

SCHOOL ADMISSION APPEALS

GUIDANCE FOR PARENTS AND CARERS – INFANT AGE CHILDREN

HOW TO APPEAL

You have the right of appeal for a place at any school for which you have been refused.

We provide admission appeals for all Nottinghamshire County Council community schools, plus some [academies, voluntary aided, foundation and free schools](#). If we do not provide appeals for the school you wish to appeal for, please contact the school directly to find out how to submit an appeal.

You can either appeal [online](#), or by post (printed appeal forms can be requested from 0300 500 80 80).

1. What to include with your appeal form

Please complete your appeal form carefully. The information you include in your form is very important as this information will be circulated to the appeal panel, clerk and presenting officer from the admission authority in advance of the hearing and is part of your case. You need to ensure that you include all of your reasons for wanting a place at the school for your child and explain your reasons as fully as possible. You should also attach copies of any written supporting information which you would like the Appeal Panel to consider at your appeal. If this information has not previously been submitted to Admissions, you should also send it to them to consider as part of your application, as we will not share the information with them until later in the process.

Please remember that you are appealing for a place at the school you have been refused, rather than appealing against the place you have been offered. You should include all reasons as to why you want a place at the school.

2. Waiving your right to 10 school days' notice

On your appeal form you will be asked whether or not you are willing to waive your right to 10 school days' notice. This relates to how early we have to tell you when your appeal hearing is along with who will hear your case. If you waive your right to 10 school days' notice we may be able to schedule your appeal earlier, particularly around school holidays. We will normally only opt to do this where it is felt to be in the appellants best interests.

3. Deadlines for lodging your appeal

For the **2018/19 admissions round** there are deadlines for when to lodge your appeal by:-

	Offer date	Appeals lodged by	Appeals to be heard by
Primary	16 April 2018	14 May 2018	16 July 2018

Note:- Appeals lodged after 14 May 2018 will, where possible, be heard by 16 July 2018. Where it is not possible to hear the appeal by 16 July 2018 it will be heard within 30 school days of the date of receipt.

For appeals during the 2018/19 admissions round, you should return your completed form by 14 May 2018.

For appeals, such as **transfers and in-year admissions** for places during the 2017/18 and 2018/19 academic years please return your form within **4 weeks** of the date of your refusal letter. These appeals will be heard within 30 school days of the appeal being lodged.

4. Acknowledging your appeal

If you are appealing online, you will receive an email confirming receipt of your appeal form. Please ensure that you fully submit your form and get to the [thank you page](#) to ensure we receive it. If you do not receive an acknowledgement email, please contact 0300 500 80 80 to check that we have received your form.

If you are appealing via the post, we will send you an acknowledgement letter once we have received and logged your appeal. If you have not received an acknowledgement letter after 2 weeks, please contact 0300 500 80 80 to ensure we have received your appeal form.

THE APPEALS PROCESS

1. Having received, logged and acknowledged your appeal, we will make arrangements for your appeal to be heard by a panel of three independent members. In arranging your appeal we will, wherever possible take account of your availability provided on the appeal form, however due to the volume of appeals we receive it may not always be possible to do this.
2. 10 school days before the hearing (or later if you have waived your right to 10 school days' notice) **we will send you an appointment letter** with the date, time and venue for your appointment with the appeal panel, along with the names of the panel members who will be hearing your appeal. If you think you have a connection with any of them, please let us know as soon as possible.
3. Your appointment letter will also tell you which type of appeal yours will be heard as and will include a flowchart to show the procedure your appeal will follow. There are broadly two different types of appeals – (1) Infant Class Size Prejudice/Future Infant Class Size Prejudice and (2) Two Stage Appeals. **This is very important, as if your appeal is to be heard as an Infant Class Size or Future Infant Class Size appeal it means there are limited grounds the panel can consider.** Further information on Infant Class Size/Future Infant Class Size appeals can be found at **Appendix A**. Please ensure you read this information carefully before submitting you appeal.
4. In advance of the hearing we will also send you the **paperwork** relating to your case, including all of the written information we have received from you and all of the written information the admission authority have submitted to us. We do not expect you to provide a written response to the admission authority's case as you will have the opportunity to ask questions of their representative at the hearing. This information is often sent to you at the same time as your appointment letter, or it may be sent out a few days later.
5. If you wish to submit any additional written information in advance of the hearing the appointment letter will give you information on how to do this.
6. If you have any **special requirements** such as step free access or an interpreter, please let us know as soon as possible by calling 0300 500 80 80 so we can arrange this for you.

