



# Kelsall Primary and Nursery School

## Admissions Appeals – a guide for parents

At Kelsall Primary and Nursery School, the school governors are responsible for admissions.

Parents who are not offered a place have a right of appeal to an Independent Schools Appeals Panel. Appeals must be submitted in writing, but parents have the right to present their case to the Panel in person. The Panel will allow parents to be accompanied by a friend or to be represented, although government advice is that legal representation should not normally be necessary. The school will make the necessary administrative arrangements to engage with an outside body for hearing appeals made up of members who are totally independent to Kelsall Primary School. The decisions of Schools Appeal Panels are binding on the school board of trustees and parents.

### Appeal Panels

The Appeals Panels will be appointed by the School and will have three members made up of independent lay persons and people who have an educational background. A clerk to the Panel also attends to see that the appeal is heard properly and to keep a record of the hearing. The clerk is impartial and does not represent the school. An administrator also attends to take notes.

### Appeal Hearings

Appeals Panel hearings are informal and will be held locally and they are structured in the following way:

- The Chair of the Appeal Panel introduces the other members and explains what will happen
- The School representative, called a Presenting Officer, puts their case
- Parents and the Panel members can question the Presenting Officer □ Parents put their case
- The Presenting Officer and the Panel can ask the parents questions
- The Presenting Officer sums up their case
- Parents sum up their case

The Appeal Panel will then ask both parents and the Presenting Officer to leave, before making their decision.

Parents are encouraged to attend the Panel as they may wish to put questions to parents but parents are not obliged to do so. Appeals can be considered on the basis of parent's written information alone.

### Powers of Appeal Panels

Panels can uphold all appeals and instruct the school to allocate a place for your child. They can uphold some of the appeals and reject others and they can also reject all the appeals.

Once all the appeals have been heard Panels must first decide whether further admissions 'will prejudice the provision of efficient education and/or the efficient use of resources'.

Prejudice cannot normally be proved until the year group your child will enter is full. This means that the year group has not only reached its admission limit but cannot accept any more pupils in that year group without prejudicing the provision of efficient education at the school or the efficient use of resources. The school will provide a statement giving their reasons why they consider that to accept further pupils would cause prejudice to the school.

If the Panel believes that the school can admit all the pupils whose parents have appealed without causing prejudice your appeal will automatically be upheld. The Panel may decide that places can be allocated to some of the appellants before the point is reached when further admissions will cause prejudice. The Panel will decide how many more places can be offered. Any such places may be allocated by the Panel according to the school's admissions criteria and any other factors in the individual case which are compelling reasons for admission, for example if there has been an error in applying the admission criteria when places were allocated.

If the school's case that further admissions will cause prejudice is accepted by the Panel (either as presented or after some further places have been allocated) the Panel will then proceed to the second stage.

This requires panel members to balance your own arguments in support of your child's admission against the extent of prejudice to efficient education and the efficient use of resources which would be caused by the admission of further pupils. If the Panel believes that your case outweighs the extent of the prejudice your appeal will be upheld, otherwise your appeal will be rejected.

### **Appeal involving infant class sizes (Reception, Year 1 and Year 2 classes)**

There are separate and different rules for appeals which involve limiting infant class sizes to a maximum of 30 pupils. Apart from some very limited exceptions, no infant class may contain more than 30 pupils being taught by one teacher. Any admissions which would increase a class to more than 30 pupils would require the school to take what are called 'qualifying measures', such as organising an extra class, appointing an additional teacher, providing an additional classroom or introducing or extending mixed age group teaching.

When the school can show to an Appeals Panel that any further admissions would require qualifying measures, your appeal could only be upheld if the appeals panel decided that:

- a mistake had been made in the allocation of places according to the admissions criteria which had deprived your child of a place and if the criteria had been applied correctly your child would have received that place
- your child would have been offered a place if the arrangements had not been contrary to mandatory provisions in the School Admissions Code and School Standards and Framework Act 1998
- the decision not to offer your child a place was 'unreasonable' in the circumstances of the case. 'Unreasonable' as defined by the courts is construed as being perverse or irrational and is a very high threshold for an appeal to be successful.

### **Making your Appeal**

Parents must make the appeal in writing to the school. Parents must also state the 'grounds' on which the appeal is based. Parents should consider when preparing the appeal whether to include copies of any supporting documentation. These are some examples of documentation that might support or corroborate statements in your appeal:

- letters or statements from doctors, other health professionals or social workers stating why your child must attend this particular school;
- in circumstances where a change of address is relevant to your appeal, letters or statements from a solicitor (or others) confirming a change of address.

All supporting documentation should be provided at least 7 days before the appeal. If parents submit additional information during the appeal, the presenting officer may seek an adjournment from the panel. In certain instances this might require the hearing continuing on another day. The school will acknowledge receipt of your form as soon as possible and will make the necessary arrangements. A copy of your appeal documentation will also be provided to the

Presenting Officer, who, together with the school, will prepare a written response to your appeal, which will be sent to you no later than seven days before the hearing.

### **Timescales**

Casual appeals are normally heard within 30 school days (excluding school holidays) from the date the completed appeal form is received in school. Block appeals for September intake into Reception will be held between April to July each year, if the form is returned within the published time scales. Forms received after the deadline may result in the appeal for your child not being held until September.

You will be given the date and time of the appeal hearing two weeks in advance of the hearing and the school's statement of its case will be sent to you one week in advance. You will normally be notified of the Panel's decision in writing no later than 7 working days of the hearings being completed. Decisions of Appeals Panels are final and binding on both the school and the appellants.

### **Repeat Appeals**

Parents who are not successful may apply for another appeal, but your application will not be considered within the same school year unless your own or the school's circumstances have changed significantly and materially since your first appeal (e.g. change of address).

### **What happens if you are not happy with the outcome of the Appeal?**

Decisions of Appeals Panels are final and binding on both the school and the appellants. The only further rights open to you if your appeal is not upheld is to complain to the local government ombudsman if you consider there has been 'mal administration' in the way your appeal was handled or to seek 'judicial review' of the decision through the Courts.