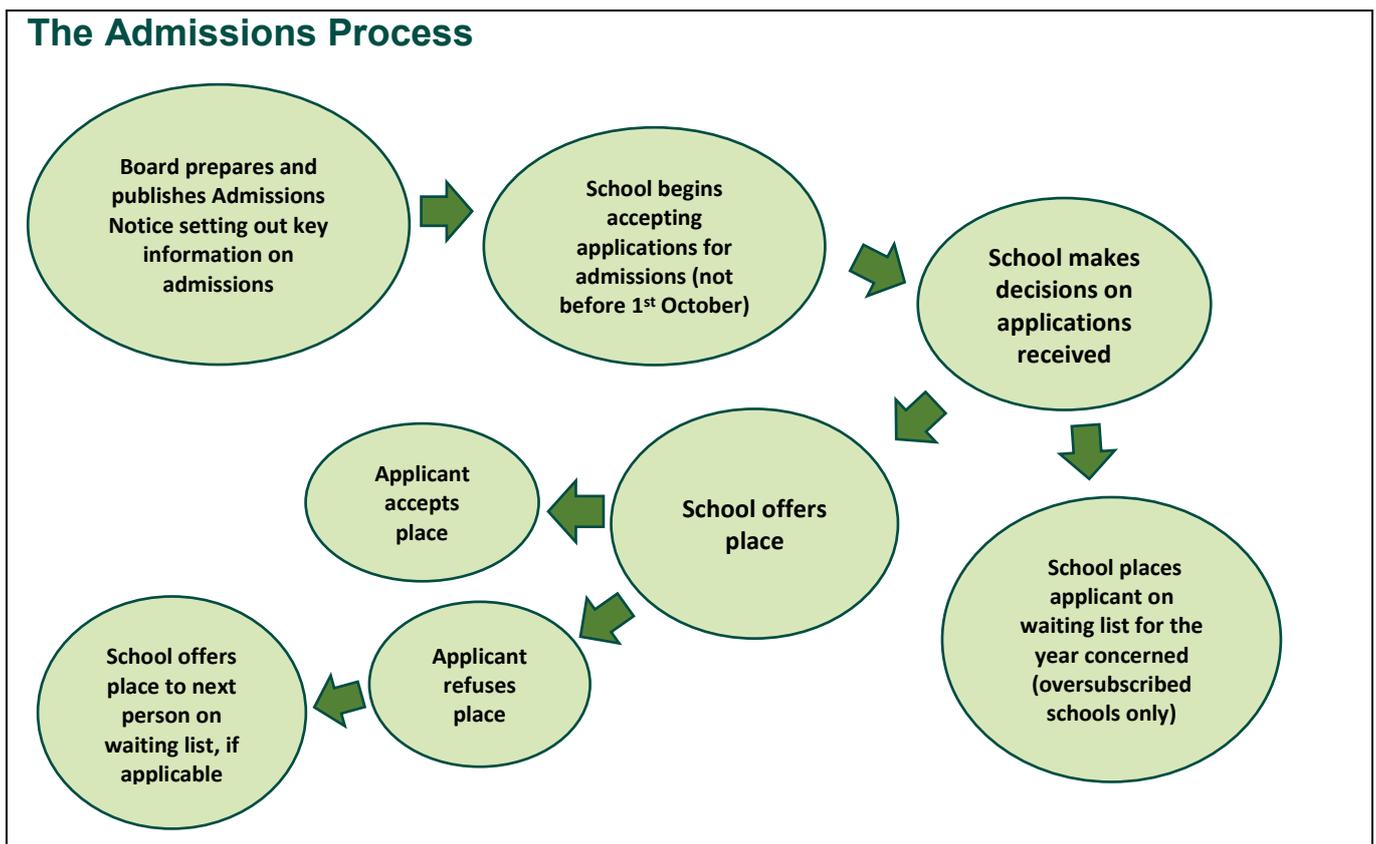
Decisions in relation to applications to the intake group received after the closing date set out in the notice should be notified to the applicant within 3 weeks of receiving the application.

Further information around the decision making process is available at section **4 below**.

An offer of a school place must be accepted within the timeframe set out in the Annual Admission Notice. Schools must provide applicants with details of the period during which they must accept the offer.

