

Appealing for a school place

This booklet explains how to make an appeal and
tells you what happens at appeal hearings



Introduction

You have a legal right to **express a preference** for a place at the school you would like your child to attend. Admission authorities are required to comply with your request if at all possible.

You will not be refused a place in any Oldham school unless the school is full.

Although most children are able to attend their parents' preferred school, this is not always possible. In some cases, schools are full to the maximum capacity and admitting extra pupils would be detrimental to efficient education and use of resources. In these circumstances, the admission authority is unable to admit further pupils.

Under the School Standards and Framework Act 1998, if you are refused admission to a school, you have the right to submit an appeal to an Independent Appeals Panel.

If you want to appeal about more than one school that you have applied for and been refused admission to you will need to appeal separately about each decision.

At the Appeal Hearing you are given the opportunity to explain to a panel of people who are independent of the school and the Local Authority why you wish your child to go to your preferred school.

How to submit an appeal

You should complete the enclosed form entitled **School admission appeal form**, ensuring that you have read this booklet and studied the notes attached to the form first. There are separate appeal forms for **Infant class size appeals** where you are applying for entry to Reception, Year 1 or Year 2.

You should also read the appropriate school information that can be viewed on the Oldham Council website: www.oldham.gov.uk/admissions. This will make sure you understand the school's admission arrangements and over-subscription policy, and may help you to prepare your appeal.

Any written evidence that you wish to use to support your case should be submitted to the Appeal Panel before the hearing. It is important that you tell the Independent Appeal Panel **all** the reasons why you want your child to attend your preferred school.

If you are making your appeal on medical grounds, you must submit evidence from your family doctor or local hospital to support your case.

This evidence must clearly demonstrate that the school you are appealing for is the only school that can meet the medical needs of your child and why alternative schools that have been offered cannot meet those needs. If you have any documentary evidence to support your appeal please send a copy with your appeal form.

Send your form and any other documents to:

School Appeals, Oldham Council, Level 4,
Civic Centre, West Street, Oldham OL1 1UL

If you do not receive a letter acknowledging receipt of your appeal form within seven days, please ring the Schools Appeal Team on 0161 770 4213.

The appeal process

The date of the appeal will be arranged by an officer from Constitutional Services. The appeals are usually heard in the Council Offices at the Civic Centre, West Street, Oldham OL1 1UL.

You will be given **ten school days'** notice of the date and time of the hearing.

- Appeals for schools in the normal admissions round must be heard within 40 school days of the appeal being lodged.
- Appeals for schools outside the normal admissions round must be heard within 30 school days of the appeal being lodged.

NB. The Local Authority will endeavour to timetable appeals for late applications with the on-time applicants' hearings; however, where this is not possible they will be arranged as being outside the normal admission round.

You will be sent a copy of the admission authority statement of the reasons for refusal of a place at your preferred school, together with copies of your own appeal form and any other papers you have submitted

The members of the Independent Appeal Panel will also receive copies of all the same documents.

Although you do not have to attend the hearing, it may be easier to explain your case or answer any questions that the panel may have if you are there in person. You can also ask someone to accompany you, but you should not bring your child to the hearing. If you require additional facilities such as an interpreter you must advise the School Appeals Team in advance of the hearing so that one can be arranged to attend, otherwise it may be necessary to adjourn the hearing until a later date.

If you are unable to attend and the date for the hearing cannot be rescheduled due to timetabling constraints, or you do not wish to attend, the appeal will be decided in your absence upon the information provided, including all the written information you have sent.

The panel members

There are usually three or five trained voluntary people on the Appeal Panel who are all completely independent of the Local Authority and the school you are appealing for.

Appeals Panels have to consist of at least one lay member who has no personal experience in the management or provision of education in any school, and at least one member will be someone with experience in education or has a child registered at school. For voluntary aided schools the panel may include a diocesan representative.

Advising the Appeals Panel is a clerk who is legally trained and will ensure that the correct procedures are followed. The clerk must also take notes of the relevant points discussed at the hearing, and will remain with the Panel when they make their decision to record the reasons for this.

Only the members of the Independent Appeal Panel make the decision on whether to allow your appeal or not. The clerk, the admission authority representative or the Local Authority are not included in the decision-making.

The appeal hearing

The hearing is formal and certain procedures must be followed to make certain that everyone who has submitted an appeal is given a fair chance to present their case. However, the Chair of the Panel will try to put you at ease.

The following is a summary of what usually happens at an appeal hearing:

1. The Chair of the Appeal Panel will introduce you, the panel members, the clerk, and the school representative who are present in the room.
2. The Local Authority or school representative (dependent on who is the admission authority for the school in question) will present their case, explaining why your child has not been given a place at your preferred school.
3. You may ask questions about the admission authority's case.
4. The Appeal Panel members may ask questions of their case.
5. You will be asked to present your case.
6. The admission authority may ask you questions.
7. The Panel members may ask you questions.
8. The admission authority will sum up their case.
9. You will sum up your case.

