

ADVICE NOTE ON CHURCH ATTENDANCE REQUIREMENTS FOR SCHOOL ADMISSIONS DURING CLOSURE OF CHURCHES FOR PUBLIC WORSHIP: VA AND VC SCHOOLS AND ACADEMIES FOR ADMISSIONS IN SEPTEMBER 2021

Introduction

NOTE: This Advice Note includes guidance on VA and VC schools, and to academies, following a Ministerial decision on the latter. It replaces the previous version of this document dated 200705.

1. In their admissions oversubscription arrangements, many Church of England schools and academies give some degree of priority to children whose parents or carers are members of the Anglican church, and also to those who are members of other Christian churches, and of other faiths.
2. In drawing up such faith-based oversubscription criteria, diocesan advice is that the most appropriate measure of faith commitment is regular attendance at public worship, with that attendance verified by a member of the clergy or a designated church officer.
3. Provision is also made for an admissions authority to decide on the appropriate definition of regular attendance, and/or to give higher priority to applicants with a more frequent or longer period of attendance at public worship.
4. That diocesan advice helps ensure that parents and carers, schools and churches have a clear, transparent, and objective understanding of what the requirement is and how it will be evidenced. In turn, this assists the relevant Admissions Authority to make admissions decisions, to deal with any queries, for any appeals to be fairly determined, and for the statutory and regulatory requirements applicable to school admissions to be fully complied with.
5. However, the COVID19 pandemic has led to churches – and indeed other places of worship – being closed for public worship under the provisions of the Coronavirus Act and its associated Regulations since lockdown was implemented in mid-March.
6. From 4 July 2020, churches are permitted to reopen for public worship. They will, of course, have to do so in a COVID-secure way, following the recent guidance issued by the national church, with the decision to reopen a specific church resting with parish priests and their Parochial Church Council, in collaboration with the bishop. It is recognised that churches will open on different dates and their pattern of services may also be different, for example to ensure that social distancing can operate effectively. Should it be necessary, the government has also made clear that it would not hesitate to reintroduce more restrictive measures should the number of infections increase, locally, regionally, or nationally.
7. In short, parents have been unable to show that they meet the faith-based oversubscription criterion for regular church attendance during this period of temporary church closure. This has created anxiety for them and uncertainty for clergy, schools, governors, Diocesan Directors of Education, and their teams and, most significantly, for the prospective pupils of those schools where this criterion applies.

The Solution

8. In discussion with diocesan and other colleagues, including the Office of the Schools Adjudicator (OSA) and the Department for Education (DfE), several possible solutions were explored. However, it rapidly became clear that the most straightforward, least burdensome, and most practical approach is as follows.
9. **A standard wording has been agreed with OSA to clarify the application of the attendance requirement for schools to request a variation to their admissions arrangements for this specific situation.** The variation is in fact a clarification as to how church attendance is to be calculated in these unique circumstances.
10. **That agreed wording reads:** “ *In the event that during the period specified for attendance at worship the church [or, in relation to those of other faiths, relevant place of worship] has been closed for public worship and has not provided alternative premises for that worship, the requirements of these [admissions] arrangements in relation to attendance will only apply to the period when the church [or in relation to those of other faiths, relevant place of worship] or alternative premises have been available for public worship”.*
11. **Individual admission authorities decide how they wish to amend their arrangements and produce a version of the arrangements with the desired changes. This needs also to include appropriate changes to any Supplementary Information Form (SIF), including any Clergy/Faith Leader Verification Form.** The admission authority can draw on the standard wording above for this purpose. There is no requirement to adopt a specific format in submitting the new version, as long it clearly shows what is being amended e.g. by striking through the text, or by ‘delete the following ...and insert ...’. This is to make it as simple as possible for each school to complete.
12. **Individual admissions authorities, with their schools, complete the standard OSA proforma requesting an in-year variation to their admission arrangements.** In the relevant section, add the standard text given in para. 10 above, deleting any wording that is not in accordance with the variation being sought. A Model OSA application form is attached, including suggested text for the key sections, for schools to complete. Dioceses may wish to pre-populate some other sections.
13. **Each admissions authority attaches an electronic note to the proforma giving the agreement of the school(s) Governing Body or Academy Trust Board to seek this variation.** A Model email from the Chair of Governors is attached for that purpose. Under the DfE guidance for Governing Bodies during the pandemic, governing bodies can meet and transact essential, urgent, and time-limited business electronically, by email or by videoconference. Seeking this variation would fully meet that guidance. In terms of the format, this can be either by dealing with the matter by Chair’s Action or by a decision of the governing body – the former may be simpler in many cases.
14. **Each Admissions Authority electronically sends its completed request proforma(s) and their accompanying notes from each Governing Body/Chair of Governors to the diocese, along with a copy of the admission arrangements as proposed to be varied (which should be inserted in Box 2**

