



## Admission Appeals and Hearings

Parents can express a preference for a school for their child, but they do not have the right to a place at a particular school.

A school's admission authority is responsible for allocating its school places. If there are more applicants than school places available, the admission authority allocates the places according to its oversubscription criteria (rules) which are published on the school's website.

If you applied for a place at a school and were refused, this is because the admission authority has allocated all its places according to the school's published admission arrangements (or rules) and the school says it is full and to admit another child will harm the education of the other pupils.

The Department for Education advises parents: *"The appeals process can be burdensome for all involved, so admission authorities do not take lightly the decision to refuse a child a school place.... In most cases your child will not have been offered a place because there were other children who more closely met the school's oversubscription criteria"*.

If your child is not offered a place at the school you have applied for, you have the right to make an appeal against this decision.

Appeals are heard by three members of an **Independent Appeal Panel** who have received training on the appeals process.

### Education, Health & Care plan

If your child has an Education, Health and Care plan that names a school and that school is refusing admission, you should speak to the local council that issued the plan. The appeals process described in this guidance is not relevant in these circumstances.

### Things to consider before you appeal

There are things you need to consider before you make a school admission appeal. You will have to set your appeal out in writing and attend an appeal hearing.

You should be aware that an appeal can prolong the period of uncertainty for parents and children, so it's important to be realistic about your reasons for appealing and the chances of being successful.

This is particularly the case if you're appealing a decision refusing your child a place in an infant class (such as reception, year 1 and year 2), where the law prevents a school from admitting more than 30 pupils per teacher, other than in specific exceptional circumstances. As such, there are limited circumstances in which an appeal panel can uphold an infant class appeal.

You should also consider accepting any offer of a school place you receive to make sure that your child has a place should your appeal not be successful. Accepting another offer will have no bearing on your appeal and the appeals process does not limit other options available to you.

Further guidance on school admission appeals can be found here: [Advice for parents and guardians on school admission appeals - GOV.UK](#)

If you decide to proceed, you must request an appeal form in writing from us via email or by post from the Appeals Officer at the school.

### **Timetable for Appeals for 2023 is:**

*Offer Day - 17 April 2023*

*Deadline to lodge appeal - 15 May 2023*

The school will send your appeal form to the Appeals Clerk of the Appeal Panel.

### **When will your appeal be heard?**

You will be given at least 10 school days' notice of the date of your appeal hearing.

Appeals for the new intake must be heard within 40 school days of the appeal being lodged, or before the end of the summer term - whichever is sooner.

### **Appeals for late applications**

Such appeals should be included with those being heard for the same admissions round. However, if this is not feasible, appeals for late applications must be heard within 30 school days of the appeal being lodged.

### **In-year admissions**

For applications made outside of the timetabled admissions process, appeals must be lodged within 20 school days from the date of the refusal letter. Hearings must be held within 30 school days of the appeal being lodged.

**At the appeal hearing, the admission authority's representative will explain the reasons why your application was unsuccessful.**

The panel must first consider whether the school's published admission arrangements comply with the mandatory requirements of the School Admissions Code. They must also decide if they were correctly applied in your child's case.

You will then have the opportunity to state why you are appealing against the decision. Any additional information to support your appeal should be provided in advance, as the Panel may have insufficient time to consider any evidence provided on the day of the hearing.

The Panel will listen firstly to the admission authority's reasons for being unable to offer your child a place, and must decide if this case is proven. It will then listen to your reasons for wanting a place at the school, and then compare both cases. If it finds that the admission authority's case is proven, your appeal will be denied. If it finds there has been an error in considering your application, it has the power to uphold your appeal. However, the Panel must bear in mind the limited reasons for upholding an appeal in the case of Infant Class Size Prejudice (as described above).

### **The decision**

The Independent Clerk to the Appeal Panel will advise you of the outcome in writing within five working days. If you are unsuccessful you can still ask for your child's name to be kept on a waiting list.

The decision of the Panel is binding - both on you and on the school - and can only be overturned by the courts.

If, after your appeal, you are concerned that it did not comply with the code or was set up incorrectly, you have the right to complain to the Education & Skills Funding Agency, within six months of the date of the hearing, The ESFA, who act on behalf of the Secretary of State, cannot overturn the decision of an Appeal Panel but may decide to investigate the complaint if it considers there are sufficient grounds to do so.