

# School admissions appeal form and guidance notes for school 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 attached to these guidance notes.
- 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 1998.

## 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 supported by a clerk who is also independent of the council. 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 out 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 Democratic 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 extra sheets of paper if you need to.
- b Once you have filled in your appeal form you should send it to the address below, 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 address below. If you want to bring any new information with you on the day of the hearing, you should bring five copies (one each for the panel members, the clerk and the LA presenting officer). If you send us extra papers after you send us your appeal form, or bring them with you to your appeal hearing, this could mean your hearing is delayed or postponed if the panel feels it needs more time to read them.

**The Clerk to the Appeal Panel**  
**Democratic Services section**  
**Town Hall**  
**Barking**  
**Essex IG11 7LU**

- 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 appeal hearings are held at the council offices at the Town Hall, Barking, Essex, IG11 7LU.
- 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. You should bring the papers with you if you are coming to the hearing.
- e You can bring your child (who the appeal is for) to the hearing, but we do not encourage this. There are no crèche facilities available for caring for young children, so you should not bring other children with you unless this is absolutely necessary.
- f If you are bringing someone with you to the hearing, you should let the School Appeals Officer know before the hearing.
- g 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 You can choose whether you want to come to the appeal hearing or have your case heard on the written evidence that you provide. If you plan to come to the hearing but cannot make it, you should phone the School Appeals Officer before the time of your hearing. (You will then be able to choose whether to rearrange the hearing or let the appeal go ahead based on the written evidence. If you do not phone the School Appeals Officer, your hearing will go ahead on the written evidence.) You should arrive at least 10 minutes before the time of your hearing.
- c If you are coming to your hearing, you can ask another person to come with you to support or represent you. This could be a friend, a Choice Adviser (a person we employ to give parents advice on which schools to list on your application form), 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 bring one with you. 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.

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 one or two days of the decision being made, but at very busy times this can take up to five working days. 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**  
**Democratic Services section**  
**Town Hall**

**Barking**  
**Essex IG11 7LU**

**Email: [carol.belshaw@lbbd.gov.uk](mailto:carol.belshaw@lbbd.gov.uk)**

**Phone: 020 8227 2152**

- b For other general enquiries you should contact Barking & Dagenham Direct on 020 8215 3000 or email [3000direct@lbbd.gov.uk](mailto:3000direct@lbbd.gov.uk).

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London Borough of Barking and Dagenham

Phone. 020 8215 3000

Out of hours emergencies only

Phone. 020 8215 3024

E-mail. [3000direct@lbbd.gov.uk](mailto:3000direct@lbbd.gov.uk)

Website. [www.barking-dagenham.gov.uk](http://www.barking-dagenham.gov.uk)

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IN PEOPLE**



For office use  
Date received

# School admissions appeal form

(School Standards and Framework Act 1998)

**Please read the enclosed guidance notes before filling in this form.**

For primary and secondary schools, the adult with parental responsibility for the child must make the appeal.

For sixth-form places, the adult with parental responsibility or the student (or both) can make an appeal.

If you are appealing for more than one child, you will need to fill in a separate form for each child.

**Please fill in this form in BLOCK CAPITALS and in black or blue ink.**

Return this form to the address shown below by:

If we receive the form after this date it may delay the hearing of your appeal.

Our address is as follows.

**The Clerk to the Appeal Panel**  
**Democratic Services section**  
**Town Hall**  
**Barking**  
**Essex IG11 7LU**

**For office use only**

School:

Child's name:

Siblings: Yes / No

Year group:

Term:

Written or attending:

Requirements:

## 1 Child's details

First name:

Last name:

Sex: Male  Female

Date of birth: Day   Month   Year

Home address (with postcode):

## 2 Parent's or carer's details

Title: Mr  Mrs  Ms  Miss

First name:

Last name:

Relationship to the child: Mother  Father  Step-parent  Foster-parent   
Social worker  Other family member  Other contact

Do you have parental responsibility for this child? Yes  No

Address and postcode (if different from the child's address):

Daytime phone number:

Other phone number:

E-mail address:

## 3 About the school

You can only use this form to appeal for the Barking and Dagenham schools that were on your application and your child has not been offered a place at. **If you did not apply for a certain school on your application form, you cannot appeal for that school.** If the school you are appealing for is outside of Barking and Dagenham, you will need to contact the appropriate admissions authority for that school.

Community school (or schools) you want to appeal for:

Voluntary-aided school (or schools) you want to appeal for:

Name of your child's current school:

School your child has been offered a place at:

If you have appealed before, please tell us which schools you appealed for and the approximate month and year of the hearings.

## 4 Your appeal hearing

If you do not want to come to the appeal hearing, tick box A.

If you do want to come to the appeal hearing, tick box B and tell us whether you would prefer your hearing to be held in the morning or afternoon.

Box A  I want you to decide the appeal based on the written reasons I have given on this form.

Box B  I want to come to the hearing.

I would prefer my appeal hearing to be heard:  in the morning  in the afternoon

Please avoid the following dates for my appeal hearing. (List here any holiday dates and other dates you cannot make, such as hospital appointments.)

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You are entitled to 10 school days' notice of the date of your appeal hearing. If you are willing to have less notice, the appeal panel may be able to hear your appeal earlier. If you are willing to accept less than 10 days' notice, please tick this box.

### Important information

- Please send any other statements, supporting documents and so on that you would like included with your appeal form to the clerk to the appeal panel at least seven days before your appeal hearing.
- If you are due to come to the hearing but are not able to, or will be late, you must tell the School Appeals Officer before the hearing takes place, otherwise the panel may consider your appeal on the written evidence you have sent.

## 5 About your needs

You can bring someone with you to the hearing to represent or accompany you. This person can be a friend, interpreter or adviser (for example a Choice Adviser), a local politician, or an employee of the local education authority (such as an educational social worker, special education 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). If you need an interpreter or signer at the hearing and you would like us to arrange this for you, please use the box below to tell us the support you would like (and your first language if you would like us to arrange an interpreter).

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Please remember there are no creche facilities at the hearing to care for young children.

