

# A Guide to School Admission Appeals

Includes:

- on-time transfer appeals
- late transfer appeals
- mid-year transfer appeals
- infant class size appeals

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## Introduction

We understand that going through the appeal process can be a worrying and anxious time for you and we hope that the information contained in this guide will simplify the process for you. It will take you through the process and explain what happens at each stage and what you need to do.

For the purpose of this document **Admission Authority (School)** means the Foundation schools, Voluntary aided schools, Academies (including those that are Free Schools), University Technical Colleges and Studio Schools.

## Your Rights

If it has not been possible to offer your child a place at your preferred school, you may decide that you want to exercise your right of appeal against this decision.

When considering whether to appeal, it is important that you are aware that although the law allow you to appeal against admission decisions, it does not give your child the right to a place at a particular school. There is no guarantee that your appeal will be successful. If you are appealing for a place at a particular school, you should make arrangements for a place at an alternative school in case your appeal is unsuccessful. Accepting a place at another school does not affect your right to appeal concerning a place at the school you would prefer.

You have the right to appeal for places at all schools for which you have applied and been refused a place. This right of appeal does not apply if your child has been permanently excluded from two schools. If your child has an Educational Health and Care Plan (EHCP) your appeal needs to be directed to First-tier Tribunal (Special Educational Needs and Disability). Further information can be found [here](#) or by visiting the GOV.UK website (<https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>).

## Where to send your appeal form

The School cannot be held responsible for forms that do not arrive on time; that are lost in the post; that are sent or delivered to other locations.

**Your completed form should be marked "Private and Confidential" and returned to the Admission Officer at the school.**

Please do not assume that a first class stamp will ensure delivery the following day. If you are close to a published closing date consider using a guaranteed next day means of delivery – ask at your Post Office.

## Types of Appeal

### On-time intake or transfer appeals

These are where your child is entering:

- Reception year
- Year 3 (Junior Schools)
- Year 7 (Secondary Schools)

and where the Admission Authority has received your appeal form on or prior to the published closing date.

### Late intake or transfer appeals

These are where your child is entering:

- Reception year
- Year 3 (Junior Schools)
- Year 7 (Secondary Schools)

and where the Admission Authority has received your appeal form after the published closing date.

### Mid-Year appeals

These are where you wish your child to move schools during other times in the academic year, e.g. because the family has moved house. These appeals have no published closing date and are heard throughout the year.

### Infant Class Size appeals

This type of appeal can apply to applications for Reception, Year 1 and Year 2 (Key Stage 1), e.g. any class in which the majority of children reach the age of 5, 6 or 7 during the school year. Such classes cannot contain more than 30 pupils with a single qualified teacher. Not all appeals involving these year groups are Infant Class Size. **Your refusal letter from the Admission Authority will tell you whether or not your application has been turned down because of Infant Class Size legislation.**

There are very limited grounds on which a Panel can uphold an appeal based on Infant Class Size legislation. The Panel can only offer a place where it is satisfied that:

- a) the admission of additional children would not breach the infant class size
- b) the admission arrangements did not comply with admissions law or were not 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

- c) the decision to refuse admission was not one which a reasonable Admission Authority would have made in the circumstances of the case

In order to determine whether it was "unreasonable" to refuse admission to your child, it must be satisfied that the decision was "**perverse in the light of the admission arrangements**".

**For example** – it was "beyond the range of responses open to a reasonable decision maker" or "a decision which is so outrageous in its defiance of logic or of accepted moral standards that no sensible person who had applied his mind to the question could have arrived at it".

### **Important Deadlines**

#### **On-time intake or transfer appeals for the Primary round**

The published closing date for on-time intake or transfer appeals is published on the school website. Appeals received on or before this date will be heard within 40 school days.

#### **Late intake or transfer appeals for the Primary round**

If you miss the published closing date, we will try to hear your appeal with the on-time appeals for that school. If this is not possible, it will be heard at a later date.