At the hearing

7. You are responsible for **presenting your case** to the panel and we recommend you attend your appointment. You may, if you wish, bring a friend or supporter with you to help you present your case. Alternatively you may also choose to ask someone to attend on your behalf.
8. If you choose not to attend your hearing, your case will be heard based on the written information you have provided.
9. **It is your responsibility to arrive at your appointment on time and we recommend that you arrive 15 minutes early. The Panel will wait for 10 minutes after your appointment time and then hear your appeal without you if you do not arrive. Therefore if you are running late, it is important that you contact the office urgently. Information on how to do this will be provided in the appointment letter.**
10. Your appeal will be heard by three panel members who are all volunteers and are independent of you and the admission authority/school. There will also be a clerk present who is there to provide legal advice to the panel, take confidential notes of the hearing for the panel's use only and to take a record of the decision they make. The Admission Authority will send a representative to present their case and answer questions and may also bring a witness to give evidence about the school.
11. If we have a number of appeals taking place during the day, please be aware that we may be running behind schedule as we try to allow parents as much time as they need to present their case.
12. You will either have a single appointment time, or two times.
 - a. If you have a single appointment time your whole appeal will be dealt with at that appointment.
 - b. If you have two appointment times this is because we have a number of appeals for that school, and all of the parents appealing have been invited to the first appointment to all hear the admission authority present their case together. This is because the admission authority's case is the same for everyone, meaning you will have the opportunity to hear all of the information raised through questioning by parents and the panel. The second appointment time is where you meet with the Panel, clerk and Admission Authority in private to present your reasons for wanting a place at the school. Any information that is specific to your case will only be discussed in your second appointment when other appellants are not present.
13. A **flowchart** which will be provided with your paperwork will explain what will happen at your appointment(s).

Decision making

14. After your appeal has been heard, you and the Admission Authority representative will be asked to leave the room and the panel will make its decision in private. Decisions are taken by simple majority. The decision is binding upon the Admission Authority if your appeal is upheld.

15. A **letter** setting out the decision and the reasons for it will be sent out within 5 school days of the hearing wherever possible. We do not give decisions over the telephone or by email so please do not call or email the office to find out the panel's decision.
16. If you have not received your decision letter two weeks after the appeal, please contact the office.

What if I am not happy with the outcome of my appeal?

17. If you feel your appeal hearing was not conducted properly you can submit a complaint to either the **Local Government and Social Care Ombudsman** (for maintained and Voluntary Aided schools) or the **Education and Skills Funding Agency** (for free schools, academies, university technical colleges and studio schools). Please be aware that these bodies can only examine how the appeal or application was processed, this is not a further right of appeal if you are unhappy with the panel's decision.
18. Details about how to make a complaint about the way your appeal was conducted can be found at: www.gov.uk/schools-admissions/appealing-a-schools-decision.
19. The Local Government and Social Care Ombudsman has the following factsheets which provide some general information about the most common types of complaints which you may find useful:-

<http://www.lgo.org.uk/make-a-complaint/fact-sheets/education/school-admissions>

<http://www.lgo.org.uk/make-a-complaint/fact-sheets/education/infant-class-size-appeals>
20. If anyone concerned with the appeal (you as the parent/carer, or the Admission Authority) considers that the decision of the Appeal Panel was legally in error, they can seek to challenge the decision of the Appeal Panel by means of what is known as **judicial review**. If you wish to consider this course of action you should take independent legal advice.

