

# School Admission Appeals

A guide for parents

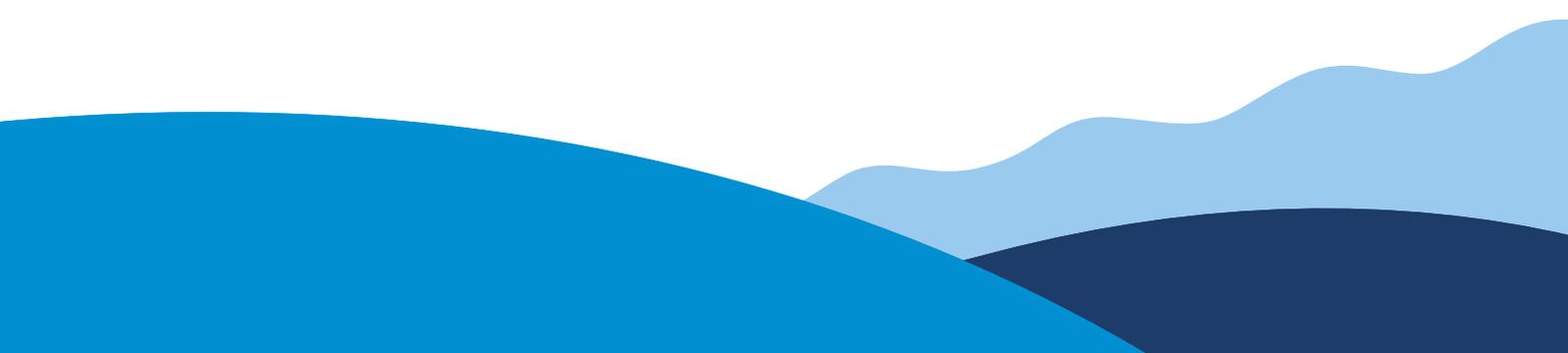


# Introduction

Although every effort is made to offer you a school place for your child at your preferred school, this isn't always possible.

This booklet explains what to do if you are not offered the place that you wanted. It is divided into different sections depending on the age of your child and whether there are any other appeals for that school. It is important that, in addition to reading the general information at the beginning, you read the right sections later in the booklet, as the rules and procedure are slightly different.

If you are applying for a place other than for the usual year of admission at that school, the appeal is classed as an 'in-year' appeal. You will therefore need to also refer to the relevant section for in-year appeals. The sections are as follows.

1. Information which is general to all appeals
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# 1. Information which is general to all appeals

## 1.1 What is the 'admission authority'?

The admission authority is a term used throughout this booklet. It means the office responsible for deciding admissions to a particular school. Where the school is a Community School or a Voluntary Controlled School, the admission authority will be the Admissions Office of the County Council. There are two offices based in Horsham and Worthing.

Where the school is a Voluntary Aided (church) School, Foundation School or Trust school, the admission authority will be the Governing Body for that school. Where the school is a Free School or an Academy, the admission authority is the Academy Trust.

## 1.2 Do I have the right to appeal?

All parents have the right to say which school they would like their child to attend. The admission authority must offer a place at that school unless there is a legal reason for refusing a place.

The most common legal reason for not offering a place is that the school is full to its published admission number. Therefore, if more pupils were added to the numbers already admitted, it would adversely affect the resources at the school or the education of other children at the school. This might happen if a school is very popular and where space, equipment or staff would become overstretched or where the quality of education would suffer if more children were admitted because of these pressures on staff or resources.

If you cannot be offered a place at your preferred school, you have the right to appeal to an Independent Appeal Panel.

## 1.3 How can I appeal?

If you cannot be offered a place at your preferred school, and you wish to appeal against this decision, please complete the online appeal form by visiting [westsussex.gov.uk](https://www.westsussex.gov.uk) and entering 'how to appeal for a school place' in the search box. If you do not have access to the internet, you can call the Contact Centre on 03330 142 903 and you will be sent a form to enable you to appeal. If you are happy to accept the alternative place that you are offered, you do not need to appeal. You can also accept the school that you are offered, and appeal for a place at your preferred school at the same time.

