



# **GUIDE FOR PARENTS & CARERS**

## **SCHOOL ADMISSION APPEALS**

### **FOR**

## **RECEPTION, YEARS 1 & 2**

Expressing a preference for a school for your child is a matter for careful consideration. It is disappointing when you are not offered a place at the school you prefer. However, it is important to recognise that although you have the right to express a **preference** for the school you would like your child to attend, you **do not** have a right of **choice**.

The School Standards and Framework Act 1998 requires infant class sizes to contain no more than 30 children. Therefore Year R, Year 1 and Year 2 classes are restricted to a maximum of 30 pupils. Admission authorities may refuse an application where the admission of an additional pupil would breach the infant class size limit and prejudice the provision of efficient education or efficient use of resources.

If your child is refused a place at your preferred school you do have a right of appeal to an **Independent Appeal Panel**. This is known as an Admission Appeal.

Information on the number of appeals in recent years can be found in this year's copy of the Parents' Guide to Schools in Poole.

The Appeal Panel's powers are limited but they must consider:

- a) Whether the admission of an additional child/children would breach the infant class size limit;
- b) Whether the admission arrangements complied with the School Admissions Code and Part 3 of the Schools Standards & Framework Act 1998;
- c) Whether admission arrangements were correctly and impartially applied in the case(s) in question; and
- d) Whether the decision to refuse admission was one which a reasonable admission authority would have made in the circumstances of the case.

It is important to understand what is meant by the legal term **reasonable**. According to the School Admissions Appeals Code (2012 section 4.10), the panel will need to be satisfied that the decision to refuse to admit the child was "perverse in the light of the admission arrangements" i.e. it was "beyond the range of responses open to a responsible decision maker" or "a decision which is so outrageous in its defiance of logic or of accepted moral standards that no sensible person who had applied his mind to the question could have arrived at it".

## **THE APPEAL HEARING**

You will receive at least 10 school days notice of the date and time of the appeal, unless you agree to less notice, for example if an Appeal Panel has already been arranged to hear other appeals for your preferred school.

A week before you will be sent copies of all the papers which will be referred to at the hearing, including the Admission Authority's case and your evidence. All the papers are also sent to the members of the Appeal Panel and the Admission Authority. You will find it useful to bring the papers with you to the meeting.

You are invited to attend the meeting in person and you may bring a friend or be represented. If you are bringing anyone with you, you should tell the Clerk to the panel before the hearing. It is not recommended you bring any children with you to the appeal hearing. Should you wish, the appeal can be heard on written evidence alone however this does not give the Panel an opportunity to ask questions or clarify issues with you.

There will be three people on the Appeal Panel plus a Clerk. The members of the panel are all volunteers and will have undertaken training as required by The School Admissions Appeals Code. The Clerk will advise on procedure and the School Admissions and School Admissions Appeals Codes if required. The Council's solicitor may also be present to ensure that the legal requirements of the hearing are met. **Only** the three members of the Appeal Panel are involved in making the decision.

An officer representing the Admission Authority will put forward the case for the school, and will explain why your child was refused a place. You will then have the opportunity to give the reasons why you believe you have grounds for an appeal and your child should be given a place at the school. Both you and the presenting officer will be able to ask questions about each other's case and the three Panel members may ask you both questions. The Headteacher of the school may also be present to answer questions.

You will be told the Appeal Panel's decision by telephone followed by a letter.

**The decision of the Independent Appeal Panel is final and binding on both you and the Admission Authority.**

### **YOUR APPEAL**

If after reading the above you still wish to appeal you should complete and return the enclosed appeal form stating your reasons.

### **IF YOUR APPEAL IS NOT SUCCESSFUL**

- The law requires that your child receives an education.
- You can contact the School Admissions Team on 01202 261936 for details of other schools within Poole that have places available. You may also wish to contact other Local Authorities for details of schools within their area.
- Try not to be negative to your child about other schools. Visit the schools with your child and do not just take the word of others.
- You can ask for your child to be put on a waiting list for your preferred school, but a waiting list is subject to change. Children can move down waiting lists if others apply who have greater priority under the school admission policy. The length of time your child is on the waiting list is not taken into account if a place becomes available.

