

School Admission Appeals

A Guide to Supporting parents with their school admission appeal

This guide provides information on how to successfully prepare for your school admission appeal.

We hope to guide you through the process and to offer tips and guidance on how best to prepare for your appeal.



Appeal requests are required to be submitted to the Local Authority Appeals Team.

Once your appeal form has been received, the Local Authority will arrange for an Independent Appeal Panel to hear your appeal.

You will be given 10 school days' notice of the date, time and location of the appeal hearing.

An 'Appeal Pack' will be collated and shared with yourself and all parties, in advance of your appeal hearing. This pack will contain:

- Your school application and offer/refusal letter.
- A statement from the school detailing their reason for refusing your application.
- A timeline of events from when your school application was submitted – dates, admission criteria the application meets, year group, whether there has been a change of address, the alternative school offer given (if appropriate).
- Your appeal form together with any supporting evidence that you provide.

The purpose of an appeal

If you are a parent who has applied for a school place for your child and the admission authority/school has refused your application, you have the right to make an admission appeal to an Independent Appeal Panel.

The Independent Appeal Panel is made up of unpaid, trained volunteers who have no connection with the school, the admission authority/school or the local authority.

During the appeal, you can explain why you want a place at the school. The admission authority/school will also have the opportunity to explain why they refused your application.

The Independent Appeal Panel will consider all the information provided by you and the admission authority/school and will then make a decision about whether your child should be offered a place.

The Independent Appeal Panel is there to balance the school's difficulties caused by admitting another child, against the difficulties the child requesting the place would experience by not attending the school.

An appeal will be scheduled as either:

- Standard Admission Appeal;
- Infant Class Size (ICS) Appeal.

Further explanation about the different types of appeals is provided below.

Should you accept the alternative school place you have been offered or wait for the outcome of your appeal?

If you have not been offered a place at the school you would like, it is sensible to consider accepting the alternative school place that has been offered to your child. We advise this as there is no way of predicting the outcome of an appeal. If you do not accept the place you have been given and then go through the appeal process for your preferred school and be unsuccessful in gaining a place, you are left in the position of your child being without a school place and out of education.

If you have not already done so and it is something the school offers, you should visit the school you have been offered, have a look around, ask to speak to them about any concerns you have.

Accepting the alternative offer you have received does not affect your right to appeal for a place at your preferred school.

Home to School Transport

Your school offer letter will advise you whether you are eligible to receive transport assistance to the school that you have been offered. If you are concerned about the distance to the school you have been offered and that you cannot transport your child on a daily basis, do bear this in mind. The local authority will only ever offer reasonable alternative school offers and will offer assistance if the school offered is over 2/3 miles from the home address.

If you believe that you may be eligible for transport, as set out in the Local Authority Home to School Transport Policy, please check with the Transport Team to see if it is viable for you to accept the place offered.

When will your appeal be heard?

The School Admission Appeals Code sets out the following timetable for when appeals will be heard.

- For applications made in the normal admission round (i.e. applications made by the specified deadline to start in Reception, transfer to Junior/Middle School or start Secondary School in the coming September), appeals must be heard within **40 school days** of the deadline for lodging appeals;
- For late applications (i.e. applications made after the specified deadline to apply to start in Reception, transfer to Junior/Middle School or start Secondary School in the coming September), appeals should be heard within **30 school days** of the appeal being lodged. We will always endeavour to schedule your appeal promptly and where possible, will schedule them alongside on-time applications. Our goal is to ensure you have your appeal heard and know the decision, before September;
- Applications for in-year admissions (all applications that are made for any year group at any time of the year) appeals must be heard within **30 school days** of the appeal being lodged.

Where will your appeal be heard?

Appeal hearings are currently being heard on a virtual basis, using Microsoft Teams.

Infant Class Size (ICS) appeal

An appeal is classed as an ICS appeal where the refusal to offer a place was on the grounds that the admission of the child would breach the infant class size limit.

