

# A Guide to School Admission Appeals

**Includes:**

- on-time transfer appeals
- late transfer appeals
- in-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 Foundation Schools, Voluntary Aided Schools and Academies (including those that are Free 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 allows 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 Education, 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 (School) 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 (School) has received your appeal form after the published closing date.

### **In-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 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:

- the admission of additional children would not breach the infant class size or
- the admission arrangements did not comply with admissions law and the child would have been offered a place if the arrangements had complied or
- the admission arrangements were not correctly and impartially applied and the child would have been offered a place if they had been correctly and impartially applied or
- 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 in the normal admissions 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 in the normal admissions round**

If you miss the published closing date, your appeal will be heard, if at all possible, with the on-time appeals for the school. However, if this is not possible, it will be heard at a later date but within 30 school days of the appeal being lodged.

## **In-Year appeals**

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

- **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.**
  
- **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.**

## 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 submit your form 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 to which you are appealing.**

- 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 that you will now be attending.



## 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 at least 10 school days before the hearing date to advise you of the date and time 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 still provide it for the appeal hearing. Please liaise with the school on this matter. However, 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 approximately 7 to 10 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 (School) and possibly an additional 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 and you should 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 on the day of the hearing 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.

## **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(s) 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 click on the Zoom link already emailed to you at least 5 minutes before the start time of the hearing. You will automatically be placed in the virtual waiting room.
- There may be other parents present who are appealing for the same school.
- The Clerk will admit you and all other parties from the virtual waiting room as soon as the Panel Members are ready to start the hearing.
- The Chair of the Panel will begin the hearing by introducing the 3 Panel Members, Clerk and School Representative(s) 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 moved by the Clerk back into the virtual waiting room.
- The Clerk remains with the Panel at all times and the Panel has to decide whether or not the School has made its case.
- Once a decision has been made, the Clerk will readmit you (and any other parents) and the School Representative(s) back to the appeal hearing 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 and private 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(s) 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(s) will be asked to leave the Zoom hearing. 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 their Stage 2 hearings, 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 a Representative of the Admission Authority (School) 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 School's representative to do the same.
- Both parties are invited to sum up.
- You and the School's representative(s) will then be asked to leave the Zoom hearing. 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 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 a Representative of the Admission Authority (School) 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 School'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 School's representative(s) are then moved to the virtual waiting room.
- You will then be admitted back into the appeal hearing for your individual and private appointment at your allotted time to explain your case. The School's Representative(s) will also be present.
- The Panel then has the opportunity to ask you questions and will invite the School's Representative(s) to do the same.

- **You and the School's Representative(s) will then be asked to leave the Zoom hearing. This is the end of your participation in the appeal hearing. You are now free to leave.**
- **The other parents will also have their own 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 will write a letter to you at your home address setting out the Panel's decision with reasons for that decision. A copy of that letter will also go to the Admissions Authority (School).
- The Clerk will aim to post the decision letters within 5 school days where possible. Please be aware that this may take a little longer during the summer term due to large numbers of appeals for September intake.
- The Local Authority will also be informed by the School of the outcome of successful appeals.
- The Panel's decision is binding on all parties and cannot be overturned.

## **Further Advice and Complaints Information**

The internet is a good place to gather further information.

If you want to find out more about appealing a school's decision please visit the Department for Education website [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 organisations helpful:

### **The Advisory Centre for Education (ACE)**

Website: [www.ace-ed.org.uk/advice-about-education-for-parents](http://www.ace-ed.org.uk/advice-about-education-for-parents)

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

Advice line: 0808 8020 008

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

## **Complaints by Appellants (parents/carers) regarding maladministration on the part of an Appeal Panel**

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

The Local Government & Social Care Ombudsman can investigate written complaints about maladministration on the part of an appeal panel. The link to their website is:

<https://www.lgo.org.uk/make-a-complaint/fact-sheets/education/school-admissions>

Their telephone number is 0300 061 0614.

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

The Department for Education can investigate written complaints about maladministration on the part of an appeal panel. The link to their website is:

<https://www.gov.uk/schools-admissions/complain-about-the-appeals-process>

Their telephone number is 0370 000 2288.

## Frequently Asked Questions

**Q. Do I have to pay for the appeal?**

A. There is no charge to parents for appeals.

**Q. Where are appeals heard?**

A. Your hearing will be heard virtually via ZOOM.

**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 in-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 have a friend at the appeal hearing?**

A. Yes, you can ask somebody to attend your Zoom hearing either to support you or to speak on your behalf.

**Q. Should I bring my child with me?**

A. No. Normally the child in question does not attend a hearing. Attendance at the appeal hearing may result in an unauthorised absence from school. In addition, attendance by young children may be a distraction during the hearing.

**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.

**Q. Can I change the date or time of my appeal?**

A. We will do our best but we may not be 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 but this is your choice and is at your own cost.

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

A. The Admissions Authority provides its own representative(s) to the hearing.

**Q. We are currently living abroad/out of County. 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 waiting list. For further information about waiting lists please contact the school in the first instance.