c of the OSA proforma) including the relevant SIF with proposed changes and any associated Clergy/Faith Leader verification Form.

15. **The notifications which are required to a specified set of interested parties (set out in s 1.44 and s 3.6 of the Admissions Code) also need to be made by the Admissions Authority.** However, colleagues will be aware that this is a notification process and not a consultation process. After discussion with colleagues at OSA, this requirement can be met by including those to be notified by any of the following approaches (i) cc them on the email from the COG to the diocese requesting the variation or (ii) by the diocese itself emailing the other admissions authorities with the variation on behalf of its schools, as some dioceses undertake this task centrally at present or (iii) in areas where LA carry out this task (for example under a service level agreement with the diocese) requesting the LA to notify the relevant bodies
16. **The diocese collates these requests and submits them to OSA for maintained schools. This process - informally called a ‘batch application’,** helps minimise the burden on individual schools, on dioceses, on Local Authorities and on the OSA (which has indicated that this procedure is acceptable and that it anticipates being able to process the applications in a timely way). The production of individual requests, collated and submitted in a batch by the diocese, also meets the requirement that the admissions authority must make the request; that the school(s) concerned did in fact wish the variation to be made; and that a clear audit trail is then available should it be necessary to review the decision-making process. Dioceses may submit the collated material in several batches if they wish, rather than waiting until all schools have responded. They may submit each batch as a Zip file, or by sending an electronic document link, as OSA uses the DfE’s own IT system and regularly uses both routes to circulate information.
17. **For Voluntary Controlled schools,** the responsibility for admissions rests with the Local Authority, unless it has chosen to delegate that responsibility to the governing body of an individual school or schools. We suggest that the diocese takes the initiative in helping the school approach the LA and in completing the proforma and attachment, given the working relationship that exists between diocese and LAs. Please note that where a local authority is proposing to vary the arrangements of a voluntary controlled school, it must consult the governing board of that school as explained in paragraph 3.6 of the Code.
18. **It is suggested that a diocesan cover-sheet is submitted –** a possible draft is shown below – and that **individual schools are listed as an Appendix, in spreadsheet format,** including their respective URN, their status (VA, VC,) and phase, and their admissions authority. The diocese may also take the opportunity to confirm that, as the relevant religious authority, it has been notified of the variation requested, considers that the admissions authority has had regard to diocesan guidance, and gives its support to that request.
19. **As explained above, the OSA will still need to see the relevant section of the proposed new admission arrangements for individual schools.** However, including this within Box 2c of the Application Form will meet this requirement. In addition, the fact that the variant sought is carefully drawn and specific, using an agreed form and procedure, makes the timely completion of this task feasible.
20. **Once the variation is approved, individual admissions authorities and schools must amend the admissions arrangements information and related**

documents on their website and elsewhere, to continue to meet their statutory obligations, and to ensure the information is readily available, current, accurate and clear. This is, of course, a requirement for each successive admissions cycle and for any other potential variants to admissions arrangements.

