

PRIMARY SCHOOL ADMISSION APPEALS – ADVICE FOR PARENTS

If your child has been refused a place at the school you wanted, you have the right to appeal against that decision.

Appeals are heard by an appeal panel set up by the admission authority. It is independent of the school and the local authority. It works to the School Admission Appeals Code 2022 established under the School Standards and Framework Act 1998.

GOVERNORS' DECISION

At a voluntary- aided school the governing body has responsibility for admission arrangements. If you get a letter telling you that the school in question has decided not to offer a place to your child, the letter should make clear the reasons for this. You should think carefully about whether or not you wish to appeal against this decision. You will need to think about:

- the school's policy for admitting pupils (published in the school prospectus) and the governors' specific reasons given for not admitting you child;
- your reasons for wanting your child to attend the school and the strength of your case; and
- what alternative schools are available. (You may wish to visit them and/or speak to the headteacher or your local authority).

If you write to say that you do not wish to appeal you cannot change your mind; this letter will stand. If you write to say you do wish to appeal, you should give the reasons why you feel that it is important for your child to attend this school. You may be provided with a form on which to give your reasons. You may give as much information as you think is relevant.

The letter from the governors should say where you should send your notice of appeal and by what date. Your appeal must be in writing and the governors must arrange for an independent appeal panel to meet to consider your appeal.

You should think carefully about the original reasons you gave, if any, for wanting your child to attend the school. You can add more information in the notice of appeal. The appeal panel will be given copies of your original supplementary information form and any other documents you provided to the school.

You should send copies of any letters or documents, such as medical evidence, with the statement of your appeal if you wish to use these at the hearing. You can send them later to the Clerk who will ensure they are given to the appeal panel members. You may produce other documents at the hearing but you should remember that the members of the panel and the governors' representative will not have had time to look at these or think about them and that they may have to defer making a decision until the documents have been fully considered.

If you decide to appeal you will normally be called 'the appellant' in all documents.

THE APPEAL HEARING

You will be sent details of the date, time and place where the hearing will be held by the clerk to the panel. It may or may not be held at the school.

It is very important that you try to attend the hearing no matter how nervous or uncertain you feel. It helps the panel if you are there in person to put the case for your child.

If you really can't attend, you should let the clerk know in good time. The hearing may then be held without you and

your case will be heard on the basis of your written statements. The appeal panel will decide the appeal on the strength of your written case.

You should be given plenty of notice, at least 10 school days, of the date and time of the hearing. In good time before the hearing, you should receive a written statement of the school governors' case.

You may wish to have the help or support of a friend at the hearing. You should let the clerk know before the hearing if you wish to be accompanied by a friend. If you need the help of an interpreter or special access because you are disabled, then the clerk must be advised in advance.

You can call witnesses to help your case. If they can't attend, they should send a letter to the clerk giving their statement. All hearings are held in private unless there are special reasons. You do have the right to ask for a private hearing.

If you are not sure of anything then you can ask for advice from the clerk.

THE APPEAL PANEL

The panel must have at least three members and will be made up of:

- lay members(s) (who can have no personal experience in managing education, cannot be a teacher, does not work for the school or the local authority and is not a parent of a child at the school); and
- independent people who have experience in education or know about education in the area. (They cannot work for the school or the local authority, be a governor of the school, or be a parent of a child at the school where you are making the appeal.)

However, a panel of two members may decide appeals in circumstances where the third member has to withdraw.

The panel is therefore independent of the local authority, of the school and its governors. It has a duty to make sure that the hearing is fair and not biased.

The clerk is not a member of the panel but is appointed to organise the hearing and take a note of what happens. The clerk can also give advice to the panel on procedure and on the legislation governing school admissions.

THE APPEAL HEARING PROCEDURE

The hearing should be informal but should follow these stages:

- the appeal hearing will be held remotely or in person;
- the governors' representative will present the case for the school;
- you, or your representative, may question the governors' representative;
- you, or your representative, will present your case. (You can call witnesses if you wish providing you have notified the clerk in advance);
- the governors' representative may ask you questions;
- the governors' representative will sum up the case for the school; and
- you, or your representative, will sum up your case.

This procedure gives both you and the school an equal opportunity to put their case to the panel.

The panel members may ask questions at any time to make sure that they understand all the points made by you and the governors' representative. They may ask questions about any written information they have from you or from the school.

You should put your case clearly and emphasise the relevant points. The chairperson of the panel may prompt you if they feel you are nervous or unsure. Your case might include reasons why the school may be particularly suitable for your child such as:

- religious reasons;
- family circumstances
- medical reasons (wherever possible these should be with supporting evidence, such as doctor's letters, etc.);
- family or friends and other links with the school;
- social or pastoral reasons (again with supporting evidence, if possible);
- your views on education and behaviour;
- reasons to do with different subjects and the subjects your child is good at or enjoys; and other factors to do with the school;
- how close you live to the school or how difficult it would be to get to another school.

THE PANEL'S DECISION

The panel will consider all the information it has been provided with and will then follow two stages in reaching their decision:

1. the panel must first decide if the school's admission arrangements have been correctly applied. In cases where your application has been refused on the grounds that there would be prejudice to the provision of efficient education or use of resources by admitting your child, the panel must also satisfy themselves that prejudice exists. If this prejudice is not found then the appeal must be allowed at this stage. Only when they agree that the arrangements have been correctly applied and, where appropriate, they do believe prejudice would arise, then they must consider:
2. whether your case is sufficiently strong to outweigh the governors' case.

Infant classes are restricted by the legislation to 30 children. Parents should be aware that an appeal against refusal of a place in an infant class may only succeed if it can be demonstrated that: -

- a) the admission of additional children would not breach the infant class size limit; or**
- b) the admission arrangements did not comply with admissions law or had not been correctly and impartially applied and the child would have been offered a place if the arrangements had complied or had been correctly and impartially applied; or**
- c) the panel decides that the decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case.**

You will be told of the panel's decision in writing very soon after the hearing.

You will be given the reasons for the panel's decision but you do not have a right to see the notes of the hearing.

Both you and the school must accept the decision of the appeal panel.

If you have a complaint about the administration of the hearing and think that the procedures have not been followed properly either by the panel or by the school, then you should contact the Local Government and Social Care Ombudsman, PO Box 4771, Coventry CV4 0EH, who can investigate your case (website: www.lgo.org.uk).

Further information: -

School Admissions Code 2021 and School Admission Appeals Code (DfE) 2022 These are both downloadable from the DfE website: <https://www.gov.uk/browse/education/school-admissions-transport>