

Appeal for a school place

If your child has been refused a place at one of your preferred schools, you may appeal the decision of the admissions authority.

The School Standards and Framework Act 1998 allows you the right to appeal to an Independent Admissions Appeal Panel which has the power to direct an admission authority to make places available at a school.

Your reasons for appealing will then be considered by an independent panel at an appeal hearing. You will have the chance to attend the appeal hearing and present your case.

Your appeal should be submitted using the link below within twenty days of refusal of admission. The appeal provides you with an opportunity to explain why you wish to register your child at our school. The appeal forms and advice on how to complete them is available on the Lancashire County Council website:

<https://www.lancashire.gov.uk/children-education-families/schools/appeal-against-an-admission-decision/primary-school-appeals/>

Infant class size appeals

The law limits the size of an infant class (reception and years 1 and 2) to a maximum of 30 pupils per teacher (there are exceptions to this rule for certain limited categories of children). If the school refuses your child a place because admitting them would breach this limit then your appeal will be an infant class size appeal. This is different from all other school admission appeals.

In an infant class size appeal, a panel will only uphold the appeal where one of the following applies:

- it finds that the admission of an additional child would not breach the infant class size limit
- it finds that the school's admission arrangements were unlawful, or were not properly applied, and the child would have been offered a place at the school if the arrangements had been lawful or had been properly applied
- it decides that the decision to refuse admission was not one that a reasonable admission authority would have made in the circumstances of the case

To find a decision to be unreasonable the panel would need to be satisfied that the decision to refuse admission was 'perverse in the light of the admission arrangements'. In other words, the panel believes that no reasonable admission authority considering the matter could have come to the same decision.

As an example, a decision that makes it impossible for you to transport all your children to school on time is unlikely to be considered perverse. However, a decision to refuse a place for a child whose family had to relocate under a witness protection scheme might be. The decision on whether a refusal was unreasonable will be made by the appeal panel and will depend on the facts of the particular case presented at the appeal.

The threshold for finding that an admission authority's decision to refuse admission was unreasonable is high.

As such, it's unlikely that the panel would uphold the appeal on that basis. It's important that parents recognise this before investing what can be a significant amount of time and effort in an infant class size appeal.

Before you make your decision to appeal you should think carefully about your reasons for appeal and be realistic about the likely outcome.

Supplementary faith forms

If you are appealing to a school on faith grounds you must also fill in the Supplementary Faith form (available on the schools' websites) and submit this with your appeal application form.

You can also return completed forms direct to the school for which you are appealing. These schools may have their own closing date for appeal forms, **please contact school directly for this deadline.**

Scotforth St Paul's Primary & Nursery School- 01524 65379 or email bursar@scotforth-st-pauls.lancs.sch.uk

September intakes (Reception/Year 7)

Appeals for the September intake are those for children starting primary school (reception) or secondary school (Year 7) in September.

If you are not happy with the school place you have been offered, you can appeal for any schools that you wish.

September intake appeals are held during late spring and summer.

Preparing your appeal

Before completing the appeal form you should read the guidance notes below.

Evidence

Make sure you have electronic versions of any evidence you intend to submit to support your appeal before you start so you can upload it when you fill in the form.

What to put in your school appeal

It is important that you describe in your appeal why you consider that an unreasonable decision has been made in not offering your preferred school. If you wish, you can appeal for more than one school.

Supporting information

You should provide any extra information in support of your appeal which you feel is relevant. You should upload this when you submit your appeal online.

This should include all relevant personal circumstances, (medical, social or welfare reasons), which would make it difficult for your child to attend the allocated school. You may if you wish provide a doctor's letter or other independent written information to support your case.

Please note that if you refer to such written information but do not produce it beforehand it may not be considered by the Independent Appeal Panel.

Presenting additional information later

If you present additional information at your hearing (which has not previously been seen by any of the other parties) then this may not be accepted. For example confirmation of address change or medical and other supportive letters.

If the new information is substantial then the panel may request a short break or even a deferral of your hearing, to allow time to properly consider your case. The panel are not bound to accept new information or evidence on the day of your hearing so it is strongly recommended that you provide all relevant information in advance with your appeal.

