

SCHOOL ADMISSION APPEALS

A Guide for Parents on School Admission Appeals

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DO I HAVE A RIGHT OF APPEAL?

If you've applied to a school and your child does not get offered a place there, you can appeal the decision.

HOW DO I APPEAL?

There is an appeal form available on the Reading Borough Council website www.reading.gov.uk/schoolappeals. The appeal form should be completed in as much detail as possible and should include all your reasons for making the appeal. Please attach additional documents to your appeal form, as necessary.

If you find there is further information you would like to submit after you have returned your appeal form, please send any further documents to the School Appeals Clerk.

Please note there are some schools in Reading that Reading Borough Council does not arrange appeals for. A list of these schools can be found at www.reading.gov.uk/schoolappeals. You should contact these schools directly to submit an appeal.

WHAT HAPPENS WHEN I HAVE SUBMITTED MY APPEAL FORM?

Once your appeal form has been received and accepted, the School Appeals Clerk will send you an acknowledgement email. The School Appeals Clerk will then arrange for an Independent Appeal Panel to hear your appeal.

The School Appeals Clerk will post a letter to you at least 10 school days' before your appeal hearing, which will confirm the date, time and location of your appeal hearing. Approximately 7 days before your appeal hearing, the School Appeals Clerk will post to you a page numbered copy of the paperwork for your appeal. This will include a copy of your appeal form and any other written information you have submitted, along with written information from the admission authority for the school about why your child was not offered a place.

WHEN WILL MY APPEAL BE HEARD?

If you have applied during the normal admissions round, which is usually when your child is starting school or transferring from primary to secondary school, there is a deadline for submitting an appeal. All appeals submitted by the deadline are heard within 40 school days of the deadline for submitting an appeal. An appeals timetable is published each February so please check the school admission appeals page of the Reading Borough Council website <http://www.reading.gov.uk/schoolappeals> or contact the School Appeals Clerk.

If you have applied for in-year admission, which is when your child is moving school outside of the normal admissions process, then your appeal will be heard within 30 school days of it being submitted.

CAN I ATTEND THE APPEAL HEARING?

Yes, you have the right to attend your appeal hearing and present your case to the Appeal Panel. We encourage you to attend if possible as it assists the Appeal Panel's understanding of the individual circumstances of your case. However, you do not have to attend your appeal hearing. The Appeal Panel will consider all the written information that is submitted.

Once you have been given the date and time of your appeal hearing you must let the School Appeals Clerk know if you will be attending the appeal hearing or not, as soon as possible.

Please note if you tell the School Appeals Clerk that you will not be attending, your appeal will probably not be heard at the time given to you in your letter and could be heard at any time during the day on the allocated appeal hearing date. Therefore, if you have told us that you will not be attending and then change your mind and decide to attend you will need to contact the School Appeals Clerk in advance.

CAN I BRING SOMEONE WITH ME?

Yes, you can bring somebody with you to help present your case and offer you support. You may be accompanied or represented by a family member, friend or adviser, and they may speak on your behalf at the hearing.

If you decide to be legally represented or require the services of a translator or signer, please let the School Appeals Clerk know as early as possible.

If you are unable to attend your appeal hearing, you may send someone in your place to present your appeal.

You cannot bring with you, or send in your place, a representative of the school you are appealing for. Also, the Appeal Panel cannot accept letters of support from representatives of the school you are appealing for.

It is not necessary for you to bring your child, who is the subject of the appeal, to the appeal hearing. If you do wish for them to attend, please let the School Appeals Clerk know. Please note that the appeal hearing is a formal hearing and does follow a set procedure.

WHO ELSE WILL BE AT THE APPEAL HEARING?

A representative of the school your appeal is for will be at the appeal hearing. If Reading Borough Council is the admission authority for the school, then a member of the School Admissions Team (Brighter Futures for Children) will most likely attend on behalf of the school. If the school's governing body is the admission authority for the school, a member of the school's staff or a governor at the school will most likely attend on behalf of the school.

The School Appeals Clerk will also be present at your appeal hearing to record what happens and to ensure the set procedure is followed and to advise the Appeal Panel where required.

WHAT DO I NEED TO BRING TO THE APPEAL HEARING?

If you are attending, please bring along the page numbered copy of the paperwork that the School Appeals Clerk posted to you approximately 7 days before the appeal hearing. This will be referred to during the appeal. The Appeal Panel and the school's representative (who will be presenting the admission authority's case at the appeal hearing) will have been posted exactly the same page numbered information as you.

WHAT IF I WANT TO SUBMIT FURTHER INFORMATION OR EVIDENCE FOR MY APPEAL?