Further Information

21. **Democratic Services Team**
If you would like any further information about the process please email education.appeals@nottsc.gov.uk or call 0300 500 80 80.
22. **Advisory Centre for Education (ACE)**
ACE is an independent education advice centre which provides information on the education system - <http://www.ace-ed.org.uk/advice-about-education-for-parents>
23. **Coram Children's Legal Centre**
Coram Children's Legal Centre provides free, independent advice on all areas of child, family and education law <http://childlawadvice.org.uk>
24. **County Council Admissions Team**
If you want to find out about where places are available at alternative schools you need to speak to the Admissions Team on 0300 500 80 80 or email admissions.ed@nottsc.gov.uk

Useful Links:

Making a school admission appeal:

<http://www.nottinghamshire.gov.uk/education/school-admissions/making-a-school-admission-appeal>

Determined admission arrangements and list of schools who are their own admission authority:

<http://www.nottinghamshire.gov.uk/education/school-admissions/determined-admission-arrangements>

List of academies, voluntary aided, foundation and free schools we

clerk: <http://www.nottinghamshire.gov.uk/media/117201/academies-democratic-services.pdf>

Appealing a schools decision (Government guidance):

<https://www.gov.uk/schools-admissions/appealing-a-schools-decision>

School Admissions Code:

<https://www.gov.uk/government/publications/school-admissions-code--2>

School Admission Appeals Code:

<https://www.gov.uk/government/publications/school-admissions-appeals-code>

APPENDIX A

1. Infant Class Size

The Law states that in infant classes there must be no more than 30 pupils per teacher. If this applies to the school in either the academic year you are appealing for or in future infant academic years then your appeal will be dealt with as an Infant Class Size Appeal/Future Infant Class Size Appeal. We will tell you if this applies in the letter we send you giving you information on your appeal hearing.

In Infant Class Size hearings the Panel is essentially reviewing the Admission Authority's decision to refuse a place at the school in question. (Based on the information the Authority had available at that time.) The Panel will seek to clarify whether some form of error has occurred in the Admission Authority's processes or decision making which resulted in you not being offered a place you were entitled to.

During the 2015/16 normal Admissions round (appeals heard between 8th June and 20th July 2015 inclusive) only **5%** of Infant Class Size appeals were allowed.

The grounds which an Appeal Panel can legally allow an infant class size appeal is limited to the following four grounds:-

- Admitting additional children would not breach the infant class size limit.
- Your child would have been offered a place if the mandatory requirements of the School Admissions Code and Part 3 of the School Standards and Framework Act 1998 had been applied correctly (*i.e. something unlawful in the arrangements resulted in your child not being given a place that they would have got had the arrangements been lawful.*)
- Your child would have been offered a place if the admission arrangements had been correctly and impartially applied in your case (*i.e. there has been an error in how your application was processed which resulted in your child not being given a place that they would have got had the arrangements been correctly applied.*)
- The decision was not one which a reasonable authority would make in the circumstances of the case. The threshold for an unreasonable decision is very high and would be one that is perverse. (*i.e. completely illogical or irrational, taking into account all the relevant facts of the case.*)

The Local Government Ombudsman has published a factsheet on complaints about infant class size appeals which provides useful information to parents regarding the limitation of infant class size appeals. <http://www.lgo.org.uk/make-a-complaint/fact-sheets/education/infant-class-size-appeals> In this factsheet, the Ombudsman states that "a decision that makes it impossible for you to transport all your family to school on time, or even impossible for you to continue working, is very unlikely to be perverse."

You may refer to personal factors on your appeal form or at the hearing, and the Appeal Panel will take them into account when considering whether the decision to refuse your application was a reasonable one. Further details on the reasonableness test can be found in paragraph 4.10 of the School Admissions Appeals Code.

As the question of reasonableness relates to whether the decision made by the Admission Authority to refuse admission was unreasonable, the Panel will consider what information the Admission Authority had available to it at the time when it considered the application.