If you request substantial information from the presenting officer at the hearing (without adequate prior notice) then a short break or deferral may be necessary.

What you cannot include

Appeal panels are prohibited by the School Admission Appeals Code from allowing Headteachers and representatives of the school being appealed for

providing supporting information (written or verbal) in advance of or at your appeal hearing.

Addresses

You must indicate your current address on the online appeal form.

Please note that we will always check the admission address supplied with the details you have supplied within your appeal form, where this differs the Authority will need to investigate and seek further clarification from yourselves. **Therefore it is important that if you are submitting an alternative address on appeal that you support this with the appropriate evidence at the time of submitting your appeal form to mitigate any delay in arranging your appeal hearing.**

Change of address

If you change address at any time between submitting the appeal and the actual appeal hearing it is your responsibility to confirm that this has happened.

Correspondence may be issued to an incorrect address if you have changed address and failed to confirm your relocation.

You will always be required to provide firm written evidence of any change of address. This should ideally be done prior to your appeal hearing. If you bring evidence to the hearing the independent panel will decide whether or not this is sufficient to accept the new address for the purpose of hearing your appeal.

Evidence of a house move requires a written solicitor's confirmation of any exchange of contracts. Rental and lease agreements may be submitted although temporary addresses are not always accepted for school admission purposes.

You are therefore strongly advised to confirm any change in address as soon as it occurs and to seek advice about providing evidence of your relocation.

If you are appealing based on an address which you will imminently move to, then you must provide written evidence before or at the appeal hearing. If you cannot, then your hearing may be deferred or, if it proceeds, will be based on your existing address.

Procedural issues

You must in your written appeal case refer to procedural issues which you feel may have prejudiced the fair allocation of a place at your preferred school (for example a

misplaced or late application). This is significant information and if it is raised at your appeal without any prior notification then the hearing may be delayed or deferred pending an investigation about the allocation process.

You should raise any procedural issues about the allocation process and your application with the Local Authority and / or admission authority as far in advance of your appeal as is possible.

Appeals for siblings

If you have submitted appeals for siblings for places at the same school then you should highlight this in your online appeal form and efforts will be made to arrange appeal hearings on the same day.

Please note that for each child you will be allocated a separate appeal hearing. If you wish to present a joint case for all of the siblings then this is an option which is available. The decision about whether to present an individual case per child or a single case for all siblings is yours.

The case presented for any school may however vary between year groups. This will be explained in the appeal information and prior to and/or at the hearing.

Independent appeal panels will, therefore, make individual decisions for each appeal even where siblings are appealing for the same school. This means that it is possible for decisions for each child to vary.

School appeal hearing guidance

You will be notified via email confirming the date, time and arrangements of the appeal hearing. You will usually be notified at least 14 days before the hearing to give you time to prepare. You will also receive a statement from the admission authority which will give the reasons why your child was not allocated to your preferred school / academy. This will normally be sent to you at least 7 days before the hearing.

Attending the hearing

It is strongly advised that you attend the appeal hearing as this will give you the opportunity to state your case in person and to respond to any queries and clarify any relevant parts of your case which are unclear. The Appeal Panel will have a better idea of your case if they can talk/meet with you and have amiable and constructive discussion. You are able to send nominate a person to represent you if you are

unable to attend. If you attend yourself you may be accompanied by a friend or representative.

If you choose not to attend the hearing the Appeal Panel will make a decision on the basis of:

(a) the written evidence you have provided: and (b) a written or oral statement given at the hearing by the admission authority, giving the reasons why your child was not allocated to your preferred school / academy (there may sometimes be a witness present [see b, d]).

You are able to defer the hearing if you are unable to attend and are willing to wait for a later date. There may be a deferral for a few weeks until the next hearing can be arranged. If you decide to defer your hearing you should confirm this as far in advance of the set date as possible. You may wish to consider nominating a representative in your place to present your case. Please note that you should confirm who this will be ahead of the hearing in order that all concerned are aware that the person has been nominated as your representative (see section 7 - The hearing).

It is however, strongly recommended that you attend the hearing.