If you have any further information you would like to submit for your appeal, there is a deadline for submitting this. Please send it to the School Appeals Clerk at least 5 working days before the date of the appeal hearing. The further information will then be posted to all parties.

If you submit further information after this deadline, the Appeal Panel will decide at the appeal hearing whether or not to consider it. Your appeal hearing may have to be adjourned to a later date in order for it to be considered.

Further information can be emailed to sarah.wilson@reading.gov.uk but please note that this is not a secure email address, so if you are submitting sensitive and confidential information you may wish to send this by post or hand deliver to the Civic Offices.

The address for posting or hand delivering further information is: School Appeals Clerk, Committee Services, Reading Borough Council, Civic Offices, Bridge Street, Reading RG1 2LU.

Please note that the School Appeals Clerk is not able to gather any information on your behalf. It is your responsibility to gather and submit all the information you want considered in respect of your case.

WHERE ARE APPEAL HEARINGS HELD?

Appeals are usually held in one of the committee rooms at the Council offices. The address is: Civic Offices, Bridge Street, Reading RG1 2LU. Please note there is no parking available at the Council offices. The nearest public car parks are the Oracle Shopping Centre or the Broad Street Mall. When you arrive at the Council offices, there will be a member of staff in the reception area who is dealing with visitors to the Council offices. Please let this person know that you have come to the offices for a school admission appeal and they will show you where to wait. The School Appeals Clerk will come to meet you and will take you to the committee room where your appeal will be heard, as soon as possible.

WHAT HAPPENS AT AN APPEAL HEARING?

The appeal hearing will be as informal as possible but the procedure set out below is followed to ensure everyone has the same opportunity to present their case and to ask questions.

Once you and the school's representative have entered the room and are seated, the Chair of the Appeal Panel will welcome everybody to the appeal hearing and will ask everybody present to introduce themselves and will explain the set procedure and how the Appeal Panel reaches a decision. The procedure below will be followed at the appeal:

- The school's representative will explain the reasons why a place could not be offered at the school for your child
- The Appeal Panel and you can ask questions of the school's representative about the reasons they have given and the written information they have submitted
- You will be given the opportunity to explain why you think your child should have a place at the school
- The Appeal Panel and the school's representative can ask questions about the reasons you have given and the written information you have submitted

- The school's representative will provide a short summary of their case, without providing any new information
- You will be given the opportunity to provide a short summary of your case, without providing any new information

You and the school's representative will be asked to leave the room at the same time.

WHAT IS THE SCHOOL APPEALS CLERK'S ROLE?

The School Appeals Clerk is the Clerk to the Appeal Panel and must be independent.

The role of the School Appeals Clerk is to make all the necessary administrative arrangements for the appeal hearing and to give advice where required. This includes:

- Providing advice on the admission appeals process
- Responding to queries from the parents and the school in advance of the appeal hearing
- Sending out all the paperwork required for the appeal hearing to all parties
- Keeping a record of what happens at the appeal hearing
- Giving advice to the Appeal Panel
- Sending out the written decision of the Appeal Panel

WHO ARE THE APPEAL PANEL?

Appeal Panels perform a judicial function, and must be independent, impartial and transparent.

An Appeal Panel is made up of three people. At least one panel member will be a lay person, who has no personal experience of the management or provision of education in a school and at least one panel member will have experience in education.

The Appeal Panel will not have any connection with the school you are appealing for and it cannot have been involved with the original decision to refuse your child a place there.

The Appeal Panel members are volunteers.

The Appeal Panel is the decision maker. The Appeal Panel will consider the case put forward by both you and the school, and come to an independent conclusion as to whether the school should admit your child.

You will be sent the names of the Appeal Panel in advance of your appeal hearing. If you believe that you may know or have any association with any of the Appeal Panel members or the Clerk you should let the School Appeals Clerk know immediately so that other arrangements can be made.

HOW DOES THE APPEAL PANEL MAKE ITS DECISION?

Appeal Panels must make a decision in accordance with the statutory School Admission Appeals Code issued by the Department for Education. There are two stages to the decision making process. For grammar school appeals, the Appeal Panel must also be satisfied that your child is of the appropriate academic ability.

Please note that there is a different decision making process for infant class size appeals.

If there are a number of appeals being heard for the same year group at the same school (multiple appeals) then no decision will be made until all the appeals have been heard.

The decision of the Appeal Panel is binding on the school. If your appeal is allowed, your child will be able to go to the school.

APPEAL DECISION MAKING

This is the decision making process that will be followed for appeals for a place in Year 3 to Year 13, and for those appeals for a place in Reception to Year 2 where the infant class size limit of 30 children per teacher does not apply.

Infant class size appeals, grammar school appeals, boarding school appeals and sixth form appeals are covered in separate sections.

