

## **Primary School Appeals: Guidance Notes**

**Before completing your appeal form please take some time to read these guidance notes:**

You may find it useful to read the School Admission Appeals Code:

<https://www.gov.uk/government/publications/school-admissions-appeals-code>

- You are appealing against the decision not to offer your child a place at your chosen school. They will not have been offered a place because they did not satisfy the admission criteria. You will need to consider this when preparing your case. The school will need to satisfy the panel that the admission criteria were applied correctly. The school will address this in their presentation and in their statement which will be sent to you before your appeal hearing.
- If the panel do uphold your appeal the decision is binding on the school which means that the school will have to offer your child a place. This will be over and above the published number. Therefore, as part of their case, the school will seek to demonstrate that to take an extra pupil will prejudice the efficient education and the efficient use of resources.
- You have a statutory right to appeal. However you should be realistic. Appeals can be stressful and you need to consider carefully if you have sufficient grounds for an appeal.
  - Infant Class Sizes (Reception, Year 1 and Year 2) are restricted by law: Class Size Legislation places a duty on local authorities to ensure that no child in an infant class is taught in a class of more than 30 children. This has an impact on how an appeal is considered.
  - Grounds for Appeal There are only certain circumstances under which an appeal panel can uphold an appeal for a school and if an appeal does not satisfy any of these conditions then it cannot be upheld in favour of the parent / carer. The panel may only uphold the appeal at the first stage where:
    - (a) it finds that the admission of additional children would not breach the infant class size limit; or
    - (b) it finds that 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; or
    - (c) it decides that the decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case.

- The School Appeals Code states that: <sup>2</sup>“The threshold for finding that an admission authority’s decision to refuse admission was not one that a reasonable admission authority is high. The panel will need to be satisfied that the decision not 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.’

If you wish to appeal please complete the enclosed form and return it to me, c/o the school, together with any supporting evidence.

### **The Appeals Process:**

1. Appeal forms must be returned by the deadline stated on the form either by email or to the school. Please make it clear if you are intending to submit further information at a later date. However you should note that ALL paperwork MUST be received at least 7 days before the date of the appeal. As outlined in the code of practice for Admission Appeals paragraphs 2.7 to 2.10 any paperwork submitted after this date may not be considered by the panel.

2. Receipt of your appeal form will be acknowledged. If you have supplied an email address then acknowledgement and all subsequent correspondence will be by email. It is your responsibility to ensure your completed form has been received by the closing date. If you do not receive an acknowledgement within 5 days of sending your form please contact the clerk by email or leave a message with the school and the clerk will contact you.

3. You will be given 10 days’ notice of the date and time of your appeal.

4. At least 5 school days before your appeal you will receive the statements from the Local Authority and the Academy Trust.

### **The Appeal Hearing:**

1. Appeal hearings will take place at the Aquinas offices, Magpie Hall Lane, Bromley, BR2 8HZ during the school day.

2. The panel will consist of 3 members with at least one from each of the following categories:

- a. Lay people (someone without any personal experience in the management of any school or provision of education in any school except as a school governor or in a voluntary capacity).
- b. People who have experience in education, who are acquainted with educational conditions in the local authority area, or who are parents of registered pupils at school.

3. The Clerk is also independent of the school/Admissions Authority. It is their responsibility to ensure that the panel is correctly constituted and follows the published guidance in line with the code of practice for admission appeals.

4. The Hearing will be conducted in the following order:

- a. case for the admission authority
- b. questioning by the appellant(s)
- c. case for the appellants
- d. questioning by the admission authority and panel
- e. summing up by the admission authority
- f. summing up by the appellant(s)

5. You will be informed of the outcome of your appeal within 5 school days from the date of your appeal.

If you have any further questions please email [info@aquinatrust.org](mailto:info@aquinatrust.org)