



Diocese of Liverpool
Education Department

Independent Admission Appeals

Guidance for Parents/Guardians

2024

Admission Appeals

A guide for parents

The 1998 School Standards & Framework Act and the School Admissions Code 2007, School Admission Code 2010, School Admission Code 2012 gives parents/guardians the right to appeal to an Independent Appeals Panel if they are not offered a place for their child at their preferred Primary or Secondary school.

Choosing the right school for your child can be difficult; especially as in certain areas many popular schools are oversubscribed.

If your child has a 'Statement of Special Educational Needs' the appeal process is different. These appeals are dealt with by the Special Educational Needs Tribunals; the Local Authority will supply the necessary information.

If you decide to appeal, the result of your appeal will depend on the strength of your case. You should think carefully about the reasons you gave for wanting your child to attend the school. If you have more information to support your case you should be prepared to share this with the appeal panel. You should send copies of any letters or documents such as medical evidence with your appeal form if you wish to refer to them during your appeal hearing.

The appeal panels are independent and are not part of the school or the local education authority.

Infant Class Size

Different rules apply if your admission application has been refused because the school has reached its legal limit of 30 pupils per class and in very limited circumstances can admission over the limit be permitted.

First stage – examining the decision to refuse admission.

- ⊕ Whether the admission of an additional child/additional children would breach the infant class size limit
- ⊕ Whether the admission arrangements (including the area's co-ordinated admission arrangements) complies with the mandatory requirement of the School Admission Code and Part 3 of the School Standards and Framework Act 1998
- ⊕ Whether the admission arrangements were correctly and impartially applied in the case and
- ⊕ Whether the decision to refuse admission was one which a reasonable admission authority would make in the circumstances

If the admission authority did not follow the published arrangements either deliberately or by mistake, then an appeal could succeed but only if your child would have been give a place if the arrangements had been carried out properly.

The law defines 'unreasonable' very carefully. For the decision to be unreasonable it must be completely illogical, or not based on the facts of the case. The facts of the case include the published admission arrangements and factors to do with the school.

The facts of the case do not normally include facts particular to your child or any special reasons you may have for wanting your child to attend that school.

At the appeal hearing you can talk about personal factors but the panel cannot take them into account unless they are relevant to one of the things they are allowed to look at.

How to prepare for an appeal

Contact the school and advise them you wish to make an appeal. This may not be necessary if an appeal form was included in the letter advising you that your child did not have a place at your preferred school. You will be sent a copy of the school's admission policy.

Read the form very carefully. Look at the school's Admission Criteria and make sure you include all the information that you feel supports your case. Decide why you are making an appeal and make sure you provide the appropriate evidence. Make a note of any specific points you want to raise or questions you want to ask.

All parties at the appeal will have the same information. The panel will be sent copies of the information you provide before the hearing so they can prepare for the appeal.

The Diocese/clerk to the appeal panel will send you details of the time, date and venue of the hearing together with a statement from the school's Admission Panel giving the reasons why your child was not offered a place. This is useful because it helps you to prepare your case.

It is important that you contact the Diocese/clerk if you have any special requirements such as an interpreter or disabled access and this can be arranged.

Do not worry about being nervous or uncertain about what to say, the appeal panels are experienced and understand that you want to do your best for your child.

You can bring someone to the appeal either to represent you or to provide support. The Appeals Code states *'that Parents must be advised that their friend or adviser at a hearing cannot be a member of the local authority, a member of the admission authority concerned, or a local elected politician'* this is to prevent a possible conflict of interest. It is not usual for the prospective pupil to be present during an appeal hearing.

If you do not attend, your appeal will be decided on the basis on the information provided in your written statement and the information provided by the school.

Who will be there?

The Independent Appeal Panel is usually comprised of three people and is completely independent from the school and the Local Authority.

The panel

- ⊕ Lay members, people without personal experience in the management of any school (except as a Governor or a voluntary helper)
- ⊕ People who have experience in education.

The clerk

The clerk is not a member of the panel. The clerk plays a vital role in ensuring that the appeals are well organised and fair. The clerk will take notes during the appeals and provide advice to the panel. **The clerk is not involved in making the decisions.**

The presenting officer

This is the person from the school who will explain how the places were allocated and why a place was not allocated to your child. They will be able to explain how the classes are organised and answer questions. It may be the Headteacher or someone appointed by the Governing Body of the school.

What will happen at the appeal hearing?

Before bringing you into the meeting the clerk will check that you have read the school's case. Parents are invited to attend the appeal hearing so they can provide the panel with the relevant information pertaining to their child's case; the panel and the school's representative can ask any appropriate questions arising from the information you have made available to them. Parents/Guardians are advised to attend the hearing, or to send a representative in their absence to speak on their behalf.

The clerk will then take you and the Presenting Officer (the person who will put the school's case) into the room. The appeals follow a procedure that is set out in the Code of Practice though efforts will be made to make the proceedings as informal as possible. If at any time you are unsure about something please ask.

- ⊕ Welcome and introductions
- ⊕ The chair will explain the procedure
- ⊕ The presenting officer will explain why a place was not offered
- ⊕ The panel can ask the presenting officer questions and so can you
- ⊕ You will then be asked to put your case
- ⊕ The Appeal Panel and presenting officer can ask questions.
- ⊕ The presenting officer will be asked to sum up
- ⊕ You will be asked if there is anything else you wish to say and to sum up
- ⊕ The Chair will ask if you have put all the points across you wanted to and if you feel you had enough time to put your case.
- ⊕ Both parties leave the room together

The decision process:

Infant Class Size Appeals.

Infant classes, where the majority of children will reach the age of 5,6, or 7 by the end of the academic year **must not** contain more than 30 pupils with a single school teacher. The panel can only allow these appeals on two limited grounds

Place refused in error.

- ⊕ When reaching a decision the panel **must** consider whether the child would have been offered a place if the admission arrangements had been properly implemented. The panel may allow fresh material to be submitted in order to establish the factual basis for the claim that the arrangements had not been properly implemented

Was the decision unreasonable?

- ⊕ In order for a panel to determine that an admission authority's decision was unreasonable, it will need to be satisfied that the decision not to admit was "perverse in the light of the admission arrangements".

The admission authority will need to show that

- ⊕ That the school's published admission number has been reached
- ⊕ What qualifying measure they would need to take e.g. employ another teacher if more pupils were admitted and how feasible that would be

The decision of the Appeal Panel is final and a second appeal during the same academic year for the same school will not be considered unless there has been a significant change in your circumstances.

If you or your representatives are unable to attend please advise the Clerk to the Governors as soon as possible. Your appeal may be heard in your absence, in which case the panel will make its decision on the information you have provided, or your appeal may be deferred to a later date. Please note that if an appeal is deferred it may take anything up to 30 days before it can be heard due to the availability of a venue, panel members, clerk and school representative.

Useful sources of further information

Department for Children Schools and Families (DFE)

More information about Admissions and Appeals may be found on the DFE website www.dfe.gov.uk a copy of the Admissions Code of Practice and the Admission Appeals Code of Practice may be downloaded. You will also find helpful information on this site for parents if you click on the parents centre link and then click on school choice and rights.

Advisory Centre for Education (ACE)

ACE is a small charity which provides information and advice they can be contacted via their website www.ace-ed.org.uk

Local Authority

Information may also be found in the Admission Booklet published by the relevant Local Authority and via the Choice Advisers (Secondary only) in each Local Authority.