First Stage - examining the decision to refuse admission

The Appeal Panel **must** consider:

- whether the school's published admission arrangements comply with legal requirements
- whether the school's published admission arrangements were correctly and impartially applied in your case
- whether the admission of an additional child would prejudice the provision of efficient education or the efficient use of resources (i.e. would have a detrimental impact on the education provided at the school and on the use of school resources). In deciding whether prejudice would be caused, it is not enough for the admission authority to show that the school's published admission number has already been reached. The admission authority must be able to demonstrate over and above this fact what prejudice would be caused. In reaching a decision as to whether or not there would be prejudice, the Appeal Panel may consider a number of factors, such as the impact on the school and size of classes, the amount of teaching space available, and the effect on the year group in question as it moves through the school

If you are the only person appealing for a particular year group at a school, the Appeal Panel **must** allow the appeal at the first stage, if they find any of the following:

- the school's published admission arrangements do not comply with legal requirements and your child would have been offered a place if the school's published admission arrangements had complied with legal requirements
- the school's published admission arrangements have not been correctly and impartially applied in your case and your child would have been offered a place if the school's published admission arrangements had been correctly and impartially applied in your case
- the admission of an additional child would not prejudice the provision of efficient education or the efficient use of resources

If the Appeal Panel is hearing more than one appeal for the same year group at the same school (multiple appeals) and finds that a number of children would have been offered a place but to admit that number on appeal would cause prejudice, the Appeal Panel **must** proceed to the second stage.

If the Appeal Panel has not found any grounds to allow your appeal at the first stage, it must move onto the second stage.

Second Stage - balancing the arguments

The Appeal Panel **must** balance the prejudice to the school against the reasons you have given for your child to attend the school. The Appeal Panel must decide whether your reasons for wanting your child to attend the school outweigh the prejudice that would be caused to the school by another child being admitted. In balancing the arguments, the Appeal Panel can take into account your reasons for wanting your child to attend the school, and what it can offer your child that other schools cannot.

If you are the only person appealing for a particular year group at a school and the Appeal Panel decides that your case outweighs the prejudice to the school, the Appeal Panel **must** allow your appeal. If the Appeal Panel decides that your case does not outweigh the prejudice to the school, the Appeal Panel **must** refuse your appeal.

If the Appeal Panel is hearing multiple appeals it must balance the arguments for each appeal.

APPEAL DECISION MAKING - INFANT CLASS SIZE APPEALS

This is the decision making process that will be followed for appeals for places in Reception to Year 2 where the infant class size limit of 30 children per teacher applies.

The law limits the size of an infant class (Reception and Years 1 and 2) to a maximum of 30 children per teacher.

Your appeal will be considered to be an infant class size appeal if the admission authority would breach the infant class size limit by admitting your child and there are no measures it could take to avoid this without prejudicing the provision of efficient education or the efficient use of resources (i.e. having a detrimental impact on the education provided at the school and on the use of school resources).

If your appeal is considered to be an infant class size appeal, then the Appeal Panel is **reviewing** the admission authority's decision to refuse your child a place at the school. There are only very limited circumstances in which an infant class size appeal can be allowed, and as such, only a limited chance of your appeal being successful.

The Appeal Panel **can only** allow an infant class size appeal, where:

- it finds that the admission of an additional child would not breach the infant class size limit;
- it finds that the school's admission arrangements are unlawful, or have not been properly applied, and your child would have been offered a place at the school if the arrangements were lawful or had been properly applied;

- it decides that the decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case. To find a decision unreasonable, the Appeal Panel must determine the decision was one no reasonable admission authority would have made in the circumstances of your case, and the threshold for finding this is high. In this context, it is the legal meaning of “reasonableness” that applies, which means that an unreasonable decision is irrational or perverse.

APPEAL DECISION MAKING - GRAMMAR SCHOOL APPEALS

This is the decision making process that will be followed for appeals for a place at a grammar school. There are two grammar schools within Reading Borough - Kendrick School and Reading School.

Admission authorities for grammar schools are permitted to select children on the basis of academic ability and may leave places unfilled if there are not enough eligible applicants.

Most admission authorities for grammar schools use performance in an entrance test as a means of deciding whether a child is of the required academic standard for admission to the school. Some admission authorities offer places to those who score the highest; others set a pass mark and then apply over subscription criteria to all applicants who reach that standard.

If your child has achieved the required academic standard to be admitted to a grammar school but has been refused admission because there are more eligible children than places available, Appeal Panels must follow the two stage decision making process described above.

If your child did not achieve the required academic standard set by the entrance test, the Appeal Panel must be satisfied that there is evidence to demonstrate that your child is of the appropriate academic ability to be admitted to the school. **The Appeal Panel cannot allow an appeal if it does not find that there is evidence that your child is of the appropriate academic ability.** To support your appeal you may wish to submit school reports, test results and references from your child’s current school that clearly indicate why your child is considered to be of the appropriate academic ability.

