



SCHOOL ADMISSION APPEALS

**A guide for parents on making an appeal
and the appeal procedure**

MAKING AN APPEAL

If you have applied for a place at a school and have not been offered a place you have a right of appeal against the decision.

The Council will provide you with information on making an appeal and the appeal procedure, and will also provide you with an appeal form, which should be completed in as much detail as possible and should include all your reasons for making the appeal. Please attach additional sheets to your appeal form, as necessary. The appeal form should be returned to the address at the bottom of the form. The Council will send you an acknowledgement letter or email confirming the appeal form has been received.

Appeals can be submitted online - please visit the Council's website www.reading.gov.uk/schoolappeals.

If you find there is further information you would like to submit after you have returned your appeal form, please send any further documents to the Clerk to the Appeal Panel (see address below under useful contacts).

If your appeal is for a place in an infant class (Reception, Year 1, or Year 2) please make sure that you read the section on infant class size appeals as the legislation regarding infant class size may affect your appeal.

USEFUL CONTACTS

If you require further information to assist you in making your appeal, you can contact:

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| Clerk to the Appeal Panel Committee Services Reading Borough Council Civic Offices Bridge Street Reading RG1 2LU Tel: 0118 937 2532 sarah.wilson@reading.gov.uk amy.bryan@reading.gov.uk | School Admissions Team Reading Borough Council Civic Offices Bridge Street Reading RG1 2LU Tel: 0118 937 3777 admissions.team@reading.gov.uk | Coram Children's Legal Centre Coram Children's Legal Centre provides free, independent advice on all areas of child, family and education law through their Child Law Advice Service. www.childlawadvice.org.uk Tel: 0300 330 5480 for family law Tel: 0300 330 5485 for education law |
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ARRANGEMENTS FOR THE APPEAL

Once your appeal form has been received, the Council will arrange for an Independent Appeal Panel to hear your appeal. You will be given 10 school days notice of the date, time and location of the appeal hearing. The Council will also send you a statement approximately 7 days before the appeal hearing. This statement will be from either the Local Authority or the school's Governing Body (depending on whom the admission authority is for the school), and will explain the reasons why your child has not been offered a place at the school you applied for. A copy of all other documentation relating to your appeal will also be sent to you along with the statement.

WHAT IS THE APPEAL PANEL?

The Appeal Panel is independent of the Admission Authority (the Admission Authority being either Reading Borough Council or the school's Governing Body, depending on the category of school) and is made up of three or five people who will determine your appeal. At least one panel member will be a layperson and at least one panel member will have experience in education. The Appeal Panel will not have any connection with the school you are appealing for or the alternative schools being offered and it would not have been involved with the original decision.

CAN PARENTS ATTEND THE APPEAL HEARING?

Yes, you have the right to be at the appeal hearing and present your case to the Appeal Panel. We encourage you to attend if possible as it assists the Appeal Panel's understanding of the individual circumstances of your case. However, if you decide not to attend the appeal hearing, your appeal will be decided on the information available when the Appeal Panel meet. Whether you attend or not, the Appeal Panel will carefully consider all the written information that is submitted.

CAN I BRING SOMEONE ELSE WITH ME OR SEND SOMEONE ON MY BEHALF?

Yes, you can bring somebody with you to help you present your case. You may be accompanied or represented by a friend, adviser, interpreter or signer who may speak on your behalf at the hearing. The friend or adviser can be a Choice Adviser, a locally elected politician, or an employee of the Local Authority (such as an educational social worker, special educational needs adviser, or learning mentor), provided that this will not lead to a conflict of interest. **If you decide to be legally represented or require the services of a translator or signer, please let the Clerk to the Appeal Panel know well in advance of the hearing.**

You are also able to send somebody to speak on your behalf, even if you do not attend the hearing yourself, please let the Clerk to the Appeal Panel know.

WILL ANYBODY ELSE BE THERE?

A representative of the school will be at the appeal hearing.

The Clerk to the Appeal Panel will also be present at the hearing to act as an independent source of advice and to record what happens at the appeal hearing.

WHAT HAPPENS AT THE APPEAL HEARING?

We try to make the appeal hearing as informal as possible.

- The Chair of the Appeal Panel will welcome everybody to the appeal hearing and introductions will be made;
- The school's representative will explain the reasons why your child has not been offered a place at the school you applied for. You and the members of the Appeal Panel will be able to ask questions on what has been said by the school's representative;

- You will then be given the opportunity to present your case in support of your appeal. The Appeal Panel will already have all the written information that you have submitted. The members of the Appeal Panel and the school's representative will then be able to ask you questions if they need clarification on any points;
- There will then be a summing up stage, where you and the school's representative will be given the opportunity to sum up the main points of what you have said at the appeal hearing;
- The Chair of the Appeal Panel will then ask you and the school's representative to leave the appeal hearing. The Clerk to the Appeal Panel will remain with the Appeal Panel to record its decision and the reasons for making that decision but the Clerk will not play any part in making the decision.

