

Guidance notes for school admissions appeals



1 Introduction

- a By law, every child must receive full-time education from the beginning of the term after their fifth birthday. Every child is offered the opportunity to begin full-time education in the September of the school year in which they become five years old. This means that most children can start school when they are four.
- b Since 1980, the laws relating to education have given parents the right to say which school they would prefer their child to go to. Our School Admissions Team will offer your child a place at your preferred school unless there are more applications than there are places, in which case we will use the admissions criteria for the school, as set out in the admissions booklet, to assess all the applications. The applications that are ranked highest in line with the criteria will be offered places until the year group for that school is full.
- c The following information explains how to appeal against our decision not to offer your child a place at your preferred school, and how the appeals process works. If you want to appeal, you should fill in the appeal form online.
- d To be able to appeal, you must first have applied for a place at the school and been refused. You can use the same form to appeal for more than one school, as long as you applied for a place at each of the schools.
- e We will use the information you give us on this form to process your school admissions appeal and prepare statistics for central and local government and organisations or people named on the reasons for appeal. We may send this information electronically. We will deal with any personal information you provide in line with the Data Protection Act 2018.

2 The appeal panel

- a The appeal panel is made up of three independent people, one of whom acts as chairperson. The panel members are regularly trained on the School Admission Appeals Code and other relevant legislation. The panel members do not have any links to the school that the appeal relates to and are independent of the council.

- b The panel is independent of the council and is supported by a legally trained clerk. The clerk's role at the hearing is to explain the basic procedures to parents, deal with any questions from parents and from the appeal panel, make sure that the meeting is carried out properly and that all the relevant facts are presented, and take detailed notes of the hearing and the panel's decision. The clerk also sends you the letters explaining the panel's decision.
- c We will also have an officer from the Admissions Team at the hearing to explain why we did not offer the child a place at the school – this person is known as the 'LA presenting officer'.
- d The administration of the appeals process is carried out within the council, but in a separate department from the Admissions Team to make sure it is fair. The School Appeals Team within Law and Governance Services makes all the arrangements for the appeals and you should contact the School Appeals Team if you have any questions after you have sent us your appeal.

3 Filling in your appeal form

- a Include as much information as you can, particularly in the section which asks you to give your reasons for your appeal. Here you should explain, as fully as you can, the reasons why you want your child to go to the school that you have been refused. If you do not think that your application has been treated correctly or fairly, or in line with the admissions criteria, you should explain why. Attach information if you need to.
- b Once you have filled in your appeal form you should submit it, along with any other documents, information or evidence to support your case. If you want to send in any extra papers after you have sent us your appeal form, you should also send these to the email address on page 4. If after you have submitted your appeal form you have any other statements or further information/evidence that you would like to be considered at the hearing, please email carol.belshaw@lbbd.gov.uk 10 calendar days before the hearing with your child's name, date of birth and school you are appealing for. Any information/evidence received after this time, including any that you have on the day of the hearing, may result in the hearing being re-arranged at a later date.

- c The School Appeals Team will write to you to let you know they have received your appeal papers. They will write to you again at least 10 school days before your appeal hearing, letting you know the time and date of the hearing. All appeals are held online by the electronic newtork application - Microsoft Teams.
- d We will send you the papers for the hearing no later than seven working days before the appeal. The papers will include a copy of your appeal form and any other documents you have sent, a statement from us explaining why we did not offer your child a place at your preferred school, other information about the school and copies of any letters or forms that you or we have sent about your application or appeal. Please make sure the papers are available to you at the hearing.
- e If someone is going to support you, or represent you at the hearing, you must let the School Admissions Officer know before the hearing. This is so that they can send the relevant Microsoft Team link to everyone.
- f The general order of the hearing will be as follows.
 - The chairperson will ask the LA presenting officer to explain why we did not offer your child a place at the school.
 - You can ask the LA representative questions.
 - You present your case, giving the reasons why you believe your child should go to the school.
 - The LA representative can ask you questions.
 - The LA representative sums up our case.
 - You sum up your case.