For Years R, 1 and 2, legislation dictates that class sizes may be no larger than 30 pupils, to one qualified teacher.

An admission authority/school can refuse to admit a child to an infant class if the admission of an additional child would mean exceeding the legal limit of 30 with a single qualified teacher.

The Independent Appeal Panel have to follow a different decision making process for infant class size appeals and there are only limited circumstances in which an infant class size appeal can be allowed/successful for you.

Where a child is admitted to an infant class size and takes the number in the class over the maximum limit of 30, this is called an 'exceptional' admission. Exceptional admissions include: twins, children of armed service parents, looked after children, children with special educational needs and children who have been successful in their appeal for the school.

Standard Admission Appeal

A standard appeal is held for a place being requested in any year group, where the infant class size criteria has not been met. This can be the case for infant class sizes, where the number of children per class is less than 30.

Appeal hearings are conducted using a two-stage process; examining the decision to refuse a place and then balancing the argument. Please see page 6 below for further explanation of the two-stage process.

When hearing standard appeals, the Independent Appeal Panel will be considering:

- Whether the admission arrangements complied with the mandatory requirements of the School Admissions Code and Part 3 of the School Standards and Framework Act 1998; and
- Whether the admission arrangements were correctly and impartially applied in the case in question.

The Independent Appeal Panel will then determine whether the admission of an additional child would prejudice the provision of efficient education or efficient use of resources at the admission authority/school in question. In essence, your case for admission will be weighed up against the school's case to refuse admission.

What are Block/Multiple Appeals?

There are times when appeal panels will have to hear appeals from a number of parents who all wish their child to attend the same school and same year group. This allows all parents who have submitted an appeal for the school to hear the admission authority/school's case at the same time, rather than it being repeated in every individual hearing. This part of the appeal hearing is called Stage One and is usually scheduled for 1-1.5 hours.

Hearing the admission authority/school's case together as a group of parents allows you to hear all the questions raised by other parents and the answers given by the admission authority/school. Your role as a parent at this stage of the appeal is to ask questions or raise any issues that you have about the refusal. It is important that you ask all your questions at this stage as you will not be given the opportunity again at your individual hearing.

Following Stage One of your appeal hearing, you will be allocated a time for your individual hearing. This part of the appeal hearing is called Stage Two and will be a private hearing between yourself, the admission authority, the legal clerk and the Independent Appeal Panel. All parents who have submitted an appeal will be scheduled an individual hearing of approximately 30 minutes.

In coming to their final decisions the Independent Appeal Panel will first assess whether admitting **all** the pupils would cause prejudice to the school and whether the children would have been offered a place if the admission arrangements had been properly implemented.

If the Independent Appeal Panel decides that the admission of all the pupils whose parents are appealing **would not** cause prejudice to the school then **all** appeals will be allowed. This means you will automatically be successful in your appeal and offered a place.

If the Independent Appeal Panel decides that to admit further children **would** cause prejudice to the school, they have to then consider the case of the you, the parent. This means your appeal hearing will move on to Stage Two and you will be asked to present your argument for admission.

Having heard your argument, the Independent Appeal Panel will then balance your argument against that of the admission authority/school and determine whether your case outweighs (is better, more compelling) than that of the admission authority/school.



The Hearing Process

First Stage (Examining the decision to refuse admission)

- The admission authority/school will explain why your child was refused a place and what the impact of admitting an additional child would have on the school and its resources.
- The Independent Appeal Panel and parent have the opportunity to ask questions.
- The Independent Appeal Panel will consider the admission authority/school's case and determine whether the admission of an additional child would harm the efficient education or use of resources at the school. If the answer is NO, your appeal will be successful and a place will be offered to you. If the answer is YES, your appeal hearing will move on to Stage Two.