You and the admission authority representative will then be asked to leave as the Appeals Panel must withdraw to reach a decision as to whether to uphold or reject the appeal. The clerk will notify all parties of the Panel's decision in writing, usually within five working days, although this is not always possible when dealing with multiple appeals for the same school.

The decision-making process

If there are multiple appeals for the same school, the Appeal Panel will not make any decisions until all the appeals for that school have been heard. This sometimes takes several days, and therefore it may seem that there is a long delay between attending your appeal and being notified of the outcome.

Normal prejudice appeals

Panels must follow the two-stage process before arriving at a decision and will firstly:

- (a) Consider whether the school's published admission arrangements complied with the relevant law, and were correctly applied in the child's case, and decides whether prejudice would arise were the child to be admitted.

If this is proved, the Panel then moves on to the second stage:

- (b) Using their discretion, the Panel balances the degree of prejudice to the school against the case for the child to be admitted to the school.

Infant class size prejudice appeals

There is a legal limit of 30 children per teacher in an infant class and this limits the powers of the appeal panel hearing your appeal. They can only consider:

- If the school's admission arrangements (the admission rules) comply with the law
- Whether a mistake has been made with your child's application
- If admitting further children would breach the infant class limit of 30 pupils per teacher
- If the decision to refuse your child a place at the school was unreasonable. Unreasonable in relation to an appeal, is used in the legal sense and means that the decision to refuse your child a place at the school was perverse or illogical in light of the rules.

You will need to make your appeal on at least one of the four grounds listed above.

- If you appeal on the grounds that the admission rules did not comply with the law you will need to make a case that shows that if the admission rules had been lawful your child would have been offered a place at the school.
- If you appeal on the grounds that a mistake has been made you will need to make a case that shows that your application was not handled properly and that if it had been handled properly your child would have been offered a place at the school.
- If you appeal on the grounds that admitting further children would not breach the infant class limit of 30 pupils per teacher you will need to make a case that shows that the school could admit further children without going over the limit of 30 children per teacher.
- If you appeal on the grounds that it was unreasonable to refuse your child a place at the school you will need to make a case that shows that the decision to refuse your child's application was illogical or perverse.

The panel will take into account the information that was available to the admission authority at the time it made its decision to refuse your application. If you introduce new information about your child and your circumstances at your appeal hearing, the panel may not be able to take this information into account, as the admission authority were not aware of it at the time they made their original decision.

You should be aware that it is very difficult to win an infant class size appeal on the grounds that it was unreasonable - very few appeals will be successful for this reason.

Note: If you are appealing for a place in an infant class that does not have 30 pupils - for example a small school may only have 21 children in Reception class - the appeal will be heard differently and the panel will treat it as a non-infant class size appeal. Make sure you find out from the school exactly how the appeal will be handled.

Is there a further appeal?

The decision of the Independent Appeals Panel is final and binding upon the admission authority and you.

You cannot appeal twice for a place at the same school in the same school year unless the admission authority accepts that your first appeal was not conducted properly or that there have been significant changes in your circumstances.

However:

If you feel that your appeal hearing (not for an Academy) was not managed properly you can complain to the Local Government Ombudsman (LGO), but the LGO is only able to recommend that your appeal is heard again before a new panel, and cannot overturn the decision.

The Secretary of State for Education cannot review or change decisions of Independent Appeal Panels, but can consider whether the admission authority has correctly constituted the Appeal Panel, and whether it has acted reasonably in exercising the functions in respect of the appeal process.

Complaints about appeal panels for Academies

Young People's Learning Agency at academyquestions@ypla.gov.uk

or write to:

Young People's Learning Agency
Cheylesmore House Quinton Road Coventry
CV1 2WT

If you think that the appeal panel's decision was unlawful or not a decision which a reasonable panel could have reached and you wish to challenge it, the only way of doing so is to apply to the High Court for a judicial review. This must be done as soon as possible and in any event within three months of the date of the panel's decision.

Useful addresses

- **School Appeals**
Oldham Council, Level 4, Civic Centre, West Street, Oldham OL1 1UL
T: 0161 770 4213
- **Admissions Team**
Education, Skills and Neighbourhoods
Oldham Council
T: 0161 770 4213
- **The Local Government Ombudsman's Advice Line**
T: 0300 061 0614
E: advice@lgo.org.uk
www.lgo.org.uk
- **The Secretary of State for Education**
www.gov.uk/government/ministers/secretary-of-state-for-education
- **Office of the Schools Adjudicator**
www.gov.uk/government/organisations/office-of-the-schools-adjudicator
- **Advisory Centre for Education (ACE)**
ACE is a national charity that has been providing free, independent advice on the admissions and appeals process for 50 years, amongst a range of education issues including bullying, exclusion, special educational needs and attendance.
For further information visit www.ace-ed.org.uk
T: 020 8888 3377
- **Young People's Learning Agency**
E: academyquestions@ypla.gov.uk
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