4 The appeal hearing

- a Appeal hearings are held in line with the Education Act 1996 and the School Standards and Framework Act 1998.
- b Your appeal will take place using Microsoft Teams or have your case heard on the written evidence that you provide. If you plan to join the hearing but cannot make it, you should phone the School Appeals Officer before the time of your hearing. If you do not attend your hearing will go ahead on the written evidence. You should join the virtual meeting at least 10 minutes before the time of your hearing.
- c You can ask another person to support or represent you. If so, you must follow the steps in section 4e. This could be a friend, a local politician or an employee of the local authority (such as an educational social worker, special educational needs adviser or learning mentor), as long as this will not lead to a conflict of interest (for example, if the politician is a governor of the school that you are appealing for).
- d If you need the help of an interpreter or signer, you can ask for this person to be invited to the meeting. Or, we can arrange an interpreter or signer for you if you ask us to by filling in the appropriate part of the form. You can also have legal representation at the hearing, but this is not really necessary as the purpose of the hearing is to understand your reasons for wanting your child to go to the school, rather than to debate the law. If you need this support, you must follow the steps in section 4e.

Panel members can ask questions at any time during the hearing.

5 The decision stage

- a The panel will always make its decision in private, with only the clerk in the room with the panel members. The panel will hear all of the appeals for a particular school year group before making any decisions. In most cases, this means that the decisions are made at the end of the day. However, if there are so many appeals for a particular school year group that these are held over several days (which is common for our popular schools), the decisions will not be made until all the appeals have been heard. This can sometimes be a week or more after the first appeals were heard.
- b When making its decision, the panel will take into account all of the issues raised at the hearing. For most appeals, there is a two-stage process.
 - **First stage**
The panel will consider whether we followed the published admission criteria correctly when offering the available places. The admissions criteria include the total number of places available in each year group and the number of classes (for example, 90 places divided into three classes of 30 pupils). If the panel accepts that we have followed the admissions criteria correctly, our case is 'proven' and it will then go to the second stage.
 - **Second stage**
The panel will balance your case in support of your appeal against the 'difficulties' that we believe would be caused by having to provide another place above the published admission number.

- c If the panel believes that your child's circumstances outweigh the difficulties to the school of providing another place, it will 'allow' the appeal and your child will be offered a place at the school. If the panel believes that your child's circumstances do not outweigh the difficulties to the school, it will 'dismiss' your appeal and your child will not be offered a place at the school.
- d By law, Reception, Year 1 and Year 2 classes (also known as Key Stage 1) must not contain more than 30 pupils with a single teacher – this is known as 'infant class size prejudice'. So for Key Stage 1 classes that already have 30 pupils, the panel should only allow an appeal in very exceptional circumstances. As a result of this, Key Stage 1 cases have a very limited chance of being successful.
- e So, when you present your case to the appeal panel, you will need to show that either:
- the school could accept your child without having more than 30 children in the class and it would not need to take special qualifying measures to bring the class size back to 30;
 - the LA has behaved unreasonably knowing your circumstances; or
 - the LA did not follow the admission arrangements properly, and your child should have been offered a place.
- f The clerk will write to you with the appeal panel's decision. You will usually receive this within seven days of the decision being made. The appeal panel's decision is final.

Unless there are exceptional circumstances, you can only appeal once during each academic year for a particular school.

6 Sixth-form appeals

- a For sixth-form appeals, the pupil or the parents (or both) are entitled to appeal. If both decide to appeal, the cases will be presented to the same panel hearing.

7 Voluntary-aided school appeals

- a If you are appealing for a voluntary-aided (faith) school, the governing body of the school will take over our role, as described in this guide. So, for example, instead of the LA presenting officer being at the hearing it will be a representative from the school.

8 Contact details

- a For information on the arrangements for your appeal you should contact:
- The School Appeals Officer**
Email: carol.belshaw@lbbd.gov.uk
Phone: 020 8227 2152
- b For other general enquiries you should contact Barking & Dagenham Direct on 020 8215 3004.

London Borough of Barking and Dagenham

Phone. 020 8215 3004

Out of hours emergencies only

Phone. 020 8215 3024

Website. www.barking-dagenham.gov.uk

We have tried to make sure that this information is correct at the time of going to print. However, information may change from time to time.

You must not copy this document without our permission.

© 2022 London Borough of Barking and Dagenham.

Publication reference number: MC6286

Date: November 2022



**INVESTORS
IN PEOPLE**