

Appeals Guidance for Parents 2020

Why hasn't my child been offered a place at my preferred school?

All applications for St Mary's Primary School have to be considered in line with the Determined Admissions Policy 2017/18 which is available on the school's website. This policy has been drafted and consulted on in line with the School Admissions Code which came into force in December 2014; this code has the force of law.

The school is an Academy and therefore the governing body are the Admissions Authority. Sometimes schools do not have enough places for the number of children who have applied. The school has 15 places available for each year group. We had more than 15 applications so unfortunately were not able to offer a place to everyone who applied.

The governing body cannot use its discretion when considering applications as they can only be considered in line with the determined policy. This also means a higher priority cannot be given to any child who currently attends the preschool.

It is important to note that neither the Local Authority nor the school is able to provide a guarantee of a place for any child at any school even if they live within the designated area of the school.

What can I do if my child hasn't been offered a place at their preferred school?

If you have been refused a place at any of your preferred schools then you still have options open to you. You can:-

- Accept the offer of a place at an alternative school. Visiting this school may help you make a decision on whether this is a good option. (You should not decline the place offered until you have secured an alternative, even if you are going to appeal);
- Appeal for any or all of your preferred schools;
- Ask to be put on the waiting lists for any places that may become available at your preferred schools;
- Ask to be considered for a place at a different school which you have not applied for before by completing a fresh Common Application Form as soon as possible. (If you submit "new" preferences and it proves possible to offer a place at one of these schools, any place offered previously will be withdrawn).
- Make alternative arrangements for your child's education.

It is important to try and keep any negative feelings you may have about the process to a minimum around your child.

What is an appeal?

The appeal hearing is your chance to put your side of the case to an independent panel and say why you want your child to go to the school you prefer rather than the school you have been offered.

You must be allowed at least 20 school days from the date of the letter telling you that your child has not been offered a place, to submit your written appeal to the admission authority. You will be given at least 10 school days notice in writing of the date of your appeal hearing. You should prepare your case to present at the appeal carefully and you will be notified of the deadline for submission of any further evidence for consideration.

Who are the panel?

There are 3 (or 5) Panel members, none of whom will have **any** connection with the people or schools involved in the appeal, who will make the decision. A clerk will take notes. The panel members and clerk are trained for their roles and must be fair to all parties at all times.

Why should I attend the appeal?

If you cannot attend the appeal the Panel may make a decision based on your written reasons alone, therefore it is in your best interests to attend. You are the best person to tell the Panel why you want your child to go to the school and to answer or ask any questions which may arise.

Do I attend alone?

No, you can bring a partner, family member, a friend or adviser (who could be a locally elected politician, or an employee of the local authority such as an educational social worker, SEN adviser or learning mentor, provided that this will not lead to a conflict of interest). They can either help you say what you want or simply be there to give you support. It is better if your child does not come with you. The services of a translator or signer will be provided for you if needed.

What will happen at the appeal?

Appeals will be as informal as possible but there is a simple order of speaking that is followed to make sure everyone gets a fair chance to state their case :-

Admission Authority's case – sometimes presented individually, sometimes with other parents where there are a large number appealing for the same school:

- An LA officer (for Community/Controlled schools) or School Governor (for Foundation/Aided/Academy schools), as the presenting officer, will explain why your child was turned down and try to show that the rules have been followed properly.
- Sometimes the headteacher will add information about the school – its size and composition of classes or year groups. They should not raise new information.
- Questions – you may then ask the presenting officer any questions you may have. If you do not understand anything that is said, ask for it to be explained.
- The Panel members will certainly ask questions and this may prompt you to ask other questions.

Your case – is always made with no other parents in the room:

- You tell the Panel all your reasons why you want your child to go to the school and what it can offer that others cannot. Put your case as you wish. If you forget something, ask if you can add it. If you read out your case you will not miss any points. Anyone who has come with you can then add their points if the panel agrees.
- Questions - the presenting officer may ask you questions.
- The Panel members will ask you some questions too.

The presenting officer sums up and you then have your final word. Everyone other than the panel and the clerk then leaves the room and the panel consider their decision, whether to uphold or dismiss the appeal.

How does the panel reach a decision?

If it is not an “infant class size” appeal...

...there are two stages:

First Stage – examining the decision to refuse admission

Do the admissions arrangements comply with admissions law and have they been correctly followed?

Has the school reached its published admissions number?

Has the school reached its capacity?

Has the presenting officer shown that it would be detrimental to the school to admit another child?

If the panel feel that your child would have been offered a place if the arrangements had complied or had been correctly followed, or that the presenting officer hasn't shown that the school is full your appeal will be allowed at this first stage.

Second Stage – balancing the arguments

The appeal panel will consider what you have said and whether the benefits for your child going to the school outweigh the difficulties of admitting another pupil to the school. The panel will need to decide which case on balance is stronger.

If the panel feel on balance that your case outweighs the school's case then your appeal will be allowed at this second stage.

If it is an “infant class size” appeal...

...there are more limited grounds on which you can appeal as the infant class size limit is a legal one and panels rarely admit more than 30 children unless it can be shown that :-

- Your child would have been given a place at the school if the Admission Authority had not made a mistake; or
- The decision to refuse your child a place was “unreasonable” in the legal sense. (The word “reasonable” has a very restricted legal meaning. For a decision to be unreasonable in this sense, it must be completely illogical, irrational or perverse.)

When will I hear the outcome of the appeal?

The clerk to the panel will write to you formally within five working days telling you of the decision and the reasons for it. (They may ring you after the decision has been made). If your appeal is upheld your child must be offered a place at the school. If the appeal is dismissed you will have to send your child to an alternative school.

If my appeal is refused can I appeal again?

You may only appeal once in any academic year for a place at any of your “preferred” schools who refused your child a place unless there has been a major change at the school or ,if after the appeal, your own circumstances have significantly changed e.g. you have moved house.

If you are unhappy about the decision because you believe the correct procedures were not followed at the hearing then you are able to appeal to the Local Government Ombudsman to investigate. The Ombudsman cannot change the ruling the panel has made and can only question the way in which the appeal was conducted. The Ombudsman will consider if the panel looked at all the evidence available to it and may ask for you to be given a fresh appeal. For Academies, the Secretary of State would consider these issues. You will be informed by the admission authority about the arrangements for making a complaint.

Waiting lists are kept for all schools. You should check that you are on the list/s for your preferred school/s and should any place become available then your application will be reconsidered but remember that children can move down waiting lists if others who apply meet higher criteria. If you no longer wish to be kept on a waiting list, or you'd like to remain on it beyond the first term, you should notify the admission authority.

Where can I find more information about preparing my appeal?

The Advisory Centre for Education (ACE) produces a practical guide for parents which covers all aspects of preparing an appeal called 'Appealing for a School'. This is available free from ACE on **0808 800 5793** or **www.ace-ed.org.uk**