

known as lay members. All panel members have been trained before they can sit on appeal panels. The Clerk is more than just a notetaker, he or she can offer the panel legal advice.

The Chair will then:

- Ask the school's representative to explain how the published admission criteria were applied and why the admission of your child would result in class-size prejudice.
- The panel and you may then ask questions about what has been said by the school's representative or in the written statement.
- Afterwards you or your representative will be invited to give your reasons for the appeal. The panel and the school's representative may ask you questions to clarify any points you make.
- Following that, both the school and yourself will be given an opportunity to sum up. In addition, you may wish to add something you forgot to say.

The Clerk may need to ask questions to clarify any points of procedure and/or the law.

When this procedure has been completed, the Chair will close the hearing and advise you that the panel will consider your case once all the appeals for the school have been heard. They will also explain that the Clerk will remain with the panel when they reach their decisions solely to record their decision and to advise on procedural or legal aspects.

#### ✓ When will I hear the result?

A letter with the panel's reasons for their decision will be posted to you and the school by the Clerk within 5 school days after all the appeals for your preferred school have been heard. The panel's decision is binding on you and the school.

#### ✓ What happens if I do not attend the hearing?

If you decide not to attend the hearing, the panel will consider the appeal on the basis of the written information available. However, we strongly urge you to attend in order to ensure that the panel has all the information you



wish to give. It also gives you the opportunity to answer any questions which may arise.

#### ✓ Can I appeal against this decision?

If you think that the appeal has not been conducted according to the code of conduct you can complain to the Education Funding Agency. **They cannot overturn the panel's decision.** However, if it is believed that you have been disadvantaged by the appeal process, you may be offered a fresh hearing with a different panel and Clerk. Details about the EFA are available from the internet:



[www.gov.uk/government/organisations/education-funding-agency/about/complaints-procedure](http://www.gov.uk/government/organisations/education-funding-agency/about/complaints-procedure)

#### ✓ I have never done this before. Where can I get further information and advice?

The code of conduct allows for the Clerk to the panel to give you independent advice regarding the appeal process. If you have a question about the statement from the school, contact us, our contact details are on the front page. E mail is always the easiest way to contact us.

Additionally, ACE a charity run by volunteers will give limited free advice. They can be contacted on 0300 0115 142, Monday to Friday from 10 am - 1 pm, during term time only.

#### ✓ In Year or Mid Term applications and appeals

You can apply for a place at a school at any time. If the school has a vacancy in the year group and no waiting list, you will be offered a place. If not, you can go on the waiting list and be offered the right of appeal. All waiting lists are kept in the order of the published admission criteria and not date order. To appeal you must complete an appeal form AND give the reasons for your appeal. Appeals for an "in year" place are held within 30 school days of your appeal being lodged.

## Admission Appeals for Primary Schools

### A Guide for parents and carers

## Children in Reception and Years 1 and 2



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Providing  
Education Admission Appeals  
Independent of schools

### ✔ Your right to appeal

If your child has been refused a place at the primary school of your preference or if you are unhappy with the alternative you have been offered, you have the right to appeal against the decision of the Admission Authority, in this case an Academy. The right to appeal is given under section 94 of the School Standards & Framework Act 1998.



These notes apply to the appeals for reception and years one and two for academies and not for schools under local authority control.

### ✔ What is an appeal panel?

The panel that will hear your appeal is independent of the school and the local authority. It consists of three people who are familiar with local education. The hearings have to be conducted in accordance with the law, following a procedure set out in a code of practice used by every education admission authority in the country.

We make every effort to ensure that the proceedings are as informal as possible and that you have the opportunity to explain the reasons for your appeal in your own way and to ask questions.

### ✔ When will my appeal be heard?

Ten school days before the hearing, you will be told where and when your appeal will be heard. Then, a week before the hearing, the school will send you a statement setting out the reasons why they could not offer your child a place at your preferred school. Please bring these papers with you as they will help you at the hearing to understand what the Presenting Officer for the school is saying.



All schools have published admission policies. The statement from the school sets out how applications were considered in accordance with the admissions policy for the school. It also

explains why the school considers itself unable to comply with your preference due to 'class size prejudice'.

At the beginning of the appeal hearing, you will hear the reasons why your child could not be offered a place at your preferred school. This **may** be heard with other parents present. However, the part of the hearing where the panel invite you to tell them your reasons why you would like a place at your preferred school, will be held in private. We would like to encourage you to attend the hearing in person and you may be accompanied by a friend or a representative.



### ✔ What is 'class size prejudice'?

In the statement and at the hearing, the school will say that they are unable to offer your child a place at your preferred school on the grounds of 'class size prejudice'. Since 2001, Governments have decided that children age 7 and under should not be educated in classes of more than 30 children, unless they are taught by more than one qualified teacher.

The school will say that your child cannot be admitted on the grounds that his or her admission would result in "the prejudice to efficient education and the efficient use of resources at the school." They will refer



to the relevant measures which the school would need to take to ensure that no infant class had more than the statutory maximum of 30 pupils. For example, employ another teacher

and build an additional classroom.

### ✔ Am I wasting my time appealing?

No, but it would be fair to say that infant class size appeals are more difficult to win than those for year groups 3 and above.

The panel can only consider the following:

- (a) whether an additional child/children would breach the infant class size limit;

- (b) whether the child would have been offered a place if the admission arrangements complied with the mandatory requirements of the School Admissions Code and the School Standards and Framework Act 1998;
- (c) whether the admission arrangements were correctly and impartially applied; and
- (d) whether the decision to refuse admission was one which a reasonable admission authority would have made in the circumstances of the case. (section 4.10 of the appeals code states that the threshold for this is high).

Consequently, in making your case to the panel you will need to demonstrate:

- that the decision was perverse or irrational or was unlawful **and/or**
- that the admission arrangements have in your child's case been incorrectly applied and that your child would have been admitted if these errors had not occurred.

For example, you may know of a child who was offered a place at the school under the same admission criteria, but they lived further away from the school than your child. Perhaps your child has siblings at the school and this was not taken into account?

We would encourage you to prepare in advance of the hearing by writing some brief notes to help you plan what you wish to tell the panel; they will certainly be eager to listen. We also suggest that you read first school's written statement which explains in detail why they could not offer a place at the school and how the admission arrangements were applied.

### ✔ What will happen at the hearing?

When you arrive at the hearing, the Clerk of the panel will meet you in the waiting area and take you to the room being used for the hearing.

The Chair will invite everyone present to introduce themselves. The panel will be three people who are volunteers and totally independent of the school you wish your child to attend. Some have a direct experience in education, others are

