

**When a child is refused admission to a school,** parents/carers may appeal against the decision. A student who has been refused a place in the Sixth-form may appeal as well as the parent/carer. The governing body should acknowledge receipt of the appeal and reconsider the application - it may be that changes in circumstances could allow the governing body to reverse their original decision: e.g. some offers of places were declined. If there are any vacancies, they must be filled in accordance with the school admissions policy. If the governing body is still not able to offer a place, an independent appeal is arranged. Appeals must be heard within the following timescales:

**Secondary admissions round** – on-time applications (those relating to decisions sent on national offer day) 6 July or the next working day if 6 July falls on a weekend.

**Primary Admissions round** – within 40 school days or before the end of the summer term, whichever is the sooner.

**Appeals for late applications** – if it is not possible to hear the appeals by 6 July, appeals must be heard within thirty school days of the appeal being lodged.

**School Sixth-form admissions** – within 40 school days of the appeal being lodged.

**In-year admissions** – within 30 school days of the appeal being lodged.

### **Arrangements for the appeal**

Written notice of the date of the appeal hearing must be sent to the appellant at least 10 school days in advance of the hearing unless the appellant agrees to waive that right. Appellants should submit information to support their case with their appeal. If anything is subsequently provided too close to the date of the hearing which the panel thinks may be significant, the panel may need to adjourn to allow all parties to consider it.

Documentation about the school's case must be sent to appellants at least 3 working days before the hearing including information reasonably asked for by the appellants. At this stage, information about the names of the panel members and clerk will be provided, although these may be subject to change. Appellants will have the opportunity to inform the clerk if they have any doubts as to the impartiality of particular panel members. Appellants will be notified

whether any witnesses have been invited to give evidence.

Appellants may appear in person, make oral representations and clarify or supplement their written appeal. Appellants may be accompanied or represented by a friend, adviser, interpreter or signer who may speak on their behalf at the hearing. The services of a translator or signer must be paid for by the admission authority. The friend or advisor can be a Choice Adviser, a locally elected politician, or an employee of the local education authority such as an educational social worker, SEN adviser or learning mentor, provided that this will not lead to a conflict of interest. If appellants intend to be represented or accompanied they should inform the clerk to the appeal panel in advance of the hearing.

### **The appeal hearing**

The panel will normally consist of three people:

- At least **one lay member**
- At least **one person with experience of education**

Also attending will be:

- **presenting officer** from the governing body
- **clerk to the panel**

On occasions there may be observers attending hearings (appellants will be asked whether they have an objection to them observing). These people take no part in the hearing. They may be:

- Panel members or panel clerks in training.
- Representatives from the Administrative Justice and Tribunals Council (AJTC).

### **Order of proceedings**

The panel chair (one of the panel members) will ensure that everyone present is introduced and that the appellant/s understand the procedure.

- The case for the governing body presented by the presenting officer;
- Questioning by the appellants and panel
- The case for the appellants;
- Questioning by the presenting officer and panel;
- Summing up by the presenting officer;
- Summing up by the appellants.

When there are multiple appeals, the case for the governing body can be heard in two ways:

1. The presenting officer's case in respect of the school is heard once for the first stage of the appeal in the presence of all appellants,

including any representatives and the panel, who may question the case.

2. The presenting officer presents the case at the first stage, followed immediately by the individual appellants' case. The panel will therefore hear the governing body's case repeatedly for each family. If material new evidence is presented to a panel that was not available to earlier appellants, the panel may adjourn the hearing in order that all appellants have the opportunity to comment on or challenge the new evidence.

### **The decision – primary & secondary schools**

Except in the case of infant class size appeals the panel must follow a two stage process:

- a) The first stage is for the panel to establish the facts. They must decide whether the published arrangements have been applied correctly and impartially or whether an error has been made. Appeals can be upheld at this stage, except where there is a significant number of children affected and admitting all would cause serious prejudice. If the panel identify any unlawful admission arrangements, they must refer these to the Schools Adjudicator. The panel must also consider a number of factors to decide whether or not there would be prejudice and consider the impact of the locally agreed Fair Access Protocol.
- b) The second stage is for the panel to decide whether the appellant's grounds for their child to be admitted outweighs any prejudice to the school.

For **Infant Appeals** - Legislation is in place to strictly limit infant classes to no more than 30 children in a class with one teacher. A panel can only offer a place to a child where it is satisfied that either:

- The child would have been offered a place if the admission arrangements had been properly implemented;
- The child would have been offered a place if the arrangements had not been contrary to mandatory provisions in the School Admissions Code and the SSFA1998; and/or
- The decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case.

As soon as possible after the decision, the **clerk to the panel** will write to the appellant and governing body by first class post to inform them of the decision. Ideally, this will be within 5 working days, although this may not always be possible where there are multiple appeals for one school. Decisions are binding on the appellants and the governing body. There is no further right of appeal (unless there are significant changes in the child's circumstances e.g. change of residence).

### **Complaints**

Appellants who feel that there has been maladministration in the appeal process may ask the Local Government Ombudsman to investigate. The Ombudsman is not able to overturn an appeal panel's decision but he may make recommendations for a suitable remedy. More information can be viewed on [www.lgo.org.uk](http://www.lgo.org.uk)

There are three Local Government Ombudsmen in England. Each of them deals with complaints from different parts of the country, but all new complaints will go to the LGO Advice Team (see below). Make your complaint over the phone, or send it to:

#### **The Local Government Ombudsman**

PO Box 4771  
Coventry  
CV4 0EH

For advice on making a complaint, or to make a complaint over the telephone, please call the LGO Advice Team on 0845 602 1983 – or on 024 7682 1960 (please note that calls may be recorded for training and quality purposes). The Advice Team is available Monday to Friday from 8.30am to 5.00pm. You can also text 'call back' to 0762 480 4323.

Fax: 024 7682 0001

You can make an enquiry by email to [advice@lgo.org.uk](mailto:advice@lgo.org.uk)

Appellants may also take their case to judicial review.

### **Sources of Information**

Diocesan Schools Commission  
61 Coventry Road,  
Coleshill B46 3EA  
Tel: 01675 430230  
Fax: 01675 430321  
Email: [bdsc@bdsc.org.uk](mailto:bdsc@bdsc.org.uk)

Local Authority - School Admissions Section (see LA website or LA Admissions Booklet for contact details or contact the Diocesan Schools Commission above for more information)

Department for Children, Schools & Families  
([www.dcsf.gov.uk](http://www.dcsf.gov.uk))

- School Admissions Code
- School Admissions Appeals Code

# Admission Appeals



# Information for Parents/Carers