Schools that are oversubscribed must compile a waiting list of students whose application to the school was unsuccessful. This waiting list must remain valid for the duration of the school year concerned only and must be used to fill any vacancies that arise during that year.

**All schools must accept and decide on late applications to the intake group. Places must be offered where there are still places available. Schools that are oversubscribed must place unsuccessful applicants on the waiting list for the school. All decisions on applications including details of the student's place on the school's waiting list (where appropriate) must be provided in writing to the applicant.**



### 3. What are the key dates for school admission processes?

Schools cannot accept applications before 1 October in the year preceding the school year for which application to the intake group is being made. Schools have discretion as to when they start their admission process as long as it is after 1 October in the previous year.

The publication of the school's Annual Admission Notice will provide parents with all of the key information on the school's admission process. The notice must be published on the school's website at least 1 week before a school can begin accepting applications for admission for the year concerned and the notice must remain there for the duration of the school year.

## Section 3 – School Admission Policies

### 4. Is there any guidance on what a school's admission policy must include?

As an aid to boards in preparing their admission policy, the Department has published a template admission policy which is available ([here Template Admission Policy](#)).

The act requires that a school's admission policy must contain certain mandatory elements. Most schools will already have many of these elements in their existing policy. The template will assist schools in ensuring that their new policy meets all of the requirements of the legislation.

### 5. Must every school's admission policy contain an admission statement?

The act requires that certain information must be contained in every school's admission policy. One of these pieces of information is the Admission Statement. Every school must provide in its Admission Statement that it will not discriminate against an applicant for admission on any of the specified grounds as follows: the gender, civil status, family status, sexual orientation, religion, disability, race, member of traveller community or special educational needs. The Department's [template admission policy](#) sets out what this statement must entail.

In addition the categories of schools set out at (a) to (f) below must include additional information in their statement.

**Note:** Some schools may need to include statements under more than one of these headings as set out below:

- (a) **A school that admits students of one gender only** must include a statement that the school does not discriminate in relation to the admission of students where it refuses to admit as a student a person who is not of that gender.
- (b) **A denominational post-primary school** must include a statement that the school does not discriminate in relation to the admission of students where it admits persons of a particular religious denomination in preference to others.
- (c) **All denominational schools (primary and post-primary)** must include a statement that the school does not discriminate in relation to the admission of students where it refuses to admit as a student a person who is not of a particular religious denomination and it is proved that the refusal is essential to maintain the ethos of the school.
- (d) **A minority religion primary school** must include a statement that the school does not discriminate in relation to the admission of a student who is a member of a minority religion in accordance with section 7A (inserted by section 11(b) of the Education (Admission to Schools) Act 2018) of the Act of the Equal Status Act 2000.
- (e) **Special schools** - A school providing education exclusively for students with a category or categories of special educational needs must include a statement that the school may refuse to admit a student who does not have the specified category of special educational needs concerned.
- (f) **Schools with a special class** - A school that has established a special class providing education exclusively for students with a category or categories of special educational needs must include a statement that the school may refuse to admit to the class concerned a student who does not have the specified category of special educational needs concerned.

**\*NOTE:** The act does not require special schools and special classes providing for a category or categories of special educational need (SEN) to change their current status. The current arrangements in relation to the category or categories of SEN provided by schools will continue as in previous years unless otherwise directed by the NCSE or the Department. The school must also specify in its admission policy the category or categories of SEN catered for in the special school/class concerned.

## 6. What selection criteria are schools allowed to include in their admission policy?

Schools will continue to have discretion in relation to their admission criteria and how they are applied. However, there are certain criteria that are specifically prohibited by the act.

Otherwise, the criteria to be applied by schools and the order of priority are a matter for the schools themselves. However there are two key points to note:

- Firstly, the selection process and the admission policy on which it is based must be non-discriminatory and must be applied fairly in respect of all applicants.
- Secondly, it should be noted that selection criteria not included in the school's admission policy cannot be used to determine whether a student can gain admission to a school.

