GLOUCESTERSHIRE COUNTY COUNCIL
School Admission Appeals
A Guide for Parents

1. Introduction

Although there has never been a 'free choice' of school, you do have a legal right to express a preference and to give your reasons why you want your child to attend a particular school. In some cases, the preferred schools are full and extra pupils in a particular class may breach infant class size legislation or affect the overall quality of education received by all pupils at the school.

Under the School Standards and Framework Act 1998 (as amended by subsequent legislation) you have the legal right to appeal to an Independent Appeals Panel if you are not offered a place at your preferred primary or secondary school. The appeal procedure is governed by the School Admission Appeals Code.

Given the extremely limited grounds on which an appeal may be upheld parents/carers can find it frustrating when they realise that the powers of an Appeals panel are limited. We are therefore drawing this to your attention now, so you can make an informed choice about whether you wish to appeal or not.

The purpose of this leaflet is to explain the School Admission Appeal System, and not in any way discourage you from appealing. We strongly recommend that you read the information provided before you submit an appeal as there is a significant cost to the Admission Authority attributed to each individual appeal; money which could be better spent elsewhere.

2. How do I make an appeal?

Your allocation or refusal letter from the Admission Authority will explain the reasons why your child has not been offered a place at your preferred school. If you are unhappy with the school place allocated following the co-ordinated admission process for Reception Entry or Secondary School transfer then you will have the opportunity to add your child to a waiting list for the school.

If you are still unsuccessful at gaining a place for your child at your preferred school you can appeal if you feel you have exceptional circumstances. Details of where to appeal will be provided in your refusal letter.

For all other 'in year' admission appeals you should request a 'Notice of Appeal' form by emailing: inyear.admissions@gloucestershire.gov.uk or by calling them on 01452 426015.

3. What should I consider when completing the form?

It is important that you include on the form every detail which you believe to be relevant to your appeal. The form will be available to the Appeal Panel before the hearing and it is important that it is completed carefully.

The appeal form is your opportunity to state what you think are the exceptional circumstances supporting your preference of school that you want the Panel to consider. You need not limit the reasons to those already given to the Admission Authority. If you do not agree with any reasons given for refusing a place then you should add a statement to that effect.

Please note, that depending on the reasons stated by the Admission Authority for not being able to offer you a place, there will be a different decision making process for the Panel to consider. This falls into two categories: Infant Class Size Appeal and Efficient Use of Resources Appeals. When filling out your appeal form or submitting further evidence, you should be mindful of these criteria. You can find details of this at section 9.

4. What evidence must I provide?

Permanent address where your child lives When considering a request for admissions, the only address that will be considered is the permanent address where the child lives. The Local Authority defines the permanent home address as 'a child's ordinary place of residence, which is deemed to be the residential property at which the child normally and habitually resides with their parent or legal guardian.'

Please provide proof of your child's home address with your appeal form. In the case of renting a property, acceptable proof would be a copy of a signed and dated tenancy agreement or written evidence from the letting agent or solicitor confirming the lease start and end date. In the case of purchasing a property, acceptable proof would be a solicitor's letter confirming the exchange of contracts and the actual completion date.

Medical Conditions:
If your appeal is based on medical grounds, you are strongly advised to produce medical evidence with your appeal form in support of your appeal.

Late submission of evidence:
You must endeavour to provide all relevant documents when you appeal. Any documents provided after the deadline date will only be considered if the Panel agrees. The Panel will have to take into account the significance of the material and the implications if the hearing has to be adjourned to allow time for everyone to consider the additional paperwork.

5. What happens next?

Appeals are heard throughout the year as required. However, the majority of appeal hearings generally take place during May, June and July prior to the September admission.

Appeals are avoided in the school holidays. Once your appeal form has been received, we will allocate an appeal hearing date and send an appointment letter informing you of the date, time and place of the appeal hearing. You will receive at least 10 school days written notice of this. This is a legal requirement. If this date is inconvenient you should contact us within 5 working days.

At least a week before your hearing date, you will receive a statement from the Admission Authority which will give you the reasons why your child was not allocated a place in the school. The statement may make reference to the reasons given by you for your appeal and your original explanation of the reasons for your preference where those are not the same.

6. Do I have to attend the appeal hearing?

The Appeal Panel will hear each case individually so you are strongly encouraged to attend the hearing in person to enable the Appeal Panel the opportunity to ask you questions.

If you do not wish to attend, the Appeal Panel will make a decision based on the written evidence you have provided and a written and/or verbal statement given by the Admission Authority about the reasons why your child was not given a place at the school of your preference. If you do not indicate whether you will be attending the hearing, the Appeal Panel will decide to hear your appeal in your absence.

7. Who else attends the appeal hearing?

The Appeal Panel will usually be comprised of three people and is completely independent from the school and the Admission Authority.