THE DECISION MAKING PROCESS

Appeal Panels must make a decision in accordance with the statutory School Admission Appeals Code issued by the Department for Education.

There are two stages to the decision making process.

Please note that there is a different decision making process for infant class size appeals and this is explained in a separate section. If your appeal is for a place in an infant class (Reception, Year 1, or Year 2) please make sure that you read the section on infant class size appeals.

APPEAL DECISION MAKING (except infant class size appeals)

First Stage - examining the decision to refuse admission

The Appeal Panel **must** consider:

- whether the school's published admission arrangements comply with the legal requirements of the School Admissions Code and Part 3 of the School Standards and Framework Act 1998;
- whether the school's published admission arrangements were correctly and impartially applied in the case(s) in question;
- whether the admission of an additional child would prejudice the provision of efficient education or the efficient use of resources (i.e. would have a detrimental impact on the education provided at the school and on the use of resources);

In deciding whether prejudice would be caused with the admission of an additional child, it is not enough for the Admission Authority to show that the school's published admission number has already been reached. While the Appeal Panel must take into account the school's published admission number, the Admission Authority must be able to demonstrate over and above this fact what prejudice would be caused by admitting an additional child.

In reaching a decision as to whether or not there would be prejudice, the Appeal Panel may consider a number of factors, such as the impact on the school and size of classes, the amount of teaching space available, and the effect an additional child would have as the year group in question moves through the school.

If you are the only person appealing for a particular year group at a school (single appeal), the Appeal Panel **must** allow the appeal at the first stage, if they find any of the following:

- the school's published admission arrangements do not comply with the legal requirements and your child would have been offered a place if the published admission arrangements had complied with the legal requirements;
- the school's published admission arrangements have not been correctly and impartially applied in your child's case, and if they had been, your child would have been offered a place;
- the admission of an additional child **would not** prejudice the provision of efficient education or the efficient use of resources.

If the Appeal Panel is hearing more than one appeal for the same year group at the same school (multiple appeals), and finds that all the appeals could be allowed without causing prejudice, it must allow all of the appeals at the first stage. If not, the Appeal Panel **must** proceed to the second stage.

If the Appeal Panel is hearing multiple appeals and finds that there are a number of children who should have been offered a place, the Appeal Panel must consider whether admitting that number of children would cause serious prejudice. If the Appeal Panel finds that it would cause serious prejudice, it cannot allow any of these appeals at the first stage and **must** proceed to the second stage (see below).

Second Stage - balancing the arguments

If the Appeal Panel has not found any grounds to allow your appeal at the first stage, it must move onto the second stage, which involves balancing the arguments.

The Appeal Panel **must** balance the prejudice to the school against your case for the child to be admitted to the school. The Appeal Panel must decide whether your reasons for wanting your child to be admitted to the school outweigh the prejudice that would be caused to the school by another child attending. If you are the only person appealing for a particular year group at a school (single appeal) and the Appeal Panel decides that your case outweighs the prejudice to the school, the Appeal Panel **must** allow your appeal. If the Appeal Panel decides that your case does not outweigh the prejudice to the school, the Appeal Panel **must** refuse your appeal.

If the Appeal Panel is hearing more than one appeal for the same year group at the same school (multiple appeals); it must balance the arguments for each appeal. However, where the Appeal Panel finds that there are more appeals which outweigh the prejudice to the school than the school could cope with being allowed, the Appeal Panel **must** compare the cases and only allow those appeals with the strongest case for admission.

In balancing the arguments, the Appeal Panel must take into account your reasons for wanting your child to attend the school you are appealing for a place at, and what it can offer your child that other schools cannot.

INFANT CLASS SIZE APPEALS

The law states that there can be no more than 30 children with a single qualified teacher in an infant class (Reception, Year 1, or Year 2).

An Admission Authority can refuse to admit a child to an infant class at a school if admitting an additional child would mean exceeding the legal limit of 30 with a single qualified teacher and if

the measures they would have to take to avoid this (such as employing an extra teacher) would prejudice the provision of efficient education or efficient use of resources (i.e. would adversely affect the education and use of resources at the school).

Not all appeals for a place in an infant class are infant class size appeals, as some infant classes may have less than 30 in a class for example - but if your appeal is for a place in an infant class and the Admission Authority can satisfy the Appeal Panel that there are already 30 in the class with one qualified teacher and they cannot take measures to avoid this without prejudicing the provision of efficient education or the efficient use of resources, then your appeal will be considered to be an infant class size appeal.

The Appeal Panel have to follow a different decision making process for infant class size appeals. If your appeal is considered to be an infant class size appeal, then the Appeal Panel is **reviewing** the Admission Authority's decision to refuse your child a place at the school. There are only limited circumstances in which an infant class size appeal can be allowed, and as such, only a limited chance of your appeal being allowed. The Appeal Panel is not permitted to balance your case against the school's case.