If you do wish to appeal, you will need to complete the form stating why you want your child to attend that particular school. Do not forget to fill in your address details as paperwork for the appeal will need to be sent to you by the Appeals Administrator in Legal Services at County Hall in Chichester, and your details will not already be on file there. When returning the form, try to send all the information that you want the Panel to see. You may send documents to the Appeals

Administrator by post if you cannot send them electronically. The Panel will not contact people on your behalf, so if you want it to see papers such as a doctor's report, you will need to get that yourself and send it to the Appeals Administrator in good time before the hearing date. Make sure that you submit your appeal form promptly to the Appeals Administrator. If you are late in submitting your appeal, or send in extra papers very close to the hearing date, the date for your appeal being heard could be delayed.

### **1.4 What happens after I have completed the Appeal Form?**

Once you have submitted the appeal form, a hearing will be arranged by the Appeals Administrator. Please bear in mind that it may be several weeks before your appeal can be heard. Appeals are not heard during school holidays. You should be notified of the date of your appeal at least 10 school days in advance. Sometimes you may be offered an appeal date with less notice. If that is the case, you will be asked if you wish the appeal to go ahead, or whether you would like a later date.

Where possible, the hearing will take place within your area, usually at a neutral local venue. Some appeals are conducted on Microsoft Teams and you will be advised in advance if this applies to your appeal. All of the documents that you have provided will be sent in advance to the Panel and the admissions' representative. The admissions' representative will also provide a statement explaining their reasons for refusing a place at that school. That document will be sent to you and the Panel. If you are appealing for a Community or Voluntary Controlled school, a map showing your house, and the location of your preferred school will also be sent. Maps are not always sent if you are appealing for other types of school.

If there is more than one appeal being heard, you will be given an appointment time. Where there is a plenary session, appointment times are scheduled at approximately 20 minute intervals throughout the day. Where there is no plenary session arranged, usually in the event of a small number of appeals, appointment times are scheduled at approximately 30 minute intervals. This is to allow sufficient time for the school to present their case on an individual basis.

Occasionally some appeals take longer which may mean a delay in starting your appeal. It may be difficult to re-arrange appointments but, if you are notified of an appointment you cannot keep, please contact the Appeals Administrator on 0330 2222 732 to see if it is possible to alter the arrangements. It will not usually be possible to change the day of the appeal, but it may be possible to alter the timing of it.

### **1.5 What happens if I cannot or do not want to attend the Appeal?**

It is best for you to attend the hearing if you can, as you will be able to answer any questions that the Panel has and will also be able to ask questions yourself of the admissions' representative. However, if it is not possible for you to attend, or you do not wish to attend the appeal hearing in person, you can ask the Panel to consider your appeal by reading what you have sent in. This is called 'Written Representations.' Your case will be considered in the same way as at a hearing, although obviously there will not be an opportunity to ask questions. The Panel will make a decision at the same time as it considers all the other appeals for that school.

## 1.6 What is an 'Independent Appeal Panel'?

The Appeal Panel is not part of the admission authority or the school. It is not bound by any arrangements or policies of the school or the admission authority. The decision of the Panel is final and binding on all parties (parents, schools and the admission authority). Panel Members are independent and are required to comply with the School Admission Appeals Code which was written by the Department for Education. Panel members must have attended training before they can hear appeals.

The Panel can allocate places for particular children at a school even though that year group is full, if there are convincing reasons to do so.

## 1.7 Who will be on the Independent Appeal Panel?

The Independent Appeal Panel will usually have three people. There will be at least one person with experience in education from a school not connected with the area. There will also be at least one lay member – someone from the local community who has expressed a particular interest in admissions, or a governor from a different school. None of these people will be connected with the school you are appealing for or will have taken part in the admission arrangements for the school. Panel members also must not know you.

