

# **School Admission Appeals**

**A Parent's guide to the  
Independent Process for Academy and  
Local Authority School Admission Appeals  
in West Berkshire**

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## 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 at [www.westberks.gov.uk/schoolappeals](http://www.westberks.gov.uk/schoolappeals). Alternatively please telephone 01635 519458 for an appeals form.

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:

Clerk to the Appeal Panel  
West Berkshire Council  
Market Street  
Newbury  
Berkshire  
RG14 5LD

Tel: 01635 519458  
[Jo.Watt@westberks.gov.uk](mailto:Jo.Watt@westberks.gov.uk)

School Admissions Team  
West Street House  
West Street  
Newbury  
Berkshire  
RG14 1BD

Tel: 01635 519772  
[admissions@westberks.gov.uk](mailto:admissions@westberks.gov.uk)

Advisory Centre for  
Education (ACE)  
The Busworks  
North Road  
London  
N7 9DP

Telephone 020 7697 1140  
[www.ace-ed.org.uk](http://www.ace-ed.org.uk)

## 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 10 working 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 West Berkshire Council or the school's Governing Body, depending on the category of school) and is made up of three 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.

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 or the Local Authority 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 or the Local Authority'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 or the Local Authority'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 or the Local Authority's representative will be able to ask you questions if they need clarification on any points;
- There will be a summing up stage, where you and the school's or the Local Authority'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 finally ask you and the school's or the Local Authority'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.

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### Appeal decision making (except infant class size appeals)

#### First Stage – examining the decision to refuse admission

The Appeal Panel **must** consider the following matters in relation to each child that is the subject of an appeal:

- (a) whether the admission arrangements (including the area's co-ordinated admission arrangements) complied with the mandatory requirements of the School Admissions Code and Part 3 of the School Standards and Framework Act 1998; and
- (b) whether the admission arrangements were correctly and impartially applied in the case in question.

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.

You will be notified in writing of the outcome of your appeal within five working days.

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## **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 or school 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).

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 there are only limited circumstances in which an infant class size appeal can be allowed, and as such, only a limited likelihood 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:

- (a) whether the admission of an additional child/additional children would breach the infant class size limit;
- (b) whether the admission arrangements (including the area's co-ordinated admission arrangements) complied with the mandatory requirements of the School Admission Code and Part 3 of the School Standards and Framework Act 1998;
- (c) whether the admission arrangements were correctly and impartially applied in the case(s) in question; and
- (d) whether the decision to refuse admission was one which a reasonable admission authority would have made in the circumstances of the case.

The format of Stage 1 is as follows:

- Welcome
- Chairperson introduces the Appeal Panel, the Presenting Officer and the parents introduce themselves
- Chairperson outlines the procedure to be followed
- The School or the Local Authority Officer presents the case for the school - here the Officer will go over the reasons for not admitting your child to your preferred school
- Questions – if you have any questions about the school or the Local Authority case you should ask them at this point of the appeal hearing
- The panel considers whether or not the school or the Local Authority has proven its case. If the panel finds that the school or the Local Authority **has** proven its case it will go on to Stage 2 of the appeal. If it finds that the school or the Local Authority **has not** proven its case the panel will allow the appeal and the child will have a place at the preferred school.

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.

## Second Stage – the parent's case for admission

Although the school or Local Authority's case may be proven at Stage 1, we will always offer parents the opportunity to put their case for their child's admission to the school.

The format of Stage 2 is as follows:

- You present your case
- Questions – members of the Panel and the school or the Local Authority have the opportunity to ask you questions about your case or to ask you to clarify issues
- School or the Local Authority Officer sums up
- You sum up
- Chairperson asks you if you have said everything you wish to
- You and the school or the Local Authority Officer leave the room and the Panel makes its decision.
- The Clerk will notify you of the outcome in writing within 5 working days.

## Can I withdraw my appeal?

Yes. You can withdraw your appeal by telephoning the Clerk to the Appeal Panel on 01635 519458.

## 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 school or the Local Authority has accepted a second application from you because of a significant and material change in circumstances but admission has been refused once again.

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 (LGO).

Information on making a complaint to the LGO can be found here:

<http://www.lgo.org.uk/publications/fact-sheets/complaints-about-school-admissions/>

or contact the LGO by post at: PO Box 4771, Coventry, CV4 0EH or by phone on:

**0300 061 0614** or **0845 602 1983**



## Summary of the Appeal process

- Step 1** You will be informed that following your application that 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 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 Local Authority of the School's Governing Body (depending on whom the admission authority is for the school) and any other information or documents relating to your appeal, approximately 10 working days before the appeal hearing.
- Step 5** The Appeal Panel will meet and consider your appeal. You will be able to attend and present your cases 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.