Panels include:

- Lay members (people without personal experience in the management of any
- school other than as a Governor, or voluntary capacity)
- People who have experience in education (usually a parent of a registered pupil at a
- school).

Advising the Appeal Panel is a clerk who is present to make notes and advise the Panel on matters of Law and procedure. Clerks do not participate in the decision making.

The Admission Authority will normally be represented by an Admissions Officer who will enter and leave the room with you. The school's Head Teacher or his or her representative may accompany the officer.

At the appeal hearing, you can be accompanied by a friend, adviser, interpreter or signer who may speak on your behalf at the hearing. If you require an interpreter or a signer you must notify us in advance so that we can make the necessary arrangements.

8. What happens at the appeal hearing?

The appeal hearing will follow the procedure set out in the Code of Practice. This may make the appeal hearing appear rather formal, however, every effort is made to put parents at their ease and give them every opportunity to present their case.

9. How does the Appeal Panel reach a decision?

Infant Class Size:
Primary Appeals can only be upheld in very exceptional circumstances. As grounds for upholding an appeal of this type are extremely limited, the success rate is low, so you may want to weigh the effort involved against your chance of success before embarking on an appeal.

The law states that an infant class (i.e. a child in Reception Year, Year 1 or Year 2) should not be educated in a class which has more than 30 children per qualified teacher. This applies even if other adults are always present, and/or some children are absent. Therefore most appeals for admission to Reception at a Primary or Infant school will be 'Infant Class Size' Appeals.

If you have been refused a place under the implementation of the Class Size Regulations, then the Appeal Panel can only decide in your favour on 2 grounds:

- If there was a mistake made in the Admissions process which affected the allocation of a place
- to your child

Or

- If the County Council as the Local Education Authority has not acted in a "reasonable manner"
- in refusing to allocate a place at your preferred school.

The Code of Practice defines not acting in a reasonable manner as 'perverse in the light of the admission arrangements', i.e. beyond the range of responses open to a reasonable decision maker, or a decision which is so outrageous in its defiance of logic or of accepted moral standards that no sensible person who had applied their mind to the question could have arrived at it.

Put more simply, as well as checking whether giving another child a place will break the law, panels need to look at whether the admission arrangements for that school were legal, whether they were applied properly and whether in the circumstances it was reasonable not to offer your child a place. If the Appeal Panel agrees that you have made a case on any of those grounds then they will grant your child a place at the school. If you have not proved your case according to any of those criteria, then your appeal will be refused.

Efficient use of resources (overcrowding):
Where you have been refused a place on the basis that admitting your child would cause a 'prejudice to the provision of efficient education or efficient use of resources', the Appeal Panel has to make a decision using a different set of criteria.

Firstly the Panel must decide whether the Admission Authority has made a case that no more children can be admitted to school without this prejudice occurring. If the Panel decide that the Admission Authority has not made the case for a single appeal, then the Panel will uphold the appeal and agree that the child should have a place at the school.

If the Panel decide that the Admission Authority has made out its case and prejudice would occur then the decision making process continues to the 'balancing stage' where they examine the individual case to decide if the circumstances put forward for the child outweigh the degree of prejudice caused to the school.

If the Appeal Panel agrees that your case is sufficiently strong and outweighs the Admission Authority's case, then they will uphold the appeal and agree that the child should have a place at the school. If the Appeal Panel believes that the case put forward by the Local Authority is stronger, then they will find in favour of the school.

10. When will I be informed of the decision?

The Appeal Panel will make its decision on the basis of the information supplied by you and the Admission Authority. They will not be given confidential information about your case that is not available to you. Information about other children or their families will not be made available to you. You will not be told the decision at the hearing or informed of the decision by telephone.

If there are several appeals for the same school the Appeal Panel will make its decisions at the end of all the appeals timetabled for that particular day(s).

After the decision has been made the clerk will write to you within 5 working days. This will normally be emailed to you or, alternatively, posted to you.

11. Is the Appeal decision final?

The decision of the Appeal Panel is final and binding upon the Admission Authority, the school and you. If you feel that there has been maladministration in the way your appeal hearing was conducted then you can complain to the Local Government Ombudsman.

It is also possible for an application for judicial review to be made, but you would be advised to seek legal advice if you consider this course of action. The Secretary of State cannot review decisions of individual Appeal Panels, but can consider whether the Appeal Panel was correctly constituted or whether the Local Authority has acted reasonably in exercising its functions in respect of the Appeal Process.

12. Can I submit a new appeal?

A second appeal will not be considered in the same academic year for the same school unless there has been a significant change in your circumstances, for example a change of address or the subsequent admission of a brother or sister to the school in question.

You will not be granted a second appeal because you forgot to present relevant evidence or because you wanted to stress different parts of your case, or because you feel the Appeal Panel did not understand your case. You may, however, submit an appeal for more than one school during the academic year.