The Panel will be assisted by a clerk who is legally trained and able to give advice and who will ensure that the Panel applies the law fairly and properly. The clerk will also take a brief note of the hearing (but not a verbatim report) to assist the Panel, and will record the decision and the reasons for it. (If you wish to have a full note of the hearing, you will need to make this yourself.) Tape recording of hearings is not normally permitted. The clerk will be responsible for informing the parents and the admission authority of the decision of the Panel.

## 1.8 What will happen at the hearing?

The clerk will usually speak to you before the hearing and will invite you and the admissions' representative to go into the hearing at the same time. If there are several appeals for the same class, the hearing is likely to take place in two parts, which may be on different days.

The first part of the hearing is called a plenary session, and all parents are invited to attend. Someone from the school may also attend to answer questions. The admissions' representative will present its case, explaining why the school is full and cannot take any more pupils into that year group. All parents and Panel members and the clerk will be invited to ask questions. After the questions, all parents and the admissions' representative will leave the room whilst the Panel, assisted by the clerk, makes its decision. If the Panel decides that the year group is full, you will be asked to attend the second stage of the hearing. It is important that you try and attend both parts of the hearing. The plenary session will be your only opportunity to ask questions of the admissions' representative relating to the first part of the hearing.

The second part of the hearing is just for your child. The clerk will again invite you and the admissions' representative to go into the hearing. A representative from the school such as the head teacher or a governor may also attend. You will be asked to explain your reasons for

wanting a place at the school, and why you think the admission authority has made a mistake or applied the admissions policy unreasonably. You can be asked questions about this. (Please note that the admissions' representative will not go over the information that was presented at the plenary session.) The admissions' representative can sum up or add additional comments. You can then add your final comments. You and the admissions' representative will then leave the hearing.

When all the parents have made their own comments, the Panel will consider each case, and make its own decision.

### **1.9 Is the process the same where there are a small number of appeals?**

If there is only a small number of appeals for the same year group (usually up to three), you will be invited to attend just once. Your appeal will be just for your child and will last for approximately 30 minutes. The admissions' representative will outline its case first followed by questions, and then you will be able to put forward your case and be asked questions. The admissions' representative can then make any final comments before you are asked to make your final comments. Again, the Panel will not make a decision until they have heard all the appeals for that year group.

### **1.10 Who can I bring to the Appeal?**

One or both parents can attend the appeal, and in addition, you are entitled to be accompanied by a friend, relative or interpreter to assist you in presenting your case or to give you support. If you need an interpreter or signer, please contact the Appeals Administrator who will help you. It is not usual for your child to attend the hearing unless the appeal is for the 6th form. The hearing will be as informal as possible. It is not usual to need legal representation, although you can seek legal advice if you wish. The school you are appealing for or a member of the admission authority cannot attend to assist you. However, you could ask a local politician or social worker to attend provided that this will not lead to a conflict of interest.

### **1.11 My child's name is on the waiting list. Does that affect my appeal?**

No, the waiting list is separate and does not affect the Panel's decision. The admission authority will not tell the Panel what position your child is at on the waiting list.

### **1.12 What decisions can the Appeal Panel make?**

The Panel will hear all appeals for places at a particular school before any decisions are taken. Therefore the timing of your appeal will not affect the decision.

As explained above, the hearing may have a plenary session and the Panel will decide at that point whether the school is actually full, or whether it could take more children into that year group. Where it agrees that the school is full, the next stage is to hear each parent's case separately.

If there is not a plenary session, the Panel will hear all the appeals and then make a decision in two stages. The first stage is to decide whether the school is actually full. The Panel must be satisfied that if more children were given places, it would adversely affect the resources or education at the school.

Where, either at the end of the plenary session, or at the end of stage one, the Panel is not satisfied that the admission authority's case is a good one, it can decide that the admission of more children would be possible up to a particular limit.

If the Panel makes this decision and the number that can be admitted is the same or more than the number of parents appealing, all will be offered places without needing to explain their own circumstances. However, if there are more people appealing than the Panel feel can be offered places, they will need to hear each parent's case. The Panel will then take into account the published admission arrangements and the individual parents' circumstances and offer places up to the number of places that it has decided can be filled before the school is full.