Second Stage (Balancing stage)

- The Independent Appeal Panel will now consider your reasons for wanting a place at the school. You will be asked questions by both the Independent Appeal Panel and the admission authority/school.
- The Independent Appeal Panel will then balance your argument against that of the admission authority/school. Their role is to decide if your reasons for wanting a place at the school outweigh the harm caused to the school in admitting additional children.
- You will receive formal notification of the outcome of your appeal in writing, within 7 days of your appeal hearing. Letters will be sent to you via email.

Understanding your role in the appeal hearing

It is important that you clearly set out the reasons why your child should be given a place at your preferred school. Ideally you want to provide your reasons as part of your written appeal form and then reiterate and perhaps further evidence specific areas you want the Independent Appeal Panel to consider.

You can of course simply make your appeal on the sole basis that you want your child to attend that specific school BUT the stronger your reasons, the better the chance your appeal will be successful. It will not be enough to simply say you want your child to attend the school because 'it's the best in the area' is not likely to convince the Independent Appeal Panel that you should be given a place.

Focus on what the school can offer that meets your child's specific needs. This could include what the school can offer that other schools cannot. You could also focus on what the impact will be on your child, in not attending your preferred school.

Another valid argument is if you believe the admission authority did not apply their admission arrangements properly and had they been applied properly, your child would have been given a place. Only ever say this though is you genuinely believe it to be true as it will be investigated and the truth told.

What evidence must you provide?

Medical Conditions

If your appeal is based on medical grounds, we strongly advise you to produce medical evidence to support this. This could be a letter from the doctor, or a medical report.

Late submission of evidence

You must endeavour to provide all relevant documentation when you submit your appeal. Any documentation provided after the paperwork has been circulated the week before your appeal hearing, will only be considered at the Independent Appeal Panel's discretion. If you have submitted substantial late evidence, the decision might be taken to adjourn your appeal hearing and reschedule it for a later date to allow the Independent Appeal Panel time to consider the additional information.

Who will be present at the appeal hearing?

An Independent Appeal Panel of 3 members will hear your appeal. The Panel is made up of three people who are completely independent of the admission authority/school and the local authority.

1. The Panel will comprise of at least one person experienced in education and one layperson.
 - The person experienced in education will usually be someone who is acquainted with educational conditions in the area, or is a parent of a pupil registered at a school.
 - The layperson will be someone who has no personal experience in the management of a school or the provision of education in any school (except as a school governor or in another voluntary capacity).
 - The third member of the Panel can be a second person from either of the above categories.
2. A legal clerk attends every appeal hearing. The clerk is independent of the school and the admission authority/school. The clerk's role is to provide independent advice on both procedures and the relevant legislation. They do not have any say at all in the Independent Appeal Panel's decision. The clerk, on behalf of the panel, will take comprehensive notes of all discussions and decisions made during the appeal hearing. The clerk is responsible for notifying all parties of the appeal decision, which is done in writing and sent out within 5 working days of the appeal hearing.
3. A representative from the admission authority/school will attend to present the school's case against admission.

Can you be accompanied by a friend?

At the appeal hearing, you can be accompanied by a friend, adviser, interpreter or signer who may speak on your behalf at the hearing.

Can an interpreter be requested?

If you require an interpreter, you must notify us in advance so that we can make the necessary arrangements.

What happens if you are unable to attend?

You are strongly encouraged to attend the hearing in person to enable the Independent Appeal Panel the opportunity to ask you questions.

If you do not wish to attend, you can request that your appeal be heard in your absence. The Independent Appeal Panel will make a decision based on the written evidence you have provided. If you do not indicate whether you will be attending the hearing, the Independent Appeal Panel will decide to hear your appeal in your absence.

Production of evidence

It is important that you include in your appeal form, every detail which you believe to be relevant to your appeal.

Your appeal form will be available to the Independent Appeal Panel before the hearing and it is important that it is completed carefully.