21. For Academies, the admissions authority is normally the Academy Trust Board, and not the diocese. Requests for variations to academy admissions arrangements are the responsibility of the Regional Schools Commissioner, although those arrangements must comply with the Admissions Code 2014 and associated regulations.
22. There are no standardised mandatory templates for submitting requests for variations to an academy's admission arrangements. However, the DfE advise that using the OSA documentation ensures that all the required information is provided. We therefore strongly advise this approach be taken, adapting the terminology as required.
23. Completed submissions are sent to the Diocese, which collates them, and forwards them to Academy.QUESTIONS@education.gov.uk . This ensures they are then allocated to the appropriate caseworker, who deals with the request and with the relevant RSC.
24. There is no requirement, in these exceptional circumstances, for the usual mandatory public consultation to take place before seeking this particular variant, and has been confirmed by Ministerial decision.
25. We recognise that a number of MATs include schools which do not have faith-related criteria (some of which may well be church schools), whilst others do apply them in their oversubscription criteria, We understand that the DfE expects the MAT to submit requests for variations only from those schools where such criteria are relevant, though it may have a standard admissions policy that applies to all its member schools. We are awaiting final written confirmation of that understanding but dioceses may proceed on the basis that this is the case.

Timescales

26. **For admissions to schools in September 2021, the closing dates for application is 31 October 2020 for secondary schools and 15 January 2021 for primary schools.**
27. **Local authorities will publish** their composite prospectus for their area for admissions in 2021 by 12 September 2020, and schools should already have published their determined admission arrangements on their websites. Paragraph 1.50 of the School Admissions Code requires school admission authorities to provide all the information the local authority needs to compile the composite prospectus by no later than 8 August 2020, unless otherwise agreed.
28. Ideally therefore, diocesan advice should be issued in July 2020, so that parents can be informed before applications are made.
29. For schools using attendance at public worship over two or more years as the qualifying criterion, this issue will arise beyond September 2021. However, the **OSA has agreed that it is not necessary for schools to carry out a fresh consultation between 1 October 2020 – 31 January 2021 in order to retain the variant for future years.** That is because the variant is conditional: it only applies when churches are closed for public worship, and this may be re-imposed where necessary for some time. Retaining it, once approved, is not therefore a

change, and so does not need fresh consultation every year, unless an individual school wished to delete it, or to make some other change to its admissions requirements .

Additional Notes

30. It should be emphasised that the responsibility for admissions arrangements lies with the admissions authority concerned and, in the case of Church of England schools, the relevant Diocese has both certain statutory obligations to discharge and a key role in supporting its family of schools and academies.
31. The national Education Office, in providing this draft guidance, is supporting the dioceses and their schools in dealing with this sensitive and important issue. It quite rightly remains the right and responsibility of individual admissions authorities and dioceses as to how and to what extent they wish to use this potential request for a variation in their oversubscription criteria requiring church attendance.
32. Although almost certainly self-evident, it may be worth reminding colleagues who do not normally deal with admissions that the provision suggested here has a specific and definite purpose: dealing with attendance when churches are closed for public worship. Any other potential variant to a school's admission arrangements, including to oversubscription criteria, outwith this specific instance, must follow the established procedure and timescales for such matters. They cannot be included in the diocesan submission described here.
33. Finally, our thanks are particularly due to Diocesan Admissions Officers, especially those on the Working Group, and to their Diocesan Directors of Education, to those at OSA, the DfE and more widely across church schools and academies, in parishes and other parts of our education system. We remind ourselves that this work is rightly described as a service, and one which is directed at the flourishing of the pupils and students, current and prospective, in our schools and academies, and the parents and communities which they serve.