#### **Mid-Year appeals**

All mid-year appeal applications will be heard within 30 school days of the completed form being received by us.

## Completing the appeal form

If you are appealing for more than one school, you must complete separate forms.

Please take the following information into account when you complete the form:

- Complete the form clearly and ensure that you provide the information requested. If you fail to do so, it may delay the processing your application.
- Your "grounds for appeal" are very important as this tells the Panel about your child's case. **This section must be completed. If it is not, the form will be returned to you.** Explain, as fully as you can, the reasons why you want your child to attend the school that you have been refused. If you think your application for a place at the school has not been treated correctly or in accordance with the admissions criteria, then you should explain why you think this is the case.
- If there are new medical factors involved in your reasons for appealing (i.e. which have arisen since your original application) it is important that these are supported by a letter from your doctor. This should be sent with your completed appeal form.
- If your case is based on a house move, you should provide written evidence to confirm this. For example, a letter from your solicitor or a copy of your tenancy agreement.
- You may also include other relevant letters, correspondence, reports or documents to support your case.
- Make sure that you have included as much information as you can and that you have enclosed all the supporting documentation for your appeal. This is important because if, for any reason, you do not attend the hearing then the panel will make a decision on your written submission only.
- **Do not** wait until you have all your supporting evidence before you send your form to us as this may delay the processing of your appeal. Supporting evidence can be sent in later.
- Ensure you sign and date your form.
- Send the completed form to the **Admissions Officer at the school.**
- Your completed form and any additional papers that you submit with it constitutes your written case for appeal. It will be sent to all members of the admission appeals panel in advance of the appeal hearing.

## What happens next?

- When your completed form is received by the School it is date-stamped and given a reference number.
- The School then acknowledge receipt of your form. This will be done by email if you have provided your email address, or by post. This acknowledgement will include your reference number.
- If there is more than one appeal application, the School will timetable all those appeals to be heard at the same appeal hearing if possible.
- Once a date has been set for the Independent Appeals Panel, you will be advised by post of the details of your appeal hearing.
- The School will write to you 10 school days before the hearing date to advise you of the date, time and venue of your appeal hearing. A deadline will be given by which additional supporting evidence can be accepted. **If you cannot get your additional supporting evidence to the school office by this deadline date, you may take it with you to the appeal hearing. Please ensure that you take 5 copies. Furthermore, bear in mind that in these circumstances it is up to the Panel to decide whether any material not submitted by the specified deadline is considered. They will take into account its significance and the effect any possible adjournment may have on the hearing.**
- All necessary paperwork is collated and printed.
- The Independent Clerk to the Panel (Clerk) will write to you again approximately 7 days before the hearing date. The letter will include all the paperwork necessary for the hearing to take place. It will include your form and any supporting evidence; the school's case; a list of the Panel Members, Clerk, the presenting officer from the Admission Authority and possibly a representative from the school and other information. This paperwork is also sent to the Independent Panel. If you know any of the panel members listed there may be a conflict of interest, please contact the Clerk immediately via the school.
- If you have indicated on your form that you **will be** attending the appeal hearing and you subsequently find that you cannot, please let the Clerk know via the school. If you fail to attend when you have indicated that you will and the Clerk has not heard from you, the Panel will consider your case in your absence, based on your previous written submission.
- If you have indicated on your form that you **will not be** attending the appeal hearing and you subsequently find that you can, please let the Clerk know via the school.

- If you have agreed to waive your rights to 10 school days' notice of your appeal hearing date, this means that there may be a possibility of hearing your appeal earlier than otherwise possible.



### **Who will be at the appeal hearing?**

- You and anybody else you have indicated you wish to bring along for support.
- If you cannot attend, your representative if you have indicated you will send one.
- 3 Panel Members.
- The Clerk.
- Representative from the Admission Authority (the School).

On occasion there may be an observer at the hearing. This may be somebody who is in training as a clerk or panel member. They will take no part in the hearing or the decision making.

