



## Appeal Guidance for own Admission Authority & VA and foundation schools and academies

# APPEALS GUIDANCE

### Right to Appeal

When an Admission Authority informs a parent of a decision to refuse their child a place at a school for which they applied, it **must** include the reason why the place was refused; information about the right to appeal; the deadline for lodging an appeal and the contact details for making an appeal. Parents **must** be informed that, if they wish to appeal, they **must** set out their grounds for appeal in writing. Admission Authorities **must not** limit the grounds on which appeals can be made.

### Parents

If a parent is appealing for an infant, junior or secondary place for September entry at a voluntary aided, trust or foundation school, free school or academy and the Local Authority Appeals Service or Hereford Diocesan Board of Education manages appeals for the school, a letter will be enclosed with this guidance stating by which date your appeal form should be lodged with the Local Authority Schools Appeals Service or Diocese. Appeal dates are agreed with these schools individually.

It is important that you return your completed form within the time period or date specified by the Admission Authority. We would also advise you to lodge your appeal as soon as possible to minimize any delay.

If you lodge an appeal for September entry after the relevant date we will aim to hear your appeal within 40 school days of that closing date or within 30 school days of being lodged, whichever is the later date.

In accordance with the DfE guidelines we aim to hear appeals for immediate entry within 30 school days of the appeal being lodged with the Hereford Diocesan Board of Education and you are asked to return the completed form as quickly as possible to avoid any delays.

**Please note** as appeals are not heard during any of the school holidays, if your appeal (for immediate or September entry) is lodged close to the end of the school year it may not be possible to hear the appeal until the start of the new school year. This means that if you lodge an appeal for immediate entry in July and it cannot be heard until the new school year it will be heard as an appeal for entry in that academic year. It is, therefore, important that you return your completed form within the time period or date specified as failure to do this could delay your appeal hearing.

### INFANT CLASS SIZE APPEALS

Section 1 School Standards and Framework Act 1998 puts a limit on the size of an infant class of 30 pupils per qualified teacher. The limit applies to reception/Year 1 and Year 2. However, the 30 limit can be exceeded if a pupil is regarded as an 'excepted pupil'.

Section 4 of the [School Admission Appeals Code 2014](#) only deals with appeals where an Admission Authority refuses to admit a child on the grounds that admission of an additional

child would breach the infant size limit **and there are no measures it could take to avoid this without prejudicing the provision of efficient education or efficient use of resources.**

### **First Stage**

The Panel must consider:

- Whether the admission of an additional child/additional children would breach the infant class size limit; and
- Whether the admission arrangements (including the areas coordinated admission arrangements) comply with the mandatory requirements of the School Admissions Code and the School Standards and Framework Act 1998
- Whether the admission arrangements were correctly and impartially applied in the case(s) in question; and
- Whether the decision to refuse admission was one which a reasonable Admission Authority would have made in the circumstances of the case

The Panel may only uphold at first stage where:

- It finds that the admission of additional children would breach the infant class size limit; or
- It finds the admission arrangements were unlawful or had not been correctly and impartially applied and the child would have been offered a place if the arrangements had been lawful or had been correctly and impartially applied; or
- It decides the decision to refuse admission was not one that a reasonable Admission Authority would have made in circumstances of the case

In a multiple appeal where a number of children would have been offered a place, and to admit that number would seriously prejudice the provision of efficient education or efficient use of resources, the Panel **must** proceed to second stage.

### **Second Stage**

The Panel must compare each appellants case for their child be admitted and decide which of them, if any, to uphold. Where the school could admit a certain number of children without breaching the infant class size limit (or without needing to take measures to avoid breaching it that would prejudice the provision of efficient education use of resources) the Panel must uphold the appeals of at least that number of children.

### **Consideration of "reasonableness" School Admission Appeals Code 2014 (Para 4.10) TWO STAGE APPEALS**

Panels **must** follow the two stage process except for infant class size appeals.

First Stage – the Panel **must** consider in relation to each child that is subject of appeal:

- Whether the admission arrangements were lawful; and
- Whether the admission arrangements were correctly and impartially applied in eth case in question

The Panel must then decide whether the admission of additional children would prejudice the provision of efficient education or efficient use of resources.



The Panel **must** balance the prejudice to the school against the appellant's case for the child to be admitted to the school. It **must** take into account the appellants reasons for expressing a preference for the school, including what that school can offer the child that the allocated or other schools cannot. If the Panel considers that the appellants case outweighs the prejudice to the school it **must** uphold the appeal.

### **MULTIPLE APPEALS**

Admission authorities **must** take all reasonable steps to ensure that multiple appeals for a school are heard by one Panel with same members. Where more than one Panel has to consider appeals for the same school, each Panel must take its own decision independently. A Panel hearing multiple appeals **must not** make a decision on any of the appeals until all the appeals have been heard.

Multiple appeals can be heard either individually or in groups. The Panel must ensure that the presenting officer does not produce new evidence in later appeals that was not presented earlier in the process as this would mean that appellants whose cases had been heard earlier in the process would not have the opportunity to consider and respond to the new evidence.

If material new evidence comes to light during the questioning of the presenting officer the clerk must ensure that the Panel considers what bearing the evidence may have on all appeals.

In multiple appeals the Panels **must not** compare individual cases when deciding whether an appellant's case outweighs the prejudice to the school. However, where the Panel finds there are more cases which outweigh prejudice than the school can admit it must then compare the cases and upload those with the strongest case for admission.

### **After the school admissions appeal**

Parents have right to appeal to an independent Panel if the Admissions Authority refuse a place.