The appeal form is your opportunity to state what you think are the exceptional circumstances supporting your preference of school that you want to be considered.

Be honest and put absolutely everything you can think of into your appeal form. This could mean showing that your child has aptitude in the school's 'specialisms' such as drama or sports, or that your child would benefit immeasurably from the unique curriculum the school offers. You might consider that your child's special educational needs can only be catered for at your preferred school.

With religious schools, be sure to evidence that you meet their published faith criteria.

Interpreter/Translator Assistance

If English is not your first language, please be reassured that we can organise an interpreter to be present with you, at your appeal hearing.

It is imperative though that you contact us to request this as early as possible, so that we have time to make the arrangements. You can do this by stating your request and the language you need, within your appeal form.

If you have already submitted your form, you will be reminded you may request an interpreter when we notify you of your appeal hearing date. You may then contact us to confirm that you require an interpreter and the language you need.

You can of course bring your own interpreter with you if that is your preference but please do let us know you are going to do this, as soon as possible before the hearing date.

What questions will the Panel likely ask?

It is likely that the appeals panel will ask detailed and probing questions about your case for admission to your preferred school. These could include:

- Is there a health or social reason that requires your child to attend the school.
- What are your reasons for expressing a preference for the school?
- What can the school offer that another school cannot?
- Have you applied for any other schools? If not, why not?
- If there are schools nearby known to have places available, why have you not applied there?
- Why have you not applied to the catchment school (if applicable)?
- Have you received any alternative school offers that you have turned down?
- Have you accepted the alternative offer you have been given? If not, why not?
- Does your child feel in danger, which going to your school would remove? Can you describe an example of this danger?
- Is your child's health at risk? Physically or mentally?
- What support is currently given to your child from friends and family?
- Would this support be affected by them not attending your school?
- What is your child's view?
- Are you refusing to go to the current/offered school – why?
- Is your child behaving out of character in any way?
- Do you know for a fact that the current/offered school cannot meet your child's needs, whereas your preferred school can?
- Have you visited the offered school or spoken with them about your concerns?

Factors about the admission authority/school that will be considered

In making their decisions as to whether or not prejudice will occur, should an additional child be admitted to a school, the Independent Appeal Panel may consider the following factors:

- The effect an additional child would have on the school in the current and following academic years, as the year group moves through the school.
- Whether any changes have been made to the school's physical accommodation or organisation since the PAN was originally set for the relevant year group.
- The impact on the organisation and size of classes, the availability of teaching staff and the effect on children already at the school and in that year group.

Key Terms

- **Admission Authority**– this is body that deals with admissions for the school.
- **Published Admissions Number or PAN**– this is the number of pupils that the school can admit into each relevant age group: Reception, year 7 and year 12.
- **Net Capacity**– the total number of pupils the school has been assessed as being able to admit. This looks at the number and size of the classrooms (how much usable space there is for core teaching activities).
- **Admissions Criteria/Policy**– these policies set out the admissions number for the school and the over-subscription criteria which will set out how applications will be prioritised if the school is oversubscribed.
- **Infant Class Size Prejudice** – there is a statutory limit of 30 pupils that can be admitted into infant classes (for applications for entry into Reception, Year 1 or Year 2). If a school has admitted this number of children, no further children can be admitted to the school (except in limited circumstances as detailed earlier in this document). Therefore the reasons for the refusal will be that to admit any further children would cause Infant Class Size Prejudice.

Legislation

School Admissions Appeals Code contains more detailed guidance on the appeals process and explains the legal basis of admission appeals. A copy of the Code can be downloaded free of charge from the DfE website at: [School admissions code 2021 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/92222/school-admissions-code-2021.pdf)

School Admissions Code contains more detailed guidance on the school admissions generally and explains the legal basis of admissions process. A copy of the Code can be downloaded free of charge from the DfE website at: [School Admission Appeals Code – 2022 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/92222/school-admissions-code-2022.pdf)