Presenting your case

The hearing is **not** like a court case. Generally hearings last up to 30 minutes and are informal in nature. If you need longer to present/clarify your case, then this will be allowed. Venues are usually local or virtual via conference call. The intention is not to discuss points of law but for the panel to balance the strength of the relative cases in reaching their decision.

You are able to present any information which you feel is relevant to your case and circumstances. If on the day of the appeal you present new information without any evidence there is the possibility that the hearing may be delayed or deferred in order for this to be properly considered, e.g. if you refer to a bullying issue at your child's current or previous school / academy you should provide evidence or else the hearing may be delayed or deferred.

The hearing

You are strongly encouraged to attend your admission appeal hearing(s) in order to clarify or supplement your written appeal case.

You are able to have a friend, adviser, interpreter or signer in attendance and they may speak on your behalf at the appeal hearing. This may include a locally elected politician or an employee of the Local Authority e.g. a social worker (as long as this is not considered to lead to a conflict of interests).

Where appeals are for pupils above statutory school age then the parents and pupil may both attend the appeal hearing or may decide that only one party wishes to attend.

For pupils above statutory school age both the pupil and parents have appeal rights. Where both decide to appeal separately then the appeals will be heard together at a joint hearing leading to a single decision which is binding on all parties.

Please note that:-

- If a signer or interpreter is required at your appeal hearing, you would need to make your own arrangements for an interpreter to be present to act on your behalf.
- Appeal panels are prohibited by the School Admission Appeals Code from allowing Headteachers and representatives of the school being appealed for providing supporting information (written or verbal) in advance of or at your appeal hearing.

You are able to have legal representation at your hearing if you wish. This is however not normally necessary. Admission appeal hearings are not intended to debate points of law.

The following people will be in the room:

- (a) A Panel of three people who are lay persons and persons experienced in education. These people are acting **independently** of the admission authority and have no connection with the school / academy for which you are appealing or the school which is your current offer. These are the people who will make the decision about your appeal;
- (b) A Clerk, who is usually from the Office of the Chief Executive (Legal Services Group), will advise the Independent Appeal Panel about the law and procedures and who will also take notes of the meeting;
- (c) A Presenting Officer from the admission authority who will present the case for the school or academy for which you are appealing).
- (d) The Head teacher of the school which you are appealing for may be present (or may send a representative).

The presenting officer for the admission authority will explain why a place at your preferred school / academy has not been allocated to your child. You may ask questions and you may also challenge any statements which are made.

You may then be asked for the reasons why you feel that it is unreasonable for your child to attend the school / academy which has been allocated and you may also be asked questions.

The Independent Appeal Panel's decision

The independent admission appeal panel will initially hear the case from the admission authority.

If they decide that this is not sufficiently strong to prove that prejudice would occur in relation to additional admissions, then they may decide that the case is "not proved". In these circumstances all appellants would be allocated places at the school without individual parents having to present their cases.

If you are the first appellant on a particular day then you may be present for this initial discussion. The panel may ask that you and the presenting officer (plus any witnesses) leave the room if they wish to debate the strength of the admission authority's case prior to deciding how they wish to proceed.

On most occasions however the Independent Panel will proceed to hear all parental cases for the school / academy being appealed for. They will not make any decisions until every parent's individual case has been heard.

You will not be present when they make their decisions and neither will the admission authority or any witnesses. Only the independent clerk will remain with the panel and he/she will have no role in their decision making about your appeal.

The panel will balance the strength of each parent's case against the case made by the admission authority for no more admissions to the school. They can allow every case or none at all (or anything in between). If they allow your appeal then the school / academy place must be accessed without delay. If this does not happen then you may receive a reminder letter giving you seven days' notice to confirm that you still want and will access the available place. Places will be withdrawn if they are not accessed promptly following a successful appeal.

If your appeal is refused, the school offer already made will be confirmed (subject to any other outstanding appeals which you may be awaiting). You will get an initial, brief, decision letter which will be followed up at a later date by a letter giving further details for the admission appeal panel's decision to refuse your appeal.

The decisions of Independent Admission Appeal Panels are legally binding on all parties

Finding out about the decision

The clerk will write to let you know the result of the appeal after the hearing. This is usually done in writing to all appellants shortly after the hearing has taken place.