## 7. What selection criteria are schools prohibited from including in their admission policy?

When deciding on an application to the school or placing a student on a waiting list a school **cannot** take into account the matters listed below whether as selection criteria or otherwise as part of its admission processes or in its decision making on applications. There are a limited number of exceptions which have been highlighted in red:

- (i) a student's prior attendance at a pre-school or pre-school service  
(other than in relation to a student's prior attendance at—  
(a) an [early intervention class](#), or  
(b) an [Early Start Preschool](#),  
specified in a list published by the Minister from time to time.)
- (ii) the payment of fees or contributions (howsoever described) to the school  
(other than in relation to:  
(a) fees charged by fee charging post-primary schools, which schools are specified in a list of fee charging post-primary schools published by the Minister;  
(b) fees charged by boarding schools, specified in a list of boarding schools published by the Minister from time to time, insofar as those fees relate solely to the cost of providing residential boarding places;  
(c) fees charged by schools that provide post leaving certificate courses (PLCs), insofar as those fees relate to the cost of providing those courses;  
(d) fees charged by schools that provide further education and training courses, in respect of those courses.)
- (iii) a student's academic ability, skills or aptitude  
(other than:  
- in relation to admission to (a) a special school or (b) a special class but only insofar as it is necessary in order to ascertain whether or not the student has the category of special educational needs concerned and/or  
- where an Irish language school gives priority, in accordance with the provisions of section 62(9) of the act, to a student who has attained a level of fluency in the Irish language.)
- (iv) the occupation, financial status, academic ability, skills or aptitude of a student's parents
- (v) a requirement that a student, or his or her parents, attend an interview, open day or other meeting as a condition of admission

(other than in the case of admission to the residential element of a boarding school or to a PLC or further education and training course run by a school.)

- (vi) a student's connection to the school by virtue of a member of his or her family attending or having previously attended the school

(other than, in the case of the school wishing to include a selection criteria based on (1) siblings of a student attending or having attended the school and/or (2) parents or grandparents of a student having attended the school.

In relation to (2) parents and grandparents, a school may many use this criterion to fill a maximum of 25% of the available places as set out in the school's annual admission notice.)

- (vii) the date and time on which an application for admission was received by the school

This is subject to the application being received at any time during the period specified for receiving applications set out in the annual admission notice of the school for the school year concerned. This means that a school cannot apply a selection criterion based on the date of application but it does not prevent the school from requiring applications to be submitted within the timeframe set out in their Annual Admission Notice.

NOTE: A school may apply a selection criterion based on a pre-existing waiting list (a waiting list that was in existence prior to 1 February 2020), provided that that school had prior to 1 February 2020 confirmed in writing to a person who had made an application or an expression of interest in applying for a place in the school and the student concerned had been placed on a waiting list for the allocation of places in the school year concerned. This exception will cease to exist on 31 January 2025.

## Section 4 – Annual Admission Notice

### 8. What is the annual admission notice?

Section 63 of the act requires all boards to prepare and publish an Admission Notice each year. This notice must be published on the school's website at least one week prior to the school commencing its annual admission process.

The notice must provide details about how to obtain a copy of the school's admission policy and application form for admission.

The notice must also provide the following information regarding the admission process for intake group of the school for the school year concerned:

- The date on which the school shall commence and cease accepting applications for admission to the school for the school year concerned (there must be a minimum period of 3 weeks)
- The date by which the applicant shall be notified of the decision in relation to their application, (this must be within 3 weeks of the closing date, or within 3 weeks of the application date for late applications)
- The date/period by which the applicant shall confirm acceptance of the offer of admission;
- That the offer may be withdrawn if the applicant does not accept the offer of admission within the timeframe set out
- In relation to the school year concerned:
  - the number of school places available in the intake group,
  - in the case of a boarding school, the number of residential and the number of non-residential places available

- in the case of a school with a special class the number of school places available in the special class concerned
- In the case of a school where the intake group or special class was oversubscribed in the year prior to the year for which admission is sought, the admission notice must include a statement setting out the number of applications received and the number and order of offers made in that school year in respect of each of the school's selection criteria
- In the case of a school, where offers have been made and accepted for the school year concerned, prior to the commencement of section 62, (i.e. prior to 1 February 2020), that the school should include the number of such school places offered and accepted

A [template Annual Admission Notice](#) has been provided and may be used when drafting this document.

## **Section 5 – Further Information in relation to admissions processes for Schools**

### **9. How can schools manage their admission processes where applicants have applied to more than one school?**

In order to facilitate an efficient admission process for schools and applicants, the act allows schools to share the following information:

- The date an application was received.
- The date an offer was made.
- The date an offer was accepted.
- A student's identifying personal details (to ensure that it is the same person applying to both schools).

