



## RICHMOND INDEPENDENT APPEALS SERVICE

### Guidance on submitting an admissions appeal

#### MAKING AN APPEAL

The School Standards and Framework Act 1998 (“The Act”) gives parents the right to express a preference for a school/academy for their child and, if a place cannot be offered at that school/academy, to appeal to either the Local Authority (LA) or the Governors of a school/academy which controls its own admissions. The LA or the Governors must comply, in law, with a parent’s preference unless to do so **would prejudice the provision of efficient education and/or the efficient use of resources**.

If you wish to appeal for a place at your preferred school/academy, you have the right to be heard by an independent panel of people who were not involved with the original decision to refuse your child a place. They will be people who have knowledge and/or experience of the educational system in the area. The Act requires panels to also include ‘lay’ members who are not part of the local educational system and who can therefore provide an objective view of both the parents’ and the LA’s or school’s/academy’s case. Appeals are held in private and the information given will be treated confidentially. You may not appeal for the same school/academy more than once in the same academic year unless there is a significant and material change in circumstances from the time of the previous appeal.

You will be asked to complete a form stating that you wish to appeal for a place at a school/academy and you will have to give the particular reasons why you wish your child to go to that school/academy. This form will be given to the members of the panel to read in advance of the appeal hearing, so it is important that you **give as much information as possible and, if appropriate, provide independent evidence**, e.g. from a doctor, consultant, social worker, religious minister, etc., that will support your case – you may submit the form in the first instance and advise that further evidence is to follow, however you are strongly advised to submit it as soon as possible.

You must send the form to Democratic Services, at the address overleaf, if the school at which you are appealing for a place is a Richmond upon Thames community school. If you wish to appeal for any other school/academy, please contact the school/academy to obtain their appeal form.

#### THE APPEAL HEARING

You will be invited to come to the hearing to present your case. Although you do not have to attend, you are strongly advised to, so that the panel gains a full picture of your case. You may bring a friend, adviser, or request an interpreter or signer to support you. A list of groups that may be able to provide someone to assist you or speak on your behalf is given on the reverse of this sheet. The School Admissions Appeals Code allows a locally elected politician, an employee of the local authority (e.g. an education welfare officer, SEN Adviser, or learning mentor), or a Choice Adviser to speak on your behalf. However, an employee of the school in question or member of the admission authority concerned is not allowed to attend in this capacity.

If you have a disability or mobility problems or require an interpreter, please inform the Independent Appeals Service well in advance of the hearing. You will be notified of the date and time of the hearing at least 10 school days before it is due to take place and you will be asked to confirm whether or not you will attend. You will also be sent a statement that sets out how the admissions policy was applied and the reasons why your child was not offered a place at the school in question.

The appeal hearing will follow a formal procedure but the panel will nonetheless try to make it as informal and relaxed as possible. You will be sent a copy of the procedure that will be followed during your appeal.

You will be sent a letter informing you of the decision very soon after the hearing – the clerk, who advises the panel on any legal or procedural matters, will tell you on the day when you should expect to receive it. Any decision made by the panel is binding upon the LA or school/academy. If your appeal is unsuccessful, your child can still remain on the waiting list for the school/academy in case a vacancy should subsequently arise. Places will not be offered from the waiting list of any school/academy until the number of offers drops below the published admission number.

## **HOW THE PANEL REACH THEIR DECISION**

Appeal Panels must follow a two-stage process for all appeals other than those against decisions made on the ground of infant class size prejudice (see below). The panel first has to consider whether the school's/academy's published admission arrangements comply with the mandatory requirements of the School Admissions Code and The Act and whether they were correctly applied in the individual's case. It has to decide whether prejudice to the provision of efficient education and/or the efficient use of resources would arise if the child were to be admitted. If prejudice is proved then the panel moves on to the second stage and it has to balance the degree of prejudice against the reasons put forward for a place at the school/academy.

## **ADDITIONAL GUIDELINES FOR APPEALS FOR RECEPTION TO YEAR 2**

Guidelines for appeal hearings for infant class children differ to that stated above in the following ways. As a result of government legislation, since September 2001 infant classes (Reception to Year 2) are limited to 30 pupils per teacher. There are very limited exceptions to this. Infant class size prejudice would arise if qualifying measures have to be taken to comply with the infant class size limit e.g. employing another teacher, building an additional classroom, etc. Where a child has been refused admission on infant class size prejudice grounds, an appeal panel can only allow an appeal where it is satisfied either:

1. The child would have been offered a place if the admission arrangements had been properly implemented; or
2. The child would have been offered a place if the admission arrangements had not been contrary to the mandatory provisions in the School Admissions Code and The Act; or
3. The decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case. (Here it would have to be shown the decision was perverse, not simply that you disagreed with it.); or
4. If a child has moved into the area after places have been allocated and the Appeal Panel agree that the alternative offer made by the LA was unreasonable.

In considering an infant class size appeal the panel is a review body. It is reviewing the admission authority's decision in light of the material available at the time when it made its decision.

## **FURTHER ADVICE**

### **Advisory Centre for Education (ACE)**

Tel: 0808 800 5793 (10am-1pm, Monday-Thursday – **advice only**)

Website: [www.ace-ed.org.uk](http://www.ace-ed.org.uk)

ACE produce a leaflet giving advice on how to prepare for appeals.

## **TRANSLATION ADVICE**

Please contact us if you need this leaflet in Braille, large print, audio tape, or another language. Reception, Civic Centre, 44 York Street Twickenham, TW1 3BZ. Tel: 020 8891 1411

**Richmond Independent Appeals Service, York House, Richmond Road, Twickenham TW1 3AA**

**Tel: 020 8891 7183 Fax: 020 8891 7701 e-mail: [education.appeals@richmond.gov.uk](mailto:education.appeals@richmond.gov.uk)**