First Stage - examining the decision to refuse admission

The Appeal Panel **can only** allow an infant class size appeal at the first stage, if they find any of the following:

- the school's published admission arrangements do not comply with the legal requirements of the School Admissions Code and Part 3 of the School Standards and Framework Act 1998 and your child would have been offered a place if the published admission arrangements had complied with the legal requirements;
- the school's published admission arrangements have not been correctly and impartially applied in your child's case, and if they had been, your child would have been offered a place;
- the decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case.

In making your case in support of your appeal, **you must show that:** your child was refused a place as a result of admission arrangements which did **not** comply with the legal requirements of the School Admissions Code and the School Standards and Framework Act 1998; or that a mistake had been made by the Admission Authority, which if it had not happened, would have meant that your child would have been admitted to the school; or that the decision to refuse admission was not reasonable.

In considering whether the Admission Authority has made an unreasonable decision, the Appeal Panel must determine whether the decision was one no reasonable Admission Authority would have reached in the circumstances of the case, and the threshold for finding this is high. In this context, **it is the legal meaning of "reasonableness" that applies**, which means that an unreasonable decision is irrational or perverse to refuse to admit the particular child. The School Admissions Appeals Code (paragraph 4.10) states that 'The Panel will need to be satisfied that the decision to refuse to admit the child was "perverse in the light of the admission arrangements" i.e. 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"'.

In reaching a decision, the Appeal Panel must take into account all relevant circumstances, including: the published admission arrangements and the parent's preference; the circumstances of the particular child and family; and the practical consequences for the school and children in relevant infant classes if the child were to be admitted.

If the Appeal Panel is hearing more than one infant class size appeal for the same year group at the same school (multiple appeals), and finds that there are a number of children who should have been offered a place, the Appeal Panel must consider whether admitting that number of children would cause serious prejudice. If the Appeal Panel finds that it would cause serious prejudice, it cannot allow any of these appeals at the first stage and **must** proceed to the second stage (see below).

Second Stage - comparing cases

The second stage will only be reached if the Appeal Panel are hearing multiple appeals and find that there are a number of children who should have been offered a place but admitting that number of children to the school would cause serious prejudice.

During the second stage of the decision making process the Appeal Panel **must** compare each appellant's case for their child to be admitted and decide which of them to allow.

FURTHER APPEALS

If your appeal is unsuccessful then there is the right of appeal for a place at the same school for each academic year. You do not have the right to another appeal for a place at the same school for the same academic year, unless, in exceptional circumstances, the Admission Authority has accepted a second application from you because of a significant and material change in circumstances but admission has been refused once again.

THE DECISION

You will be sent the decision of the Appeal Panel in writing, normally within 5 school days of the appeal hearing.

If your appeal is successful, you are expected to contact the school you have been granted a place at, within 14 days of receiving the appeal decision in writing, in order to agree a start date for your child.

If your appeal is unsuccessful and you do not want the place offered to you at another school, please contact the School Admissions Team on 0118 937 3777 to find out what other schools have places available.

There is no right of appeal against the Appeal Panel's decision but if you consider that the appeals procedure has not been carried out properly, you are able to complain to the Local Government Ombudsman. To make a complaint to the Local Government Ombudsman phone the Advice Team on 0300 061 0614 or visit www.lgo.org.uk.

If your appeal was for an Academy or Free School, however, you should complain to the Secretary of State instead. Information can be found at www.education.gov.uk or <https://www.gov.uk/government/publications/academy-independent-admission-appeal-panel-complaints>, which is a link to the academy independent appeal panel complaint fact sheet which is produced by the Education Funding Agency (EFA) and sets out the types of complaints parents / legal guardians can raise with the EFA.

APPEALS SUMMARY

Step 1

You will be informed that following your application it has not been possible to offer your child a place.

Step 2

You have the right of appeal against the decision. Information on making an appeal and the appeal procedure, together with an appeal form, can be obtained from the Council.

Step 3

The appeal form should be completed and returned as soon as possible after receiving the decision that your child has not been offered a place, or by any deadline given to you for appealing when you received your notification that your child had not been offered a place (you must be allowed a minimum of 20 school days to submit an appeal). Additional information can still be submitted after the appeal form has been returned but should be submitted at least 3 working days before the appeal hearing.

Step 4

Once your appeal form has been received, arrangements will be put in place for an Independent Appeal Panel to hear your appeal. You will be given 10 school days notice of the date, time and location of the appeal hearing. You will also be sent a statement from the admission authority of the school and any other information or documents relating to your appeal, approximately 7 days before the appeal hearing.

Step 5

The Appeal Panel will meet and consider your appeal. You are invited to attend and present your case to the Appeal Panel.

Step 6

You will be sent the Appeal Panel's decision in writing, normally within 5 school days of the appeal hearing.