If the decision of the Panel is to agree with the admission authority's case that the school is full, (or after the Panel has added pupils at the end of stage one) it can still decide to admit more pupils. The Panel will make this decision based on the circumstances of each particular case. If the Panel believes that there is a very sound and convincing reason for your child to get a place at the school even though it is full, it can tell the admission authority that it must give your child a place.

That is why it is important that you must give a full account of your reasons for wanting your child to go to that school. You will only get one chance to do this, so you must tell the Panel everything about your circumstances and why you want a place at that particular school, and make sure that you send in any documents to the Appeals Administrator in advance of your hearing.

### **1.13 How will I hear about the decision?**

The decisions about appeals for a particular school will be taken once all of those appeals have been heard. They will be taken on the last day if the appeal hearings run for more than a day. You will be able to telephone the Appeals Administrator on 0330 2222 732 on the working day after the last appeal to find out whether your appeal has been allowed or refused. You will also receive a letter from the clerk about a week later explaining the decision.

The Panel's decision is final and is binding on the admission authority, the school and you. There is no further right of appeal for parents. You must therefore make the most of this one appeal opportunity.

### **1.14 What happens after the appeal?**

If your appeal is successful, the admission authority will let the school know, and you should contact the school to get details of the start date for your child.

If your appeal is unsuccessful, and you have not accepted an alternative place, you can ring the Admissions' Office in Horsham or Worthing to discuss the possibility of a place at another school.

There is no appeal against the decision of the Appeal Panel. However, if you think that the proper procedures were not followed during your appeal, or if you believe that the Panel has acted unfairly, you should contact the Appeals Administrator who can give you details about making a complaint to the Local Government Ombudsman or to the Department for Education (DfE) in the case of an Academy. Neither the Ombudsman nor the DfE can overturn the decision of the Appeal Panel, but if they agree with you that the hearing was not conducted properly, they can recommend that you are offered a fresh appeal with a new panel.

### **1.15 Can I appeal again if I haven't got a place?**

No, you cannot appeal again for the same school, in the same academic year unless there is a significant change to your own circumstances, or that of the school.

## **2. Infant classes**

### **2.1. Infant classes (classes where children are aged 7 or under)**

The law states (with a few exceptions which are listed in the School Admission Appeals Code) that all infant classes, (where children are aged 7 and under) should have no more than thirty pupils with a single teacher. Therefore if the class that your child would enter would exceed thirty, the admission authority can refuse to allow your child a place. You can still appeal to the Independent Appeal Panel, but only if you have grounds for believing that the admission authority has behaved unreasonably in a legal sense, or has not applied the rules correctly. The Panel must consider whether the admission authority acted wholly irrationally in reaching the conclusion that they did. This is a very high threshold to meet.

If the admission authority can show that they have behaved reasonably, and have applied the admissions rules correctly, and that they do not have space for an extra classroom and/or the money for an extra teacher, the Panel cannot require the admission authority to offer a place.

### **2.2 Why are Infant Class Appeals different?**

Because the law states that infant classes should not normally have more than thirty pupils, the Panel cannot increase the number of children in an infant class unless it is satisfied that the admission authority has acted wrongly. The powers of the Panel to admit extra children are extremely limited where the school is organised into classes of thirty or will be arranged in classes of 30 in future years. This therefore means that very few appeals for infant classes are successful.

## 2.3 What decisions can the Appeal Panel make?

The Panel will hear all appeals for places at a particular school before any decisions are taken. Therefore the timing of your appeal will not affect the decision.

The Panel may reject the case of the admission authority. However, it must be satisfied that the admission authority has behaved irrationally or unreasonably by not employing an extra teacher, or providing an extra classroom, or both, or that it has made a mistake in the admission arrangements and that your child would have been admitted if that hadn't happened, or that the admission arrangements were unlawful.