Garry Neave

Frequently Asked Questions

- **How is the period of church closure to be determined?**

On Tuesday 17 March, the Archbishops of Canterbury and York wrote to all dioceses and clergy, requiring the suspension of public worship, although there was some variation in how that was interpreted. The formal announcement under the Coronavirus Act and its associated regulations that churches were required to close with immediate effect was made by the Prime Minister on Monday 23 March. **We advise that 17 March is the appropriate date to use**, although we are aware that some churches closed before 17 March because of local circumstances due to the pandemic, and may use that earlier date of closure if it can be evidenced.

- **Our church is now reopening for public worship. What date should we use in dealing with admissions matters relating to church attendance?**

This will vary from one church to another, depending on the circumstances, since some will need significantly longer to be able to safely reopen for public worship, and to be COVID-safe may need to restrict the number and nature of services, or the number attending. We suggest it is the date of the first public act of worship that the congregation would normally attend, which will often be on a Sunday, although this suggestion cannot be interpreted rigidly.

- **What counts as public worship?**

For this specific purpose, we mean the ordinary services taking part in church which members of the congregation would be able to attend, typically morning or evening prayer and celebrations of the Eucharist, or their regular pattern of public worship whether on weekdays or Sundays. We are aware that churches may use a variety of titles for these services.

- **Our oversubscription criterion provides for those who attend other Christian churches and those of other faiths. Is this still possible?**

Yes – the standard text has a phrase [marked in square brackets for ease of reference] to precisely cover this point. If your current criterion does not include this, you can simply delete that phrase.

- **When churches are open for private prayer, will that meet the attendance criterion?**

No, because this is, by definition, not an act of public worship, although it is something we value tremendously and are delighted to see has become possible once more.

- **We have been streaming our regular services, initially from the church and subsequently from our homes. Does that meet the definition of public worship?**

We know that people have been amazingly creative in finding new ways to worship but this approach does not meet the criterion, mainly because attendance is difficult to confirm.

- **The church of which I am incumbent is accessed directly from the vicarage and I have been able to celebrate the Eucharist and say my daily Office in church, these services being streamed. Does that meet the criterion?**

As with the previous answer, this does not meet the criterion because the congregation are not physically present, although of course the act of worship is the corporate prayer of the church and emphatically not a form of purely private prayer. As the relevant national and diocesan guidance made clear, during the closure period, the church must not be open for public worship.

- **Our admissions policy requires attendance at church at least twice a month for a year before the application is made. Does that mean people cannot meet the requirement due to the closure?**

No, they can still meet the requirement – during the closure period they could not have attended church even if they had wished to do so, so the requirement cannot apply. It would apply to any period before closure and would come into force again when churches do reopen for public worship. One way of expressing it is that if the attendance requirement was met when the church was open, it is fulfilled.

- **Our admissions policy requires attendance over two years, for a specific number of attendances per month. How will people meet that requirement?**

As noted in the previous answer, if people were attending when the church was open for public worship, they meet the criterion.

- **When my church reopens for public worship, people who are clinically vulnerable or shielding may judge that it is too high a risk to attend public worship. How can they meet the requirement to do so?**

In other situations, people may qualify if they have a significant and well-evidenced reason for being unable to meet a criterion in specified circumstances. Colleagues will doubtless have come across comparable instances where, for example, a parent has a life-limiting illness. If the circumstances warrant, and sufficient evidence is available for that purpose (for example, confirmation from the person's GP or consultant), the condition can be fulfilled. This is of course more straightforward where there was a previous pattern of regular church attendance, which should normally be the case.

- **When churches reopen, they will do so at different times, as their layout, size and other factors may make this advisable. It may be that the church I attend may therefore have to change. Can I still meet the criterion?**

Yes, since the requirement is attendance at public worship and many applicants for a specific church school may attend a church that is not the one to which the school is linked. However, do look carefully at the admissions criteria to see whether attendance at one specific church is given higher priority than other churches and discuss this with the Headteacher and parish priest.

