

HAI guide to the Education (Admission to Schools) Act 2018

What is it?

The Education (Admission to Schools) Act 2018 was introduced to implement a fairer system of school admissions. The Act applies to admissions to both primary and second-level education. This document focuses on admissions to primary schools, although the admissions procedure is the same at both levels.

Under the terms of the Act, schools must not prioritise one student over another on any of the following grounds:

- Gender
- Civil status
- Family status
- Sexual orientation
- Religion
- Disability
- Race
- Membership of the Traveller community
- Special educational needs

This change in the law in relation to religion applies to Catholic schools only. Around 90% of schools in Ireland operate under Catholic patronage, so the law applies to most Irish schools. This effectively removes the 'baptism barrier' that many parents have encountered when admitting their child to their local school.

The law still allows schools of minority religions to give preference to students who seek admission to a school providing religious instruction or education consistent with their minority religious beliefs, but only where the school is over-subscribed.

The Act also requires all schools to have an Admissions Policy in place. Schools were required to have their Admissions Policy in place by 1 September 2020 and these policies will apply for admissions for the 2021/2022 school year onwards.

What does this mean for parents of non-religious children?

From October 2018, Section 11 of the Act came into effect, which prohibits the use of religion as a criterion in admission applications to schools.

This means that you should be able to admit your child to a local school governed by a religious ethos, even if they have not been baptised into that faith.

How do I have my child admitted to my local school?

Under the new legislation, long waiting lists for schools have been abolished, which means that you cannot put your baby's name down for a place in a school. Schools that already have waiting lists in place have been given a 5-year period (up to 2026/2027 school year) to allow waiting lists to expire.

Going forward, schools will run their admission processes from 1 October in the year prior to enrolment. So, parents wishing to admit their child to school for the 2022/2023 school year, may do so from October 2021.

Having this date in place means that parents can be assured that their school of interest will not be accepting admission applications prior to 1 October each year.

How do I opt out of my child taking part in religious instruction?

You must notify your school of your request to have your child opt out of religious instruction.

In February 2020, Section 62(7)(n) of the Act came into effect. This section states that schools that provide religious instruction must have arrangements in place for students who wish to opt out. The school is obliged to ensure that there is no reduction to the school day for the pupil and the school's arrangements for this must be outlined in their Admissions Policy.

What happens if my child doesn't get accepted to the school of my choice?

Your child may not be accepted to your school of choice if the school is over-subscribed. In the case of over-subscription, schools may have some criteria in place to prioritise applicants. These can include:

- Siblings of children in the school
- Children from a particular catchment area/parish area/proximity to the school
- Age
- Children from certain feeder schools
- Other e.g. children of neighbouring parishes

Religion is not a permitted criterion to prioritise applicants for Catholic schools, even when the school is over-subscribed. Schools operating under a minority religion ethos may use religion as criteria for admission, but only where the school is over-subscribed.

If your child does not get accepted to a school you have applied to, the school should write to you and give you the reasons for the refusal, giving you information about your child's place on the admissions list and explaining your child's ranking against their selection criteria.

If a school refuses to admit your child for a reason other than the school being over-subscribed, you can make your appeal to the Department of Education using a Section 29 appeal application form.

If you wish to do so, before making a Section 29 appeal, you may, but are not required to, request a review of the decision not to admit your child by the board of management using the Review by the Board of Management Request Form (BOMR1).

If you prefer to, you can proceed directly to an independent Section 29 appeal without requesting a review by the board of management.

If you request a review, the board of management must notify you of the outcome within 42 days from the date of the decision to refuse admission to the school.

Your Section 29 appeal must be made no later than 63 days following the original decision by the school to refuse admission.

Túsla can be contacted to assist if you still have issues with finding a school place for your child.