Provided that the admission authority has acted reasonably and properly it is unlikely that a Panel will allow an appeal if to do so would mean that an infant class would have to admit more than thirty pupils. It is therefore important that you establish whether this is the reason for your child being denied a place at the school.

## 2.4 The school that I want my child to attend has fewer than 30 children in each class. Are the rules the same?

No. Where the school is small, and the classes all have fewer than 30 children in them, the rules relating to infant classes do not apply. The admission authority will be able to advise you in more detail, but basically, your appeal will follow the normal two-stage process that applies to all other year groups. The Panel will therefore have more discretion to admit a child to the school.

However, the Panel do take into account the effect of admissions as children move up through the infant year groups. For example, although admission to the reception class might not cause prejudice (because there are fewer than 30 children) it could be an issue when that class becomes Year 1 or Year 2, particularly if there is vertical grouping in those years.

# 3. Church schools, foundation schools, trust schools and academies

## 3.1 I would like my child to go to a Church School, Foundation School, Trust School, Free School or Academy. Is the process the same?

If you would like your child to attend one of the above types of school, you should obtain a prospectus from that school, and look at the admissions criteria, as they are likely to be different from the admissions criteria for community schools. You will need to follow the instructions for applying carefully to make sure that you have filled out any extra forms that may be required by the school.

### **3.2 How will I hear if I have been given a place?**

The governing body of the school will allocate places according to the published criteria, and will send that information to the Admissions' Office of the County Council. During the normal admissions round (entry into Year R or Year 7), you will be notified by the County Council as to whether you have been offered a place at one of your preference schools. Where an in-year application has been made and a school manages their own admissions (as per 1.1), the school itself will notify you whether you have been offered a place.

### **3.3 Can I appeal if I have not been offered a place at a Church School, Foundation School, Trust School, Free School or Academy?**

Yes, you can still appeal in the same way as described in the general information at the start of this booklet. The Appeals Panel is still independent, and is likely to consist of three people. The Panel will be made up of the same categories of people, so there will be at least one person experienced in education and at least one lay person, who will be assisted by a clerk. However, the main difference is that someone from the school will present the information to the Panel, rather than a representative from the County Council.

### **3.4 Where do I send the appeal form?**

You must send your completed appeal form, together with any other documents and reports that you want the Panel to read, to the Legal Services office in the same way as described above. The hearing should take place at a local venue or the school.

### **3.5 What happens after the hearing?**

You will be informed about the Panel's decision in the same way as described above. If you have not been successful, you should contact the Admissions' Office in Horsham or Worthing if you still need a school place for your child. You should also contact the school to see if your name can be placed onto a waiting list.

## **4. In-year appeals**

### **4.1 I have moved into the area in the middle of a school year and the school I want my child to attend is already full. What can I do?**

You can apply for a place in the same way as has already been described. This is called an 'in-year appeal'. It is likely that a special appeal date will need to be set up, or you may have your appeal heard on the same day as appeals for other schools are heard. Your appeal will be heard in private, and there will not be a group plenary session.

## 5. Further advice and information

If you need more information, you can ring the Admissions' Offices in Horsham or Worthing. If you need advice about the appeal itself, you should ring the Appeals Administrator in Legal Services.

### **Horsham (North)**

Admissions' Office  
County Hall North  
Chart Way  
Horsham  
West Sussex  
RH12 1HX  
Phone: 03330 142 903

### **Worthing (South)**

Admissions' Office  
Bridge House  
Goring-by-Sea  
Worthing  
West Sussex  
BN12 4SE  
Phone: 03330 142 903

### **Appeals**

Administrator  
Legal Services  
County Hall  
Chichester  
West Sussex  
PO19 1RQ  
Phone: 0330 2222 732

You can also find information about admission appeals, including copies of the School Admission Appeals Code on the Department for Education website at [gov.uk/schools-admissions/appealing-a-schools-decision](https://www.gov.uk/schools-admissions/appealing-a-schools-decision)

Or go to [gov.uk/browse/education](https://www.gov.uk/browse/education) for information and advice.