- **Must we amend our admissions arrangements and other material on our website or in paper form, such as our Supplementary Information Form?**

Yes, because this is a variation to your admissions arrangements, which means that parents and prospective pupils **must** be able to clearly see what those requirements are and how they can be met. They **must** also be able to see that those arrangements are lawful and that admissions decisions will be fair, open, and transparent. It is a statutory requirement that admissions arrangements must be publicly available, normally on the school website or otherwise if the school does not have a website. It is also essential that a concise but clear explanation of the variation is added to the SIF, although we know that the precise format of individual school's SIFs does legitimately vary, for example in the way the information is laid out on the page. You will of course need to produce an amended version of the faith criteria and SIF in order to complete the variation application form, so the work involved here will already have been done.

- **Will we have to repeat this process if the pandemic lasts into the next admissions cycle?**

No, unless you want to change some other part of your admissions arrangements. The OSA has decided that a fresh application for this variation is not required each year, due to its specific nature and scope. Once approved, it becomes part of your normal admissions arrangements and is only applicable if and when churches are closed for public worship.

- **Governors are considering a number of possible in-year variations to our admissions arrangements – can we include them on this occasion?**

Not as part of this process, which is specifically designed to meet a unique situation in as fair and streamlined a way as possible.

- **We have quite a number of applications for admission during the year, but this variant only applies from September 2021. What about those seeking a place during 2020-21 especially after the end of the statutory period for maintaining our waiting list up to December 2020?**

OSA has confirmed that such applications follow the usual rules for waiting list places: if these involve church attendance criteria, this would follow the oversubscription regulations determined for that admissions year, with church attendance being counted from, for example, October 2019 (or from October 2018 if a 2 year period was the relevant criteria). Applicants would be able to demonstrate that they had met that criterion by reference to their previous place of worship.

REQUEST FOR A VARIATION IN THE OVERSUBSCRIPTION CRITERION FOR CHURCH ATTENDANCE IN THE ADMISSION ARRANGMENTS FOR CHURCH SCHOOLS IN THE DIOCESE OF NNNNNNNNN FOR ADMISSIONS IN SEPTEMBER 2021

On behalf of the schools listed in the attached Appendix, the Diocesan Board of Education, forwards the attached individual requests from admissions authorities that a variation be made to the admission arrangements for the oversubscription criterion of those schools relating to church attendance, as follows:

“ In the event that during the period specified for attendance at worship the church [or, in relation to those of other faiths, relevant place of worship] has been closed for public worship and has not provided alternative premises for that worship, the requirements of these [admissions] arrangements in relation to attendance will only apply to the period when the church [or in relation to those of other faiths, relevant place of worship] or alternative premises have been available for public worship”

The justification for the requested variation is the exceptional change of circumstances created by the COVID19 pandemic, in that churches and other places of worship have been temporarily closed for public worship (and other forms of access) under the provisions of the Coronavirus Act 2020 and associated regulations. Whilst permission has been given for churches and other places of worship to reopen for public worship from 4 July 2020, we note that not all churches will be able to do so at once, and that it may be necessary for restrictions to be reimposed in some form, should the incidence of infections rise again.

Consequently, it has not been possible during this closure period for parents of children applying for places at Church of England schools to meet the almost universal criterion for determining the allocation of faith-based places when the school is oversubscribed, namely the specified level of attendance at church services set out in its Admissions Policy and oversubscription criteria.

The variant requested enables a clear, objective, and transparent means of resolving this exceptional issue in respect of school admissions. It also enables school leaders and governors, clergy, diocesan education teams and others concerned with admissions arrangements to help resolve queries, to deal with appeals in a fair, objective and lawful manner, and most importantly of all, to give clarity to parents and their children, who may have many anxieties at this difficult time, about where they will have a school place.

On behalf of the Diocese, I confirm that:

1. These requests relate solely to the matter of church attendance in relation to each admissions authority’s oversubscription criterion.

2. As the relevant representative religious authority for these schools, the Diocese of NNNN has been notified of the variant requested, which had due regard to diocesan guidance and supports that request.

Signed

Position

Date