*The information in this guide is as accurate as possible at the time of going to press. However, there may be changes to the information provided as a result of developments in central or local government policies.*

## **FREQUENTLY ASKED QUESTIONS**

### **I expected to be given my catchment/nearest school if my preferred school(s) was full?**

There is no guarantee of being offered a place at your catchment or nearest school, even if you did name it as a preference. If you didn't name it as a preference, your application would only be considered if there were still places after all the other parental preferences were considered.

### **If the Infant Class Size Legislation is so specific, why have you let me appeal? What's the point in appealing if the law is so restrictive?**

Even though there is specific legislation governing this type of appeal you still have the right of appeal. However, the Panel's remit is very limited so we want to ensure that if you do appeal, that you are clear on the limited circumstances the Panel is able to uphold an appeal.

### **I have other children already attending the school I'm appealing for – how am I expected to get my children to two different schools?**

This is not something which the Panel is able to consider. They only look at whether the school which refused you a place applied their admission policy correctly and, if not, if you would have been offered a place. Having children in different schools does not come under the legal definition of the school being "unreasonable".

### **After the appeal, will my application take priority on the waiting list?**

No, the waiting list is ordered in accordance with the published admission criteria. Children can move down waiting lists if others apply who have greater priority under the school admission policy.

### **If there are less people appealing, does this mean I stand more chance of being allowed a place?**

No, each appeal is heard on its own merit and each appeal is looked at with regards to the strict infant class size criteria detailed on page 2 of this guide.

### **I only put one preference on the application form – does this not give me higher priority for the school – either for the application or appeal?**

No, just putting one preference means your application was only considered by one school and that any offer of a place at an alternative school will only be considered once all the other preferences had been considered.

### **How many places are kept back for those who appeal?**

None, if a school is full it has allocated all available places for your year group in accordance with its oversubscription criteria. Legally, schools are not able to keep any places back for appeal or for any other reason

**My appeal is about the school I've been offered / My issue is with the Council as I don't want the school I've been offered for my child**

There are no appeal rights against the school you've been offered. The Panel hear the appeal as to why the school you are appealing for refused you a place and whether that decision was correct. The school you've been offered is not considered in the Panel's decision.

**I have lots of new information – can I introduce it at the appeal?**

Yes, as long as it complies with the deadline set by the Clerk (usually 5 working days before the hearing). However, an Infant Class Appeal is more of a review of the decision to refuse you a place and whether that decision was "reasonable". If your situation has now changed the school can't be expected to have known this at the time they made their original decision. Therefore the Panel will not be able to consider new information. However, it's important to inform the Admissions Team of any changes, for example if you change address, as this might affect your position on the waiting list.

**I don't feel the school's order of priority is fair – can I appeal against this?**

No, if a school is changing its admission policy it must consult with other schools, parents and other interested parties in accordance with the School Admissions Code. This is done 18 months in advance. The Appeals process is not the forum to raise issue with a valid legal admission policy.

**Where can I get further information about appealing / school places?**

You can contact the Clerk to the Independent Appeals Panel regarding appeals guidance

Appeals Officer  
BCP Education Appeals Service  
Democratic Services  
Civic Centre  
Poole  
BH15 2RU

Telephone: 01202 633048  
Email: [school.appeals@bcpcouncil.gov.uk](mailto:school.appeals@bcpcouncil.gov.uk)

You can contact the School Admissions Team if you wish to discuss waiting lists/places available at other schools:

Telephone: 01202 261936  
Email: [school.admissions@bcpcouncil.gov.uk](mailto:school.admissions@bcpcouncil.gov.uk)

Or you can visit them above Poole Central Library in the Dolphin Shopping Centre  
Monday-Thursday 09:00am - 5:00pm  
Friday 09:00am - 4:45pm

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