It is a matter for the schools concerned to agree and put in place arrangements for any sharing of information under the act.

The Department's primary online database (POD) has a pending enrolment list function which, if used by schools in a timely manner, will provide a conflict notification if the student is listed as pending for another primary school.

More information on the 'pending enrolment' function is available on the Department's website at the following link: [Primary-Online-Database-POD-/pod-instruction-pending-enrolment-instructions.pdf](#)

This facility is not available on the Post-Primary online database (PPOD).

### **10. What happens to waiting lists in existence prior to the commencement of the relevant provision on 1 February 2020?**

Where applications or expressions of interest were received by the school before 1 February 2020 and where a school had also before 1 February 2020, confirmed in writing that the applicant had been placed on a list for the purposes of allocating school places in the year concerned, places on such waiting lists may remain valid and a school may apply a selection criterion based on such a waiting list. However, such waiting lists will cease to exist, as set out in the act, five years from the commencement of section 62 i.e. on 31 January 2025.

### **11. What happens to school places that were offered and accepted before 1 February 2020?**

Places in schools which were offered and accepted by applicants before the commencement of section 62 remain valid.

## **12. How will new waiting lists operate?**

Where a school is oversubscribed in any particular year, it will be required to compile a waiting list of students whose applications for admission to the intake group were unsuccessful due to the school being oversubscribed. The school must use this list to fill any vacancies arising during the school year in question only.

## **13. Can Irish Medium Schools give priority to Irish speaking students?**

The act makes provision for Irish medium schools (where it is their policy to do so) to give priority in admission to students where the school is satisfied that the student has attained a level of fluency in the Irish language, and where such fluency would be likely to regress if the student were not admitted to an Irish medium school.

Key points to remember:

- An applicant may, when making an application for admission to an Irish language school include a statement confirming that -
  - the student has attained a level of fluency in Irish and
  - that the student's fluency in Irish would be likely to regress if the student were not admitted to an Irish medium school.
- An applicant may provide whatever evidence they consider appropriate in relation to the student's fluency in Irish and may make the student available for interview or a meeting to demonstrate their level of fluency in Irish if they so wish.
- The Irish medium school cannot compel a student or his or her parents to attend for interview or a meeting for this purpose.
- The Irish medium school can only take into account the evidence provided by the applicant regarding the fluency of the student.
- The Irish medium school may not rank applicants on the basis of their relative fluency against other students who have also demonstrated their level of fluency in Irish. The school's selection criteria, as set out in their policy, must be applied where the number of such students is greater than the number of places available.
- Schools will also be required to take into account the special needs of the child in the context of the child's oral language fluency.

## **14. Can a post-primary Irish medium school give priority to students who attended a primary Irish medium school?**

An Irish medium post-primary school may, should it wish to do so, provide for the inclusion of students that have attended an Irish medium primary school.

## **15. What must be included in the Admission Policy regarding applications for admission to classes or years other than the intake group and applications for admission received during the school year?**

The Admissions policy must outline the school's procedures for the admission of students (who are not already admitted to the school) to classes or years other than the intake group, and after the start of the school year.

The procedures and any selection criteria used in relation to such applications must comply with the provisions of the act and must provide that each student seeking admission shall be admitted other than where the school is oversubscribed or where one of the other specific circumstances, as set out in the act, apply.

## 16. What changes were previously introduced by the act?

On 3 October 2018 a number of sections of the act were commenced and are now operational, as follows:

➤ **Removal of religion as a selection criterion in school admissions in recognised primary schools.**

Section 11 of the act amended the Equal Status Act 2000 to remove, in the case of recognised primary schools, the provision that permitted such schools to use religion as a selection criterion in school admissions.

However there is a provision to ensure that a child of a minority faith, can access a school of their faith. The amended Act provides that a recognised primary school does not discriminate where it admits as a priority a student from a minority religion who is seeking admission to a school that provides religious instruction or religious education which is of the same religious ethos as the minority religion of the student concerned or is a similar religious ethos to the minority religion of the student concerned.

➤ **Prohibition on the charging of fees or seeking payment or contributions for admission to or for continued enrolment in a school.**

Section 64 of the act prohibits the charging of fees or seeking payment or contributions for an application for admission to or for continued enrolment in a school. Exceptions are included in relation to fee charging post-primary schools, the boarding element in Boarding Schools and admission to post leaving cert or further education courses run by post-primary schools.

