

ENSURING FAIR AND INCLUSIVE SCHOOL ADMISSIONS: A GUIDE FOR ALL

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INTRODUCTION

Every child in the UK has the legal right to a school place, regardless of their immigration status. Schools and local authorities play a key role in ensuring admissions processes are fair, welcoming, and legally compliant.

By ensuring admissions forms and policies reflect national guidance, schools and local authorities can provide clarity and reassurance to all families, making the process smoother for both applicants and admissions teams.

LEGAL FRAMEWORK



School Admissions Code

The School Admissions Code applies to all state-funded schools and sets out clear expectations for how school places should be allocated.

Key points:

- ✓ Schools must not refuse admission based on nationality or immigration status (Paragraph 1.9(a)).
- ✓ Schools must not remove a child from roll due to their immigration status (Paragraph 2.8).
- ✓ Passports and other immigration documents must not be required as a condition of admission (Paragraph 1.9(a)).
- ✓ A place can only be refused if the school is full, and not for any other reason (Paragraph 2.8).



DfE Guidance on School Applications for Foreign National Children (2024)

The Department for Education's latest guidance confirms that local authorities and schools should not ask for proof of immigration status as part of the application process.

Key points:

- ✓ It is the parents' responsibility—not the school or local authority's—to check their child's immigration status before applying.
- ✓ Local authorities should not request proof of immigration status at any stage of the application process.



Equality Act (2010)

Under the Equality Act 2010, schools and local authorities must not discriminate against children based on their nationality, race, or immigration status when processing admissions.

Key points:

- ✓ Indirect Discrimination (Section 19) – Even if not intentional, requiring immigration-related information could disproportionately deter migrant families.
- ✓ Public Sector Equality Duty (Section 149) – Schools and local authorities must actively remove barriers and promote equal access to education for all children.





UK GDPR and Data Protection

Under UK GDPR and the Data Protection Act 2018, schools and local authorities must only collect data that is necessary, relevant, and has a lawful basis for processing. Asking for immigration status, nationality, or visa details is not required for school admissions and may breach data protection laws.

Key points:

- ✓ **Lawfulness & Fairness (Article 5(1)(a))** – Data must be processed lawfully, fairly, and transparently. Immigration status is not required under admissions law, making its collection potentially unlawful.
- ✓ **Purpose Limitation (Article 5(1)(b))**
 - Schools must only collect data for specific, necessary purposes. Since immigration status is not relevant to admissions, requesting it exceeds lawful processing limits.
- ✓ **Data Minimisation (Article 5(1)(c))**
 - Schools should only collect data essential for admissions (e.g., name, DOB, address). Immigration-related questions are not essential and may constitute excessive data collection.
- ✓ **Accountability (Article 5(2))** – Schools must be able to justify any personal data collection. If they cannot prove necessity, it may breach GDPR and be subject to regulatory action.

SO WHAT DOES BEST PRACTICE LOOK LIKE?

To ensure compliance with DfE guidance, GDPR, and the Equality Act, local authorities and schools should avoid requesting unnecessary personal information that could create barriers to education.

Questions that should NOT be asked:

- ✗ "What is your child's nationality?" → Not required under the School Admissions Code.
- ✗ "Please provide evidence of your child's immigration status" → Schools should not check immigration status.
- ✗ "What country did your child arrive from?" → Not relevant for school admissions.

Instead, schools should only request:

- ✓ Child's name, date of birth, and home address.
- ✓ Parent/carer contact details (for communication purposes).
- ✓ English as an Additional Language (EAL) information.
- ✓ Special Educational Needs (SEN) details (if applicable for placement).

Looking for examples of best practice?

Some local authorities have adopted clear and compliant admissions processes, ensuring accessibility for all families. You can see their admissions forms here:

- [Waltham Forest Admissions](#)