

School admission appeals

If you are refused a place at your preferred school, you have the right to appeal against the decision, under the Schools Standards and Framework Act 1998 (Section 94) as amended by the Education Act 2002. It is your opportunity to present your reasons for preferring a particular school to an independent panel who will decide whether your reasons are strong enough to overturn the decision of the Governing Body.

Types of appeal

There are two types of appeal hearing, of which only one is relevant to the school in this academic year: for Reception, Year 1 and Year 2 the majority of hearings are 'infant class size' appeals.

Infant Class Size appeals

Government legislation means that infant classes (Reception, Year 1 and Year 2) with one teacher cannot contain more than 30 pupils.

At the appeal the independent appeal panel can only look at:

- Whether the admission arrangements were lawful
- Whether the admission arrangements were incorrectly applied, and your child should have been offered a place
- Whether it was unreasonable/perverse (in law) to refuse your preference. The appeal panel would need to be satisfied that the decision was so completely absurd/outrageous that no reasonable person, with the same facts would have made that decision.

('Unreasonable' here means that an admission authority's decision is not rational in light of the admission arrangements in terms of its legal responsibilities or is outrageous in its defiance of logic. It is extremely difficult to win an Infant Class Size appeal on this ground.)

Given the extremely limited grounds on which an appeal may be upheld, Infant Class Size Appeals are rarely successful. Parents/carers can find it frustrating when they realise that the powers of the panel are limited. We are therefore drawing this to your attention now, so you can make an informed choice about whether you wish to appeal or not. The purpose of this information is to explain clearly the role of the Appeal Panel and not in any way discourage you from appealing, which of course is your legal right if you feel you have grounds to do so.

How to make an appeal

If you wish to appeal, the details of how to make an appeal will be in your refusal letter (from the school) and will include the date within which to lodge your appeal and where to send the appeal submission to.

The admission appeals process is administered by the Council's Democratic Services section. This ensures that it is separate from and independent of the schools concerned and the admission authority.

School Admission Appeals Timetable

In year or mover appeals

Appeals resulting from in year admission applications (when parents move into the area or wish to move schools within the school year) will be heard within 30 school days of the appeal being lodged.

September 2020 entry

Appeals resulting from year of entry or transfer applications for admission in September 2020 will be heard according to the following timetable:

(NB: Appeals will not start being heard until after the relevant closing date has passed)

School	Offer	Appeals lodged by	Appeals to be heard by
Primary	1 March 2019	1 April 2019	Within 40 school days

Appellants will be sent notification of their appeal hearing at least 10 school days in advance of the hearing.

If an appellant wishes to submit further evidence which was not included with their initial appeal, they must make sure that it is received no later than 10 working days prior to the appeal hearing date.

Any additional evidence or information received after this date might not be considered at the appeal hearing.

Decision letters are sent within five school days of the appeal hearing wherever possible.