### **What happens on the day?**

- Please arrive at the venue promptly (preferably 15 minutes early) and report to the reception area.
- There may be other parents present who are appealing for the same school.
- The Clerk will meet you and explain what will happen during the appeal hearing. The Clerk will also answer any procedural questions you may have. If you have any additional supporting evidence that you wish the Panel to consider, please hand your 5 copies to the Clerk at this time.
- All parents appealing for the school in question and the school's representative(s) will be invited into the appeal room. The Chair of the Panel will introduce the panel members and will try to put you at your ease.

### **Appeals excluding Infant Class Size**

- The appeal hearing will begin with Stage 1. If there is more than one appeal for the school in question, all parents will attend this part of the appeal hearing. The school representative is invited to explain to the Panel why they have had to refuse a place at the school. The Panel will check whether a mistake was made in applying the admission arrangements and if the school could take extra pupils without prejudice to the provision of efficient education or the efficient use of resources. They will also consider whether the admission arrangements are lawful. The Panel then has the opportunity to question the school representative and will invite you (and any other parents) to do the same.  
If you have any questions regarding the school's case this is the time to address them. Any questions regarding your personal case wait until Stage 2.
- When Stage 1 is complete, you (and any other parents) and the school representative(s) will be asked to leave the room.
- The Clerk returns to the appeal room and the Panel has to decide whether or not the School has made its case.

- Once a decision has been made, the Clerk will ask you (and any other parents) and the school representative(s) to return to the appeal room and the decision will be announced.
- If the decision at Stage 1 is that the school has not made its case, it may be that you are offered a place at this point.
- If the decision at Stage 1 is that the school has made its case, the appeal hearing goes to Stage 2.
- Stage 2 is your own individual hearing with the Panel. You will be asked to put your case forward in whatever way you find easiest.
- The Panel will ask you questions about your case and the school representative may also ask you questions.
- The Chair will make sure that you have had the opportunity to cover all points that you wanted to make.
- At the end of Stage 2, you and the school representative will be asked to leave the room. This is the end of your participation in the appeal hearing. You are now free to leave.
- If there are other parents appealing for the school in question, they will have their Stage 2 hearing.
- When all parents have completed Stage 2, the Clerk stays with the Panel whilst it makes its decisions and minutes the proceedings.
- You are not told the outcome of your appeal on the day.

### **Single Infant Class Size appeals**

- The appeal hearing will begin with the Admission Authority's representative explaining the reasons why your child cannot be admitted to the school.
- The Panel then has the opportunity to question the school representative and will invite you to do the same. If you have any questions regarding the school's case this is the time to address them.
- You then put forward your case.
- The Panel then has the opportunity to question you and will invite the Admission Authority's representative to do the same.
- Both parties are invited to sum up.
- You and the Admission Authority's representative will then be asked to leave the room. This is the end of your participation in the appeal hearing. You are now free to leave.
- The Clerk remains with the Panel whilst they then make their decision.
- You are not told the outcome of your appeal on the day.

### **Multiple Infant Class Size appeals**

- The appeal hearing will begin with the Admission Authority's representative explaining, to all parents appealing, the reasons why no more children can be admitted to the school.
- The Panel then has the opportunity to question the Admission Authority's representative and will invite you and any other parents to do the same. If you have any questions regarding the school's case this is the time to address them.
- All parents present and the Admission Authority's representative then leave the appeal room.
- You will then be invited back into the appeal room for your individual and private appointment with the Panel to explain your case. The Admissions Authority's representative will also be present.
- The Panel then has the opportunity to ask you questions and will invite the Admission Authority's representative to do the same.
- You and the Admission Authority's representative will then be asked to leave the room. This is the end of your participation in the appeal hearing. You are now free to leave.

- The other parents will also have their individual cases heard in private.
- When all parents have had their appeals heard, the Clerk remains with the Panel whilst it makes its decisions and minutes proceedings.
- You are not told the outcome of your appeal on the day.