If the Appeal Panel finds that there is evidence that your child is of the required academic standard for the school you are appealing for then it will continue to follow the two stage decision making process described above.

If the Appeal Panel is not satisfied with the evidence submitted in support of your child’s academic ability for the school you are appealing for then your appeal will be refused.

APPEAL DECISION MAKING - BOARDING SCHOOL APPEALS

If a boarding school did not offer your child a boarding place because there were other children that were ranked higher in the school’s admission criteria, then the two stage decision making process described above must be followed.

If a boarding school did not offer your child a place because the admission authority decided your child was unsuitable to board, then the Appeal Panel will consider whether the admission authority’s decision was reasonable in light of the information available to it.

APPEAL DECISION MAKING - SIXTH FORM APPEALS

If your child did not get offered a place at a school sixth form, both you and your child have the right to appeal the decision. If your child was not offered a place because there were other children that were ranked higher in the school's admission criteria, then the two stage decision making process described above must be followed.

If your child did not meet the specified entry requirements, then the Appeal Panel will consider whether the admission authority's decision was reasonable in light of the information available to it.

WHAT ARE MY CHANCES OF SUCCESS?

For infant class size appeals there is a very limited chance of success. For the 2017/2018 academic year, only 2% of the infant class size appeals heard were allowed.

For appeals that are not restricted by the infant class size limit, it is not possible to give any indication of your chance of success as it will depend on the case you and the school make.

SEEKING AN ALTERNATIVE SCHOOL PLACE

It is your responsibility to secure a suitable school place for your child. If your child is without a school place, contact your home local authority who will be able to advise you of other available places.

You can accept an offer of a place at a school whilst still making an appeal for your preferred school. Making an appeal should not affect any other offers of a school place.

HOW OFTEN CAN I APPEAL?

You can appeal for a place at more than one school if you wish.

You can only appeal once for a place at a school in the same academic year, however. An exception to this is where there is a significant change in your circumstances and the admission authority accepts a second application from you for the same school in the same academic year, but again decides not to offer your child a place. In this case, you can appeal the decision regarding the second application.

You may apply for a place at the same school in respect of a later academic year and if your child is not offered a place you can appeal this decision.

HOW WILL I FIND OUT THE APPEAL DECISION?

The School Appeals Clerk will send you the decision of the Appeal Panel in writing, normally within 5 school days of the appeal hearing.

If your appeal is successful, you are expected to contact the school you have been granted a place at, within 14 days of receiving the appeal decision in writing, in order to agree a start date for your child.

If your appeal is unsuccessful and you do not want the place offered to you at another school, please contact your home local authority. If you are a resident of Reading Borough you should

contact the School Admissions Team on 0118 937 3777 to find out what other schools have places available.

WHAT IF I AM NOT HAPPY ABOUT THE APPEAL DECISION?

There is no further right of appeal against the Appeal Panel's decision.

If you consider that the appeals procedure has not been carried out properly, you are able to complain to the Local Government Ombudsman or the Education & Skills Funding Agency (ESFA).

If you appealed for a place at a community school or voluntary aided school you can make a complaint to the Local Government Ombudsman. You can phone the Advice Team on 0300 061 0614 or visit www.lgo.org.uk.

If your appeal was for an academy or a free school, you can submit a complaint to the Secretary of State. Information can be found at www.education.gov.uk or <https://www.gov.uk/government/publications/academy-independent-admission-appeal-panel-complaints>, which is a link to the academy independent appeal panel complaint fact sheet which is produced by the Education & Skills Funding Agency (ESFA) and sets out the types of complaints parents / legal guardians can raise with the ESFA.

USEFUL CONTACTS

<p>School Appeals Clerk Committee Services Reading Borough Council Civic Offices Bridge Street Reading RG1 2LU</p> <p>Tel: 0118 937 2532</p> <p>sarah.wilson@reading.gov.uk</p> <p>http://www.reading.gov.uk/schoolappeals</p>	<p>School Admissions Team Brighter Futures for Children Civic Offices Bridge Street Reading RG1 2LU</p> <p>Tel: 0118 937 3777</p> <p>admissions.team@reading.gov.uk</p> <p>http://www.reading.gov.uk/schools</p>
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SOURCES OF INFORMATION AND ADVICE

<p>Coram Children's Legal Centre</p> <p>Coram Children's Legal Centre provides free, independent advice on all areas of child, family and education law through their Child Law Advice Service</p> <p>www.childlawadvice.org.uk</p> <p>Tel: 0300 330 5480 for family law</p>

Tel: 0300 330 5485 for education law