➤ **Co-operation and sharing of information between boards.**

Section 66 of the act allows schools to share information with each other in respect of applications received, offers made and offers accepted. It also provides the Minister with the power to direct two or more schools to co-operate with each other in the admission processes of the schools concerned.

The following section commenced on **3rd December 2018**:

➤ **Power of the Minister to compel a school to open a special class or classes,**

Section 8 of the act provides the Minister with a power, after a process of consultation with the National Council for Special Education (NCSE), the board of management and the patron(s) of a school, to compel a school to make additional provision for the education of children with special educational needs i.e. open a special class or classes, where the NCSE has identified a need for such provision within an area.

## Section 6 – General Information for Parents

### 17. Where will I find information on a school's admission policy and other details like the application form, closing dates etc?

A copy of the school's admission policy for 2021/2022 must be made available on the school's website as soon as it is published. Schools are not permitted to publish their admission policy for admissions to the 2021/2022 school year before 1 September 2020.

The Annual Admission Notice will contain information on a number of practical details regarding the admission process of a school that change from year to year. For example:

- How to obtain the school's admission policy and application form for enrolment
- Dates when the school will begin and cease accepting applications for admission to the school for the school year concerned
- Dates by when offers will be notified to applicants and dates by when acceptance should be confirmed to the school
- In oversubscribed schools, information in relation to the number of applications received and the number and order of offers made in the previous year

The school's annual admission notice must be published annually on the school's website. More information on the annual admission notice is available at **8 above**.

## **18. Who must be consulted on the school's new revised admission policy?**

Schools are required to consult with patron(s), parents of students attending the school, and staff of the school in drafting and revising their school admission policy.

## **19. What if my child has already been offered and has accepted a place in a school or has been given a number on a waiting list for a school place?**

The new requirements apply to admission for September 2021 onwards. The current arrangements will apply to admission for September 2020.

In relation to school admissions for September 2021 and subsequent years the following applies:

- If you have, before the 1 February 2020, been offered and accepted a school place for September 2020 the act will not change or impact this offer.
- If you have been informed in writing before 1 February 2020 that your child is on a waiting list for a school or a special class in a school, the act allows schools to continue to use existing waiting lists to allocate school places for a period of 5 years from the date of commencement of the relevant section of the act i.e. school may continue to offer places from such waiting lists until 31 January 2025.

## **20. How much time do I have to notify a school when accepting an offer?**

The period upon which you will have to accept any offer will be set out in the school's Annual Admissions Notice for the year concerned.

Upon accepting an offer you must outline to the school if you have accepted a school place(s) in another school(s)/are awaiting an offer from another school(s). Failure to do so may result in a school withdrawing an offer of a school place.

## **21. Can an offer of a school place be withdrawn?**

An offer of a place in a school can be withdrawn by the school for the following reasons:

- Failure to accept a place within the period set out in the school's annual admission notice
- If you provide false or misleading information in the application form for admission
- If you, as the parent/guardian of a student do not confirm in writing that the code of behaviour of the school is acceptable to you and that you will make all reasonable efforts to ensure compliance of the code by the student, having been requested by the school to do so

- If when accepting an offer you did not inform the school that you have accepted an offer or offers in other schools and provide details of same. This also applies if you did not inform the school that you have applied to another school(s) and are awaiting confirmation of a place.

## **22. What information can schools share in relation to my application for admission?**

Schools can share certain data in order to facilitate the efficient admission of students. Should they wish to do so, a board may provide a patron or another board of management with a list of the students in relation to whom—

- (i) an application for admission to the school has been received,
- (ii) an offer of admission to the school has been made, or
- (iii) an offer of admission to the school has been accepted.

The list may include any or all of the following:

- (i) the date on which an application for admission was received by the school;
- (ii) the date on which an offer of admission was made by the school;
- (iii) the date on which an offer of admission was accepted by an applicant;
- (iv) a student's personal details including his or her name, address, date of birth and personal public service number (within the meaning of section 262 of the Social Welfare Consolidation Act 2005).

## **23. Is there anything else that schools are required to publish?**

Boards are now required to publish their code of behaviour. Section 10 of the act amends the Education Welfare Act 2000 to provide for this requirement.