### **What happens after the hearing?**

- The Clerk has 5 school days from the end of the appeal hearing in which to write to you with the Panel's decision and reasons for its decision. A copy of this letter is sent to the School (Admission Authority).
- The Local Authority will also be informed of the outcome of your appeal.
- The Panel's decision is binding on all parties and cannot be overturned except when challenged in court through a judicial review, for which independent legal advice should be sought.

## Further Advice and Complaints Information

The internet is probably the best place to gather further information and we recommend that you begin by visiting the Advisory Centre for Education (ACE) website at [www.ace-ed.org.uk](http://www.ace-ed.org.uk) or by telephone on 0300 011 5142.

If you want to find out more about appealing a school's decision please visit the Department for Education [here](https://www.gov.uk/schools-admissions/appealing-a-schools-decision) (<https://www.gov.uk/schools-admissions/appealing-a-schools-decision>)

You may also find the following organisation helpful:

### **Coram Children's Legal Centre**

Advice line: 0808 8020 008

Website: [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)

## Complaints

### **For Voluntary Aided or Foundation schools:**

The Local Government Ombudsman can investigate written complaints about maladministration on the part of an appeal panel. The link to their website is: <http://www.lgo.org.uk/publications/fact-sheets/complaints-about-school-admissions/>  
Their telephone number is 0300 061 0614.

### **For Academy Trust schools:**

The Education Funding Agency can investigate written complaints about maladministration on the part of an appeal panel. The link to their website is: <https://www.gov.uk/government/organisations/education-funding-agency/about/complaints-procedure>

There is no direct telephone line therefore please complete the online complaint form.

## Frequently Asked Questions

- Q. Do I have to pay for the appeal?**  
A. There is no charge to parents for appeals.
- Q. Can I ask the Panel to contact anyone, such as my doctor or social worker, to confirm what I have said on my form or at the hearing?**  
A. No. You are responsible for making sure that the Panel has any written supporting evidence at the hearing.
- Q. How long will the hearing take?**  
A. This is difficult to say, however, generally for mid-year appeals both Stage 1 and Stage 2 take about half an hour each. In multiple intake or transfer appeals, Stage 1 could take 45 minutes to an hour and Stage 2 about 30 minutes; but it really depends on the complexity of the cases being heard.
- Q. Can I bring a friend to the appeal hearing?**  
A. Yes, you can bring somebody with you either to support you or to speak on your behalf.
- Q. Do I have to bring my child with me?**  
A. No. Facilities for children are not provided. Attendance at the appeal hearing may result in an unauthorized absence from school. In addition, attendance by young children may be a distraction during the hearing.
- Q. Where are appeals heard?**  
A. At a suitable venue.
- Q. I am appealing for other children. Will their appeals be heard on the same day?**  
A. We do our best to hear the appeals on the same day. However, this is not always possible.
- Q. Can I change the date or time of my appeal?**  
A. We are not usually able to accommodate changes to timetabling for a variety of reasons including statutory timeframes or numbers of appeals.
- Q. What should I do if I change my mind about appealing?**  
A. If you decide to withdraw your appeal, please contact the Admission Officer at the school as soon as possible.
- Q. Do I need to instruct a solicitor to represent me at the appeal hearing?**  
A. There really is no need. All panel members are independent and fully trained. They are used to talking to parents and will do their best to put you at your ease. However, if you feel it necessary, you may be represented by a solicitor.

**Q. Who will represent the school?**

A. The Admissions Authority provides its own representatives to the hearing.

**Q. We are currently living abroad/outside of Essex. Can we send somebody to represent us?**

A. Yes. Contact the school for further advice.

**Q. My child's name is on a waiting list. Will my appeal affect my child's place on that list?**

A. No. If your appeal is unsuccessful your child's name will stay on the waiting list. If you win your appeal your child's name will be removed from the list. For further information about waiting lists please contact the school in the first instance.